NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 22 April 1975
Wednesday 23 April 1975
Thursday 24 April 1975

Part I—Debates
Part II—Questions
Part III—Minutes
Part IV—Bills Introduced

F. D. ATKINSON, Government Printer, Darwin

PART I

THE DEBATES

Tuesday 22 April 1975

LOCAL GOVERNMENT BILL
(Serial 10)

Bill passed the remaining stages without further debate.

MOTION
Suspension of Standing Orders

Dr LETTS: I move that the resolutions of the Assembly relating to the suspension of standing orders made on 2 January, 7 January and 11 February and referring respectively to the presentation and passage of bills, the ringing of bells and the presentation and passage of bills without notice being given, be rescinded.

At some of the earlier meetings, it was necessary to suspend parts of Standing Orders because we were dealing with a number of bills which were to be given urgency tratment, at the request of government in most cases, arising out of the effects of cyclone Tracy. Because of the damage which was suffered to this building, it wasn't possible to adopt some of the normal procedures such as the ringing of bells to call the Assembly together and the ringing of bells in association with divisions. Fortunately, we have bells restored and the need for further emergency bills arising out of the cyclone appears to have gone. The idea is that we should now return as closely as possible to our normal procedures.

Motion agreed to.

JUSTICES BILL
(Serial 13)

Mr ROBERTSON: I support the bill. I might recap for the benefit of honourable members and people in the gallery what the bill is all about. Basically, it is a procedural matter which extends the jurisdiction of a stipendiary magistrate. It provides that a magistrate where he is satisfied with the information given during the committal stages of the hearing may rule that a matter which would otherwise be normally dealt with in the Supreme Court is a matter well within his normal powers. In other words it is basically within the framework of the 2 year sentence. The idea is to streamline proceedings to relieve the Supreme Court of some of its workload. The Supreme Court runs something like 20 to 25 committals and trials per 5 week period. This bill should alleviate some of that problem.

There are several assurances I would like to give honourable members in relation to this bill. Firstly, the magistrates dealing with the matter will only be stipendiary magistrates. Briefly, the qualifications of a stipendiary magistrate are that he must have been practitioner in the High Court of Australia or a Supreme Court of Australia for a period of 5 years. He is in fact a holder of the same qualifications as a district court judge in other states. The honourable members may be assured that the person who is appearing before the magistrate is going to be dealt with in accordance with law. The accused need not necessarily accept the magistrate's suggestion that it be dealt with in the lower court. He may elect to have a trial by jury at the stage that the magistrate advises that he considers the matter one which he is competent to deal with.

I would also point out that the accused these days has no reason why he shouldn't be legally advised. We have widesweeping legal advice through the legal aid schemes. Whether or not the accused will accept the magistrate dealing with the matter would be dependent on this legal advice which is readily available to him. There should be no reason why a person would elect to be dealt with by the magistrate in ignorance.

There is also a right of appeal from a decision of the magistrate. Notwithstanding the fact that the accused and his adviser consider that the penalty was somewhat grossly excessive, he still has the right of appeal to the Supreme Court. In fact, the convicted person has one more court of appeal from the lower court than he would have otherwise had. I have spoken to 3 magistrates at length of this bill and in principle they can find no fault with it.

Mrs LAWRIE: I rise to indicate that I support the bill. At first, I was rather wary of the legislation but having discussed it with legal aid officers and magistrates, I am now of the opinion that it can only facilitate justice and not impede it. The main basis for my support is that legal aid services are now readily available. This has been given impetus by the present Australian Government and I would hope that, if we see any change of Government, legal aid services will only continue to expand and not contract. With expert advice available to anybody these days, the present bill can only assist in the operations of justice.

Mr POLLOCK: I support the bill. I have had some experience in the application of the present provisions of the law in relation to the Justices Ordinance. It has become increasingly cumbersome on magistrates and on defendants in that they cannot have small matters such as breaking and entering speedily dealt with. Suppose a person breaks into a building and steals a packet of chewing gum. Because he has done that, he has to go through the whole procedure of committal, Supreme Court and action etc., which takes up considerable amount of the court's time and a considerable amount of public expense. After all, the defendant in most cases wants to get the whole matter over and done with as quickly as he can so that he can do his time and get out and probably do it again.

Mrs Lawrie: That's an unusual view of justice!

Mr POLLOCK: This will allow the magistrates to get on with the job and deal with matters more expediently. At the moment, if somebody steals $410 from somebody, then the matter must go to the Supreme Court. This is ridiculous in this day and age. It was quite a good law probably in days when the law was first formed and values weren't what they are today. With inflation, values have gone much higher and the law hasn't compensated for it. I support the bill.

Mr TUXWORTH: I support the bill from the point of view of people living in smaller and more isolated areas of the Northern Territory. There are only 2 towns in the Territory that have the advantage of a Supreme Court sitting in their town, Darwin and Alice Springs. The rest of us must travel to either centre to have justice done. There have been many cases over the years where people of their own volition would have been quite happy to have their cases dealt with by a magistrate. The people living in the smaller centres would find it most advantageous to have this bill brought into law.

Mr EVERINGHAM: I might say that any comments that I have had from members of the police force have been favourable towards the bill. I sent a copy of the bill to the Northern Territory Council for Civil Liberties. I don't have any comment back from them at this stage so I can only assume that they have no rooted objections to the provisions of the bill. The legal profession is happy with its provisions as far as I know; I haven't heard anything to the contrary from members of the legal profession. A copy of the bill was furnished to the Council of the Law Society about 6 weeks ago. Members of the magisterial bench and the Supreme Court Judiciary have indicated their approval of the terms of the bill, particularly the provisions for appeal which safeguard the rights of the accused person if he feels that he has been aggrieved by the conduct of the magistrate in the lower court imposing a conviction or sentence upon him.

The honourable member for Nightcliff referred to the efforts of our current Federal Government in the legal aid field and I am wholeheartedly in support of all forms of legal aid. I don't think that it was entirely the efforts of this government that got legal aid into the field. The efforts of the legal profession to institute systems of legal aid have been overlooked somewhat in the publicity that is given to the Australian Legal Aid Office. This is not to detract at all from the efforts of the members of that office. Law societies throughout the states, and even in the Territory, had systems of legal aid going for many years. In the Territory members of the profession often acted without fee, or for very low fees, particularly in criminal cases. I wouldn't agree that the system was wholly satisfactory but one thing that does concern me is that, although this government has introduced a system of legal aid that is rather more comprehensive than that which operated in the past, many of the benefits of this system of legal aid have been offset by the increased cost of legal services caused by the almost 100% inflation that has occurred since this government took office.

The legal profession is happy with the shortening of court procedures and the abbreviation of the time needed for dealing with these matters but always has regard to the safeguards of the accused being preserved. I am satisfied that this bill will preserve those safeguards. If the Leader of the Opposition manages to conduct himself in the future in the way he did last night on the TV program, I don't think any change of government will affect the provisions of legal aid.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

HOSPITALS AND MEDICAL SERVICES BILL

(Serial 15)

Motion agreed to; bill read a second time.

Committee stage to be taken later.

CATTLE PRICE STABILISATION BILL (Serial 17)

Mr KENTISH: The plight of the cattle industry is widely known; as each month goes by, it becomes more evident that they are really struggling to exist. Some of the biggest world renowned cattle stations in the Northern Territory are now just carrying a small shadow staff and work has practically ceased on many of these places. These cattle stations may be harder hit than the smaller family units which contrive to carry on in some manner, possibly by part of the family going off to work somewhere. By and large, they are in a plight which would have been considered to be impossible a year or two ago.

I consider this scheme to be very well-devised. I won't go into the details of it except to remark that there is a board of 9 members and that 4 of these members are producers.

The provisions of the bill are quite good in that to achieve financial assistance people must market cattle. This is the important part of the whole thing—to give financial assistance to graziers, pastoralists who may not market cattle and who, when prices come good, may flood the market and upset the whole industry. The scheme is devised so that to get assistance they must market cattle and the more cattle they market, the more assistance they will receive. It is obvious that this assistance will be needed if the industry is to survive, particularly as there is only one major abattoir in the Northern Territory where meat can be marketed. There is no alternative of sending cattle interstate because I read that at some places recently cattle were as low as $5 per head, calves about 50 cents or 80 cents, and sheep 80 cents. No one would be sending much beef interstate. I think the salvation of the pastoralists lies in the implementation of this scheme at the earliest possible moment because mustering will soon begin and killing marketing will soon begin.

Mr WITHNALL: This bill proposes a fairly comprehensive scheme and it may indeed be of some considerable assistance to some pastoralists in the Northern Territory. It does, of course, depend upon somebody marketing cattle and being paid in respect of each parcel of cattle which he had marketed. There are many cattlemen in the Northern Territory today who are closing down and will not be prepared to market cattle at all. Thus, the scheme may not apply as widely as it may have been intended to apply.

Clause 3 shows an indication that buffalo are to be included in the ambit of the ordinance. I do not know of any buffalo producers who are prepared to participate in this scheme and I would draw the attention of the sponsor of the bill to the fact that determination of minimum and maximum prices and the operation of the scheme under section 14 speak only of "best weight" and of "branded" animals. As honourable members probably know, buffalo is ordinarily sold as boneless beef and not just by weight and is also not usually branded. The scheme therefore will not operate as it presently stands with respect to buffalo. I suggest that some amendment is necessary to section 14 and to other sections of the ordinance which are consequential on it.

I query whether subclause (5) of clause 9 is necessary. Clause 9 says that where a producer's application is accepted, the board may require the participant to deliver to the chairman the documents of title of pastoral leases or other land and to give such further or other security if any as the board may determine. I think probably 70—80% of pastoralists in the Northern Territory already have loans, and probably they are not in possession of a certificate of title which they can deliver. Clause 9 therefore effectively excludes from the operation of this scheme anybody who doesn't have a certificate of title because the board may require him to deliver the title and give further or other security. It may be that the clause is worded in this way for some particular purpose but I would suggest it would be better if it could be drafted in such a fashion as to permit second or even third mortgages without the delivery of title as it presently requires. Subclause (5) of clause 9 says that a charge which is registered under subclause (4) has priority over all instruments registered after the certificate is registered. I would have thought that would have been taken care of anyway by the Real Property Act because the priority of instruments registered depends on the priority of the lodgment with the Registrar General. I suggest to the honourable member that subclause (5) may well be dropped from the clause.

I draw attention to the provision of clause 15 which provides that debts and credits to a participant in the scheme bear interest at the rate of 5% or at such less rate as prescribed. It may be desirable to add the words "per

annum". If a man was a participant in the scheme for 10 years, then he would merely pay 5% of the sum over the whole of the 10 years and would receive a credit of 5% in respect of any money standing to his credit in the scheme.

There are a number of minor errors in the bill but I have no doubt that the draftsmen or the clerks have already detected those errors and will give them attention.

Mr VALE: I support the bill. This bill seeks to add support to one of the Territory's most valuable industries. It is not designed as a government hand-out; it is a fund with interest payable on the loan and it should be noted that in recent years in Central Australia we have had excellent seasons and bad prices. In years preceding that, we have had good beef prices and bad seasons. This bill will not necessarily be the saviour of the industry. It is basically designed to provide an essential cash flow for the pastoral industry. It should be noted that in Central Australia alone the cost to get cattle to the South Australian market is averaging around $38 per head and yet the net returns of that sale to the pastoralists is less than that cost. The beef industry in Central Australia over recent years has provided a valuable source of income for all Territorians in Central Australia and it must be encouraged. The bill will do a tremendous amount for the pastoralists, but it won't probably go far enough if these prices continue.

Mr EVERINGHAM: I rise to support the bill. I am in favour of a stabilised price scheme for the cattle industry which is a very depressed sector of the Territory community at the moment. The Alice Springs abattoir has been for 3 or 4 years now under a scheme of official management and it has small prospect of emerging from it in the foreseeable future. In fact, it is a miracle that the abattoir has kept afloat under the scheme of official management this long and I don't think that the people of Alice Springs when they go to buy their meat at the butcher shops in that town realise from day to day how close the abattoir comes to closing and their supply of locally killed meat being cut off.

The scheme has one flaw in it that may kill it effectively. The United States of America has a particularly drastic form of customs tariff called a counterveiling duty which may be imposed not only on Territory beef but on all Australian beef attempted to be imported into the United States. This duty would mean that Australian beef arriving at the west coast of the United States would be dutiable to the extent of the interim assistance provided under this scheme. I would condemn in advance any move to impose this counterveiling duty because my view is that both the United States of America and Japan are being very selfish in their attitude to the Australian beef industry. Our cattle industry has, over the last several years, learnt to depend to a large extent on exports to those countries. Simply because pressure has been imposed from Japanese cattle producers on the Liberal Democrat Government there and by lobbyists in the United States Congress, our quotas to those countries are cut almost entirely.

I can see a great deal of merit in the approach of the Queensland Premier to this situation where he said: "If you won't take our cattle, you won't get our coal". It is an entirely selfish attitude displayed by the importing countries and the only approach to these countries is to treat them in the same way. I think the tactics of the Queensland Premier have proven to be successful. Not everyone in this House may admire the Queensland Premier, but he has a good deal of horse sense and he has proved himself to be a fairly shrewd man of business in many fields, not the least of looking after the interests of the people who vote for him in his own state. The Queensland Premier extracted from the Japanese Government an undertaking to recommence taking Australian beef.

I did have a look at clause 9 of the bill which the honourable member for Port Darwin has referred to and I agree with him that subclause (5) could be superfluous but I don't think it does any harm by being there. In practice, this section will work although the honourable member doesn't appear to think this so. The board will realise that about 80% of Territory producers have mortgaged their land already and that they wouldn't be able to come to the board holding their instruments of title in their hands. I don't think the board would operate on that footing. The board would appreciate this particular situation and make arrangements for the mortgagee to lodge the instruments of title together with prior mortgages at the titles office at the same time as the charge of the cattle price stabilisation scheme board is lodged.

It is not in my view a compelling clause, and the words of the clause are simply that the board "may require". I don't see that as

being compelling on the board otherwise a great number of producers will be cut out. I see that as a convenient way for taking security from cattlemen who have already pledged their land. If normal security were required, that would cut out most cattlemen who would have already given stock mortgages etc. I see the security proposed under clause 9 to be the only feasible security; it is important that there be security of some sort. The money cannot just be handed out without the board having any recourse.

I mentioned earlier the parlous position of the Alice Springs abattoir, and the Katherine abattoir is not in a much better situation although it has been bailed out to some extent by assistance from the Federal Government. I think it would be of great assistance to pastoralists in reducing their costs for the petrol subsidy to be re-introduced. Freight subsidies would benefit pastoralists both in the northern end of the Northern Territory and in Central Australia.

Mr STEELE: I wish to talk briefly about the industry in general. I have been associated with the industry since July 1952. Cattlemen today are probably as badly off as they ever were. I remember when we used to go 30 miles on horseback for the mail and because of the downturn today and the reductions in subsidies, the planes aren't calling at the stations. I think some of the cattlemen are faced with some of the pioneer problems which they shouldn't have to be faced with. There have been many changes during the last 20 years in the cattle industry. Back in those days, the people used to walk the cattle for hundreds of miles; they would walk them to the Queensland markets across the Victoria River area, and down the Barkly Tablelands. Even though they had those problems, they always seemed to remain solvent. They didn't have the high interest factors and the problems of repaying big capital expenditures. They weren't developing either, and they had low labour charges in those times.

A little bit later, in 1959 or round that time they entered the American market and road trains came into the country. Things changed but with this sort of progress the cost structures went up also. Instead of paying a drover so much per head per hundred mile, they had to pay so much per head to get the cattle delivered on time. Just going back to a pretty difficult time last year, they were getting something like 17 cents. Some very enterprising people were bringing cattle up from the South Australian border and killing them at Katherine. Dave Forgarty of Mulga Park brought cattle in his own road train and people with this sort of enterprise avoided some of the problems in the industry. However, this doesn't mean to say that they can cope today, because they are a long way behind the mark. They have big loans; credit is tight; they can't get money from the stock companies as they could in development times. I support the bill because it is designed to help these pastoralists.

Mr POLLOCK: I represent a very large agricultural area of the Territory. I have spoken to constituents about the bill and I have taken the matter up with the stock and station agents. Most of those people support the bill and the provisions which it provides for the support of the beef industry. One matter which has been raised with me is the provisions of clause 13 (1) which only allow for this scheme to apply to cattle killed within the Northern Territory. However, I am told that amendments are foreshadowed which will allow this scheme to operate for cattle which are killed outside the Northern Territory. This would be of particular benefit to my electorate because 90% of the cattle which are turned off there are killed outside the Northern Territory. This would be true also of a large number of cattle from the eastern Barklys taken to Queensland and from the western Victoria River into Western Australia.

The people that I have spoken to are particularly pleased with the provisions of the bill. Their only disappointment is that the cattle industry is at such a low ebb that the implementation of this scheme doesn't seem possible for the amount of finance that will be required. The government may not like to step in and support the bill financially at the moment. Generally, people involved in the industry hope that the situation will improve and that the bill will receive assent and be implemented.

Dr LETTS: Some members have drawn attention to weaknesses that they see in the bill and have raised queries about certain matters. I foreshadow that amendments which are in the course of preparation will cover most of the points that have been raised and possibly a few others too.

I have sought an amendment which will preclude a producer whose participation in the scheme has been terminated on the grounds of malpractice from again applying

to participate in the scheme. In relation to the point raised by the honourable member for Port Darwin about buffaloes, I recognise the weakness in the original draft and have taken steps to relate the possible operation of the scheme to buffalo producers and to measure the meat in that case in terms of boneless weight rather than dressed weight. The difficulty of dealing with buffalo under the present bill because of the branding provisions has been recognised and further amendments are foreshadowed which will remove the compulsion to brand and will relate the eligibility for payment in this scheme to whether the animals have been part of a production pattern in the Northern Territory.

The present bill relates only to cattle slaughtered in the Northern Territory. This was not the original intention in the discussions which I had with government officers but somehow it was included in the drafting. Amendments will be sought later to provide that cattle slaughtered outside the Northern Territory will be eligible, provided they have been produced in the Northern Territory.

I would like to refer to the matter that the honourable member for Jingili raised concerning the possibility of counterveiling duties. This point has been raised in answer to representations made by the cattlemen to various ministers and members of the government around Australia over recent weeks. I don't think that a stabilisation bill would fall in danger of provoking counterveiling duties. The question of subsidies of money provided by a government to enable beef to be exported is somewhat different to a proposition which is essentially a loan scheme. It is recognised in pretty well all countries that have extensive cattle raising industries that the fluctuations which are inherent in such industries from time to time do require some forms of temporary assistance, including loan assistance to producers. This would be equally true in the United States as it is in Australia. I understand that some inquiries that have been made in that country have indicated that this particular type of assistance would be unlikely to provoke counterveiling duties.

When this bill was first proposed, the cattle industry in the Northern Territory, the meatworks and the members of this Assembly were practically in a complete state of darkness as to what was going to happen in the 1975 cattle season. There was no firm indication that the Katherine abattoir would open. The only form of assistance which was known to exist was the promise of $20m at ruling bank interest rates which was in the order of 12%. There was clear evidence around Australia that the producers simply couldn't afford to use that type of assistance. We were looking desperately for some means of helping the industry operating during the coming season and some means of trying to encourage the northern abattoirs to open. This proposition, for which the honourable member for Elsey must take a great deal of credit, was devised and discussions were held with government officials.

While there is still need for the government to consider additional forms of assistance to enable the cattle industry of the Northern Territory to survive, some progress has been made in other directions. It appears now that Katherine abattoirs with the loan assistance will be able to open and it appears that an announcement of additional assistance for Territory producers similar to that which has already been approved by the state governments is imminent. The state governments, in fact, have taken the initiative over and above the Australian Government in trying to keep alive the Australian beef industry. The states of Queensland, NSW, Victoria and, more recently, Western Australia have all proposed from state funds schemes for aid to producers which vary from between $10m in Queensland down to lesser amounts in the other states. This has been provided at markedly reduced interest rates because they recognise that, unless somebody made a move at this stage, there might have been danger of total and widespread collapse of the beef industry throughout Australia. The Australian Government is now coming to the party and endeavouring to match these forms of assistance.

What we will get in the Northern Territory is still to some extent unknown because we do not have a state government contribution. The Commonwealth Government will have to accept the total responsibility for the amount of the loan that will be provided and the level of interest rates which will be charged. I hope we can assume that the conditions here will be no less favourable than those conditions which have been approved by the state governments. We have assistance to the abattoirs and assistance forthcoming in the form of low interest loans to producers but we

are still waiting a decision on representations made by the industry on freight rate assistance similar to that which might be provided in times of drought, flood or other calamities.

We are hopeful that these things will improve the position sufficiently that the meatworks will receive cattle for slaughter during the season even though we are starting late. Normally, the meatworks would be well and truly operating by now. They will be starting at least 6 to 8 weeks late. Not everybody will be able to afford to forward cattle to the meatworks under the very marginal levels of profit which will be applying but we all hope that these various forms of assistance will enable some production in the industry that for many years ranked second only to mining as a Northern Territory income earner. It has been pointed out by people who drafted the scheme and who had negotiations with the Commonwealth Treasury that, in certain circumstances, it would be extremely difficult to operate this scheme. The scheme is not a floor price scheme as in the case of wool. The scheme is directly related to the ruling market price and it is the job of the committee which is to be set up in this bill to determine what a fair market price is on the ruling rates that are being paid in northern Australia.

It was envisaged when the bill was drafted that the market price might be in the order of between 10 and 15 cents and the scheme as set up here would have had a chance of making a broader contribution. Unfortunately, it now seems that the current ruling rates around Australia may be well below this figure and figures have been mentioned for North Australian Meatworks as low as 4 cents. A figure which has been generally tossed about has been 7 to 8 cents and that is for middle classes of beef and there is probably a range extending below that again. The gap between such a price and the cost of production is such that the operation of this scheme would be extremely difficult if the price went down to 4 cents per pound; the 10 cents per kilogramme scale which is proposed in the bill would be virtually inoperable. Apart from that, any attempt to widen the draw which the producers might be able to achieve from this scheme would have a double effect of increasing his indebtedness to a very high level within the scheme and probably make it so that the pool which was created would never get out of the red. This is based on some calculations which have been done by the economists in the government service.

It may be that we will find when further calculations are done that it would not be of any great advantage to the individual producer or the industry to commence this scheme at this stage of the current season. It will have to be looked at further. Export prices and home prices will have to be at a certain threshold before the scheme can effectively operate. That is why these other measures which have been canvassed today are of vital importance and possibly of even greater importance than this scheme. This Assembly should continue to process the legislation and take into account the amendments. I am sure that the government will not be willing to go along with the commencement of the bill until their calculations indicate that the scheme would definitely be viable. In order to have it ready to go when that situation is arrived at, we need to have the bill processed into an ordinance with the amendments incorporated. If the bill does pass the second reading, I will be seeking adjournment of the committee to a later stage. Hopefully, we will be able to get this bill pretty well tidied up and put through the Assembly during the course of these sittings.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

LEGISLATIVE ASSEMBLY (EXECUTIVE RESPONSIBILITY) BILL (Serial 18)

INTERPRETATION BILL (Serial 19)

PUBLIC SERVICE BILL (Serial 20)

Mr RYAN: I would like to say that this is a most important piece of legislation. It may be somewhat premature in that we are still waiting for the Federal Government to undertake the distribution of the executive roles that we hoped would have been well under way by this stage. No doubt we can expect some more delays because the select committee has been called once again to consider the executive role of the members of the Assembly; probably it could be delayed up to 12 months. However, I don't think that this should hold up the passing of this bill. If the Minister decides that they are going to give members of this Assembly executive responsibilities, it

will only be a matter of quickly implementing them.

On the subject of the executive member responsibilities, without appearing to blow the trumpet of the executive members, I feel that we are being wasted at present by our inability to carry out our executive duties in the Northern Territory. When we were elected to the Legislative Assembly and subsequently appointed as executive members, we anticipated that someone would say "You can take some responsibility for the governing of the Northern Territory". In anticipation of this 99% of the members gave up their jobs so that they could devote their time to the operations of the Assembly. In particular, Legislative Assembly executive members are waiting to be given some responsibility so that we can get our teeth into the governing of the Northern Territory. There may be some people who would say that we are rather inexperienced when it comes to legislation and the operation of the Assembly. However, I would like to point out that the people who have been appointed executive members do have quite a considerable amount of experience in the various fields for which they have been chosen.

It is a great pity that the Federal Government is holding up the transfer of the first part of these powers which constitute statutory bodies. For instance, one of the early executive powers which I could expect if the government decided to go ahead with the constitutional development of the Northern Territory is the control of the Northern Territory Fire Services and the Port Authority. I feel quite sure that I could contribute to the operation of these 2 authorities, and I would appreciate the opportunity of being able to contribute something in this area. No doubt other members of the Assembly want to put their point to the Assembly on similar lines, so I won't go through the 7 executive members and point out all their good points. I support the bill and I look forward to some time in the future when somebody will come up to me and say "Ryan, you have the Fire Service and the Port Authority", and I'll be able to do something then.

Mr POLLOCK: I also rise to support the bills. I look upon this legislation as part of the growing up process of the Northern Territory. Constitutional progress has been rather slow at times and in the last six months it seems to have come to a halt. Disappointingly, the members of the executive have not assumed the responsibilities to which they are entitled and are quite capable of assuming. Movement has been rather slow; the Joint Parliamentary Committee Report was tabled last December and now the Minister has decided that he will seek a further report from that committee. Hopefully, that report will be tabled in another place in the not too distant future. At the moment, the executive members are really fulfilling a liaison role between various departments rather than an executive role and I believe this bill will contribute towards the take-over of the executive role by the Assembly members.

The role which I have been playing has been fairly well accepted by the government departments. They have greatly assisted me and have been quite willing to liaise with me during the period in which I have been the Executive Member for Social Affairs. I have had dealings with the various departments within my portfolio and I thank them for the assistance and the attitude that they have taken. I hope the bills will fall in line with the recommendations of the Joint Parliamentary Committee Report and will allow the Assembly and the executive to take the first steps of Northern Territory control in several fields. As the member for Barkly pointed out, progress has come to a complete stop or, in his opinion, is going backwards. I hope that in the next few months, with the passage of these bills and the presentation of the Joint Parliamentary Committee Reports, we might move forward at quite a pace.

Mr TUXWORTH: I rise to support the bills relating to executive responsibility within this Assembly. Probably the greatest thing that has happened for the Northern Territory in the last 10 years would appear to be the election of Rex Patterson to the federal parliament because this man has expounded the view since 1966 that Northern Territorians should have more say in the control of the Northern Territory and should be given executive powers with which to carry out their beliefs. He entered the political arena in the elections last year confirming his previous statements that he felt executive transfer should be effected and based his campaign, as did the Liberal Country Party, on this promise. There is doubt that within the Northern Territory the people agreed that there must be more say by the people of the Territory in the conduct of their own affairs with the ultimate handing over of the executive powers as one further step in this direction.

The Minister has stated since the elections that it is still his intention to transfer executive powers. I'm not sure whether we were a little bit slow in recognising his intention in some form or other or whether he was a little bit slow in coming forward and showing us, but there would appear to be some discrepancy between what he feels should be done and what is actually being done. If the Minister has the intention of transferring executive powers, it would be in the interests of the Department of the Northern Territory, the Assembly and Northern Territorians if he would say, "This will be the estimated timetable for handing over". All parties could then work towards this timetable. If he has no intention of transferring any powers within the next 3 years, it would be to our advantage for him to say so and we would all save a lot of time and money. If it is his intention that this program should proceed at a reasonable rate, then this Assembly has a responsibility to make sure that it is ready to accept any transfer which the Minister feels should be effected. If we want to go ahead and accept our responsibilities, we have to legislate for the implementation of executive powers.

I would also like to reiterate the comments that were made this morning by the honourable member for Millner. I think all executive members were surprised by the willingness of the public servants to be absolved from making political decisions and have these decisions made by elected persons. They feel that they are there to carry out the policy of the government and not to have to make the policy as well as to administer it. There is a very high amount of goodwill on the part of the public service towards the hand-over of executive powers taking place. The intention of this Assembly to accept its responsibility must begin somewhere and I feel that this bill is a very humble beginning in the right direction.

Mr ROBERTSON: I support this bill. I do so firstly as a back-bencher and secondly as the member for Gillen. From our point of view, I would hope that this bill will receive assent, and the Minister will see fit to start transferring powers. It is amazing the number of times I am approached in Alice Springs and people ask me to explain to them the present system of the executive—how it operates, what functions and powers it has and also how it is envisaged that it will operate in the future. When I explain this to these people, they invariably say, "Well, the sooner the better". I have not come across anyone yet who has had a contrary view. I would also mention the Royal Commission into the Australian Government Service. I recall a private conversation with them where I pointed out that possibly the best thing to make the system of administration in the Northern Territory more efficient would be to implement what these bills seek to do. I recall the member for Port Darwin indicating that this executive was our executive and nothing to do with the Assembly. I would like to point out that the voters on 19 October last year were fully aware that the executive which was elected by the majority vote would be elected from those whom they had no hesitation in putting into office. I am quite sure that the electorate at large supports what the honourable member for Millner said simply because they went to the poll and put these people in this House.

Mr WITHNALL: I commend the intention behind the bills because I think that something has to be done fairly quickly to establish the authority of the Assembly and to establish that principle which has been fought for for so long and has been recognised by the Joint Committee of the Commonwealth Parliament, that the executive power in certain spheres should be handed over in accordance with a certain timetable to officers nominated by this Assembly. I support the bills in their entirety but there are some matters which may need attention in the committee stages; I won't at this stage attempt to debate them.

I want to express my dismay and my astonishment that the Commonwealth Government has not seen fit to take any steps to implement the Report of the Joint Committee nor any step to confer the slightest suggestion of executive authority upon a government formed from this Assembly. In October last year, I said that the election which returned 17 Liberal Country Party members and 2 independents was a political disaster. I do still adhere to that opinion. It seemed to me that the result of that election would provoke a backlash from the Commonwealth Parliament which would not be advantageous to the cause of political reform or constitutional development in the Northern Territory. I was quite right about that. But if it was a disaster, I did not anticipate then that there would be such a golden opportunity handed to the Commonwealth by the cyclone which occurred on Christmas Eve to say that the situation had completely changed and therefore the Commonwealth would still find it necessary

to retain a complete control over the functioning of the Northern Territory. That is what has happened.

Far from the promises that we had from ministers of the Commonwealth, far from the friendly intentions of the present Minister expressed in private that he would support a proposal for the gradual sharing of the executive responsibility in the Northern Territory, we now are presented with a complete opposition to any executive authority being conferred on any local executive body. This Assembly has now been elected since 19 October last year and it is now something like 6 months since the election indicated that the way was right for the Commonwealth Government to confer some executive responsibility here. Nothing has been done. Admittedly, the first excuse made was that they were waiting on the report of the Joint Committee and that report was not submitted until only a few weeks before the cyclone hit Darwin. The present political climate seems to be that the Commonwealth Government and the Commonwealth Public Service will not cede one jot of its executive authority to any person elected by the people of the Northern Territory. This is quite contrary to the charter which was given.

It was a favourite saying of mine over the last few years that you cannot have a parliament without a government nor a government without a parliament. This was the case when there was a Legislative Council here because it was the parliament and there was no government except the Commonwealth Government which had no control of the Legislative Council. Today, the position is even worse. You now have in the Northern Territory, a Legislative Assembly, not a council to advise, which has on paper at least a complete authority over a wide field of law. This Assembly of 19 was elected in the sort of climate that was prevalent in September and October of last year, that there would be an executive government drawn from the members of this Assembly. That was the whole purpose of the election and the Minister, in accepting that there was a need for an election, was merely anticipating the creation of a body from which that executive should be drawn. Since 25 December, not only have no steps been taken but we have had turned to us the hardest political face that the Commonwealth has ever turned to the Northern Territory and the hardest political face that any Commonwealth government has displayed in the whole history of the Commonwealth.

To say that I am dismayed is a complete understatement I had thought that a party like the Australian Labor Party, dedicated as it was and presumably still is to the creation and preservation of democratic institutions, would not have gone so far from its ideals as to determine the continual subjection of the Northern Territory as a colonial extension of the Commonwealth. In view of the many remarks that I have made before, it is trite to say that probably the reason behind this is the public service who never really understood that they should govern according to a federal plan but think they should govern according to a national plan. Because the Northern Territory is a little piece of land that they have in their hands, they fight every occasion upon which it is proposed that some authority should be given to local people and taken from the Commonwealth Public Service.

It is against the Commonwealth Public Service that my rage is directed as well as the government itself, because I cannot understand the change in the Minister's attitude towards the Northern Territory over the last 4 months unless it was a change imposed upon him by some information, some policy or some statement made in the public service. We found the Minister changed from a sympathetic person who was prepared to meet members of the old Legislative Council and later on members of the Assembly to discuss with them the problems and to try to work them out in that discussion. Since the cyclone, we have had a Minister who will not be seen except after most importunate proposals that he should make an appointment to be seen. I have written to him for the purpose of seeing him and have only been able to get from him about half a dozen words at a luncheon table in Canberra. He comes here unseen and hears nothing except what is told to him by officers of the department. Where is the rapport that one would expect with the Minister for the Northern Territory, not a Minister for the Department of the Northern Territory, and this Assembly which is charged with the legislation-making power?

The Minister is completely and utterly unconcerned and has taken the graceless and despicable trick of completely changing the intention of law made in this Assembly by disallowing part of it. I have read a good deal of the history of Australia; I have read a good

deal of the oppression which the British Colonial Office and the government of Britain in the 19th century imposed upon the people of the Australian colonies. Although they possessed a power of veto, I have never heard of any action by the British Government, colonial though it might have been, oppressive though it might have been, which equalled the action of the Commonwealth Government in disallowing section 10 (3) of the Cyclone Disaster Ordinance.

I speak this afternoon with some depression. I welcome this legislation as a whole but I do not think there is any possibility that it will be assented to. The Commonwealth Government has gone so far down in political depravity that it will not in the future accept any proposition which comes from this Assembly unless it does happen to be the policy of that Government. The bills do not go very far. They do go as far as we can take them but even this little way seems destined to be balked by a barrier which will be erected by the Commonwealth.

I would like to conclude my speech on this subject by saying directly to the Minister, "For God's sake, why don't you get next to the people? Why do you come to this part of Australia, for which you are personally responsible, and talk only to your department, who may, for all you know, be filling you with lies. When you come here, why can't you talk to the people, particularly to the people who at your insistance were elected to be members of this Assembly; and who at your suggestion were to be the body from which the executive was to be drawn? Why cannot you come and be a Minister for the Northern Territory and not just a Minister for the Department of the Northern Territory?".

Members: Hear, hear!

Mr TAMBLING: I agree with the honourable member for Port Darwin when he says that it is a pity that the present government obviously has not learnt from the mistakes of history. Time and time again, we have seen a form of buck-passing mentality that has permeated right through our whole community. When you get remote political decision, what do you get? You get paternalism, you get low civic motivation, you get a difficulty in maintaining group cohesion and you get lack of responsibility in trying to identify who is boss. Everything that seems to have been foisted on us as an administrative program in the last 12 months really lives up to those ceriteria. It has probably reached an all time low when we have even the Secretary of the Territory Branch of the ALP coming out strongly in his evidence to Joint Parliamentary Committee to support everything that the executive of this Assembly has been seeking to do as far as constitutional development is concerned.

However, I think that the mistakes of history will be corrected because of what has happened in this community, particularly in the last few months. I will argue that it has not happened only since Tracy; there has been a degree of broad local participation taking place in Darwin for over 12 months. It is high time that Dr Patterson and his colleagues took note of what is really involved in the community development in the whole of the Northern Territory. We now have a situation where there is a high interest and a high involvement in all community affairs. The people of the Territory have acquired a degree of sophistication and they have assumed responsibility in so many areas that they did not exercise previously. It has only been brought about by the fact that their backs have been to the wall, and now they have to come out. Tracy has only compounded the roles of many new and energetic leaders in the community. Just look at what has happened in Darwin in the last couple of months. Look at the results of groups like the resident action committees, the spontaneous groups that are putting on reconstruction fairs and looking at the establishment of housing and building co-operatives. Look at the questions and decisions that were brought about by the activity of the Interim Citizens Advisory Body to the DRC.

Probably one of the most telling tales about local objection and local participation has been the number of objections lodged to the town plan as proposed. The figures quoted last week were 460 odd and that was several days before the actual objections closed. I would like to know the statistics that finally came in in those last few days. The responses from community groups and the documentation that they presented was so researched and studied that they equalled anything that I have seen come out of the Department of the Northern Territory in the last 6 months and they put up a case that was all for the people of the Northern Territory.

The city corporation elections that are scheduled for early next month have brought out so many candidates that I must admit surprise. There are 3 mayoral candidates and 28

for aldermen, the majority of whom had not previously participated in any form of political or major community exercises. There is a wide field to choose from and all these people are really reflecting their frustration with the system that has been imposed on us. If you look at the performance and the effectiveness of all members of this Assembly, you will see that we have carried out functions and roles far greater than those that were implied or expected of us at the time of the election. Many of these have come about since Tracy but nevertheless we have seen leadership qualities, management capabilities that have been illustrated in so many areas across the community by all members of this Assembly, particularly the executive members. They have functioned as a full state-like cabinet. Details have gone before them and they have only been frustrated by the fact that they do not have the administrative power to be able to carry them through to the final result. I feel that these bills are timely in the history of the Northern Territory, and I would hope that the Minister for the Northern Territory will give them full consideration when they go before Cabinet.

Mrs LAWRIE: I move that the debate on this bill be adjourned.

Although it has been productive in allowing members to put their point of view, it is useless exercise to bring the debate to its conclusion and to have it forwarded waiting assent. I feel that assent may not be withheld and it may not be given either. The bill could achieve that peculiar status that happens to so much of Territory legislation of disappearing into limbo. I believe it would be of more use to have this legislation before the Assembly so that prior to the next sitting the Majority Leader would have some information from the Joint Committee on when the report will be presented and, hopefully, some indication from the Minister as to the timetable for implementing that report.

Dr LETTS: Speaking briefly against the proposal for the adjournment at this stage, I had intended to continue the debate through the second reading and to make some remarks in reply during the course of which I would have indicated that it is not my intention to carry the bill right through the committee stages at this time but simply to get an expression of opinion on the principles so that this expression could be used in further discussions and negotiations which might take place with the Minister, the Department and the Joint Parliamentary Committee in order to clearly say where we stood in principle.

Motion negatived.

Dr LETTS: In preparing a submission on behalf of the majority group for the second hearing of the Joint Parliamentary Committee on the Northern Territory, I included amongst the documents that went to that committee copies of these 3 bills so that they would have a clear idea of the nature of legislation to put into effect some of their earlier recommendations. I am hopeful that this draft legislation will be looked at by the members of that committee and taken into account in whatever second stage report they produce. Copies of this legislation have also gone to the Minister through departmental channels and, although he has now had them for some 9 or 10 weeks, I have had no reaction from him directly or from any of his departmental officers.

We have had a reaction undoubtedly to the executive set-up which we have developed and which this legislation attempts to enshrine in law. We have had a reaction from members of the public who have had help from executive members in relation to particular problems which came within their portfolios and I have also observed the reaction of practically all Commonwealth government departments and statutory authorities to the existence of this set-up and it has been very favourable. Practically without exception, the various authorities and departments have found the set-up to be useful to them for discussions on legislation and in a number of other ways. I feel that, even without the backing of law which we must have to go any further, the executive authority is already within the community and ready to be accepted more widely by that community.

The discussions on the executive powers including the merits or demerits of these ordinances have not yet taken place despite the recommendation contained in the Joint Parliamentary Committee's Report which I regard as the main recommendation in that report. It is contained in paragraph 118. I will read the second part of 118 (b) first: "The committee recommends the establishment of a committee comprising the Minister for the Northern Territory and ministers of the Northern Territory executive to co-ordinate and consult on major issues, this committee being chaired by the Minister for the Northern Territory and meeting as required".

That is the essence of the whole problem that we have had over the last 4 months; it is the essence of any progress for the Northern Territory. Until we are able to sit down at the table with the Minister and his officers, and talk in detail about the various powers that are mentioned in this report, we are not going to get anywhere. We are not going to go forward; we are going to go backward. The secretary of the ALP in giving his evidence to the Joint Parliamentary Committee of the Northern Territory a couple of weeks ago made the point that while people are sitting around without any delegation of responsibility, waiting and waiting, that kind of situation can only add to any confrontation and misunderstanding that might exist between the Australian Government and the parliament of this Northern Territory. He indicated quite sensibly that we should be given something to do because it is our right for which we have fought in this Territory over the last 26 years. While we have seen more dissension than discussion, at the same time we have all had grave cause for concern at a continuing erosion of the responsibilities of this legislature.

By the time the kind of program that the Joint Committee envisaged in its November report is brought into effect, what will be left to transfer in the way of executive powers? Starting from last year, there has been a continuous stream of legislation introduced into the Federal Parliament which has a direct effect on the Northern Territory and on which there has been absolutely no discussion with this legislature. In most cases, it has been introduced and dealt with without the knowledge of any Territory people. The latest example is a bill in the Federal Parliament called the "Travel Agents Bill" in which it is proposed to make rules with regard to travel agents throughout Australia. There are some good principles but the point about it is that it differentiates in its application between people of the Northern Territory and people of the rest of Australia. It is the view of a number of people that it would put some of the business men, particularly some of the smaller battling business men, out of commission if it went through in its present form. It is only be accident that we find out about these things. Week after week, new pieces of legislation directly affecting us are going through the Federal Parliament in a way that has never happened before in the whole history of the Legislative Council or the Legislative Assembly. For goodness sake, let's get down to defining what is ours and what is theirs and put people in the position where they have the degree of authority which we all thought was going to come with the development of this fully elected Assembly.

I ask that this Assembly pass this legislation unanimously at the second reading as evidence of the fact that we still believe more strongly than we ever did in the principle of Territorians having a say in their own affairs. If this is not the form that the Federal Government wants us to operate our executive powers legislation and public service legislation, let them tell us what the form is. Surely, after 10 weeks, this Assembly would have been entitled to some kind of reaction from the Minister through the Department as to what they might think about this type of legislation. We must do this in spite of the continual erosion and statements by Senator Cavanagh that, if we pass certain types of legislation, they will never receive assent. What kind of an atmosphere is that for us to operate in? The disallowance of part of the disaster ordinance to completely change its effect, I'm sorry to say, is a matter of some mirth amongst some of the senior public servants in the Northern Territory who have recently raised the matter with me in discussion. They seem to think that that was rather humorous and that one particular member of the public service who lives in the Northern Territory was entitled to some sort of kudos and honour for his perspicacity in seeing that this should be done. I think that it is a disgrace.

Mr Withnall: It was a piece of political trickery!

Dr LETTS: It is a disgrace in relation to political ethics and constitutional trust and convention the like of which this Territory has never seen before and, I hope, will never see again. In spite of all these erosions, I would like to say as the Majority Leader in this Assembly that we are now ready to co-operate fully with the Australian Parliament in trying to advance the cause of political development for the Northern Territory. I am ready to sit down at any time, at any place in Australia to talk to the Minister for as long as he wants. I will do it at the shortest notice and with priority above anything else. I made that offer to him and I offered to do it in the spirit of greatest co-operation, to put any

differences of past weeks behind and to try to pick up where we all thought we were going back in last November and December.

I return now to the recommendation 118 (a): "The committee recommends that one Australian Government minister have the executive responsibility for all state-type functions retained by the Australian Government and that the administration be vested in one Australian Government department". We supported that recommendation. We all thought it was a good idea for one minister to be the principal minister with whom this Assembly would have to deal. In principle, it is a good idea but the minister for the Northern Territory, whoever he might be, has got to earn his spurs in this regard. It is not sufficient for him to sit back and say to the rest of the Australian Cabinet and the ministers, "I want the responsibility. I want the power to be able to direct this operation". He has to win his spurs; he has to be prepared to meet us halfway. We are prepared to meet him and the sooner he realises that, the sooner he comes to get on with the job the better it will be for the Territory and, I suggest, for his government too.

It is no use going on in a spirit of confrontation. I hope that everybody in this Assembly chamber will be here well and truly after the present minister or any minister in the next 5 or 10 years has passed on to higher duties. Most of us are long term residents of the Northern Territory identified with this place and, in my case, for as long as possible into the future. We have patience. I suggest to the honourable member for Port Darwin that, in spite of adversities and disappointments we have had, he has had to be patient over a long period of time. I ask him and everybody to go on being patient and to show more determination in this struggle for a say in our own affairs and to offer to do it in a spirit of sweet reason. I think these 3 bills indicate quite a reasonable approach.

Motion agreed to; bills read a second time.

Committee stage to be taken later.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 25)

Motion agreed to: bill read a second time.

In Committee:

Dr LETTS: I move that after clause 2, a new clause 2A be inserted.

As things stand at the moment, the Primary Producers Board, under the terms of the principal ordinance, is able to give assistance to producers who are defined as persons resident in the Territory engaged in primary production and also to specified cooperative societies similarly engaged. This definition severely restricts the class of person to whom assistance may be given. As it is expressed, the definition does not relate to any corporate body other than a co-operative society. It can't relate to a company or a partnership or any other corporate body. It relates only to primary production in a very narrow sense and it can't be related to various forms of processing which are an integral part of primary production, such as abattoir operation, poultry processing or, except in the case of a cooperative, peanut processing. The amendment would amend the definition of "producer" to enable the Primary Producers Board at its discretion to assist a person or body corporate engaged in primary production or the processing, storage, handling or packaging of primary produce in the Northern Territory. It is an important amendment as it would expand the opportunities of the Primary Producers Board to assist in rural reconstruction in the Northern Territory in a much wider variety of ways than they have ever been able to do in the past. Of all the amendments which I have brought in over recent years to the Encouragement of Primary Production Ordinance, I regard this particular amendment as being one of the most important. In fact, it is an amendment which the board has sought and which has the agreement of government.

Progress reported.

DRUNKENNESS BILL

(Serial 31)

POLICE AND POLICE OFFENCES BILL

(Serial 32)

Mr MACFARLANE: I support this bill. I was very perturbed to hear a report some days ago that Senator Cavenagh said that the introduction of the bill was an affront to democracy; that it was aimed at the Aboriginals and that the Aboriginal drunks were by no means in a majority. I took the trouble to ascertain if drunkenness is still an offence in the ACT and I find that it is. Drunkenness was removed as an offence up here and it was aimed primarily at the Aboriginal population,

whether they were in the majority or not. It seems that there is one law for the ACT and another for the Northern Territory, yet they are both a federal responsibility. It would appear that Senator Cavanagh is pretty one-eyed about this and, despite the fact that a quarter of our population is Aboriginal, he wants a different law here to what there is in the ACT.

The main reason I find for supporting this bill is that the system has been proved in Katherine over many years. Aboriginals and other drunks are locked up, given a shower, given time to sober up, given a meal and not necessarily charged. I think this is a good idea but what we did require was the setting up of detoxification centres. The Australian Government has been very tardy in this. It has gone off half-cock simply because Senator Cavanagh has been able to draw across the trail the old bogey of racism. In Katherine, we see drunks of all colours, sometimes sleeping on the steps of the Crossways Hotel at half past eight in the morning. We see them asleep in the post office grounds; we see them alongside the telephone booths and we see them in many other places. I don't think it is a good thing for them to be there. I don't necessarily want them locked up and charged with a crime if this is a disease. However, I say that there is great merit in the bill as proposed by the Executive Member for Law. We seem to dread being called racist. The quickest way to get people up here to avoid anything is to attach the stigma of racism to them. This is what Senator Cavanagh has done. You see Aboriginal people trying to control drink at Bamyili or at Roper Settlement.

You have seen where I reported truthfully what was told to me by village elders at Roper and the Minister made several scathing attacks on me. However, he admitted in private that I was completely right. The Commissioner of Police supports the view that I was completely right. What the Aboriginals told me was correct; I checked the story. These things had happened. Drunken Aboriginals had been tied up. The senator didn't want to realise this because he thought the press would make big news of it. Drunks are drunks and there are plenty of white drunks in Katherine and other places. To pull in racism on this when you do not have any need to, when you have drunkenness as an offence in the ACT is merely hiding behind a banner of racism. If detoxification centres are established, I see no need for this legislation but the Federal Government has had plenty of time to establish these detoxification centres. They accept the report by Misner and Hawkins yet they do nothing about it. They pass legislation over our heads and against our wishes, that pertains to the Northern Territory and not to the ACT. I support this bill but, if detoxification centres are established, I can see no reason against the withdrawal of this legislation.

Mrs LAWRIE: I don't support the bills. In fact I can't see how this legislation substantially improves on what we already have on our statute books. It must be remembered by people who weren't present in the Council at the previous debate that associated offences such as riotous, obscene or offensive behaviour is still an offence. Although we repealed the simple drunkenness provision, the ordinance says specifically that where a member of the police force has reasonable grounds for believing that a person is in such a drunken condition as to be physically or mentally incapable of having proper control of himself and the apprehension of that person is necessary for the safety or welfare of that person or of any other person, the member of the police force may, without warrant, apprehend and take that person into custody. It is a common misapprehension that drunks who are a danger to themselves have to be left lying where they are. Any drunken person in the Northern Territory in a public place who, in the opinion of an officer, is a danger to himself or any other member of the public may be taken into custody for 6 hours.

In fact, that legislation went on to say that a person who has been apprehended and taken into custody shall be held in the custody of a member of the police force but only for so long as it reasonably appears to the member of the police force in whose custody he is held at the time, that the grounds for apprehension and taking into custody continue. If he feels that those grounds no longer exist, the member of the police force shall, without any further or other authority, release the person. They have the authority to hold them until such time as they sober up—up to 6 hours. If after 6 hours, the police are still of the opinion that the person should remain in custody, they must bring him before a justice of the peace for that purpose. Let us be under no misapprehension. The drunk who is a danger to himself or to others can be taken into custody quite lawfully under the present Northern Territory law.

When the honourable member was introducing this bill, there was an interjection that we pushed the legislation through the Council and that we didn't know what we were doing. That was quite incorrect. There was serious consideration given to this legislation by every member of the previous Legislative Council. Indeed, the provisions relating to the picking-up of someone who was in danger were most carefully considered and discussed. I must say that there was some worry about the provision of being able to hold someone for 6 hours without charge. This has been expanded in the present legislation. We know that throughout the western world there are moves to decriminalise drunkenness, and it is an aim now to try to provide other facilities and specialist treatment. This must be contrasted with the present position in this country where we continue to prosecute drunks. We do nothing to rehabilitate them; all we do is take the problem off the streets and into the courts.

In the Northern Territory a public order problem exists, as it does everywhere else, and this proposed legislation, although purporting to deal with that, gives me reason for great concern. As it is framed, it gives police officers and other persons wide powers over human rights although it should be pointed out that it is framed to appear progressive. I regard the present law as better than the one which the honourable member seeks to introduce. People detained under this legislation need not of necessity be drunk; they can be arrested and detained if a member of the police force has reasonable grounds for believing they are drunk in a public place. You could have the hypothetical case of a total abstainer who walks with a peculiar gait, and who speaks in a loud voice. Under those circumstances, the police officer may take him into custody. Unless he submits himself to a test which is not specified under this legislation, he is drunk.

The legislation says; "He can be held in custody so long as it reasonably appears he is drunk or for 6 hours after detention or, if he falls asleep, until after 1 hour after he wakes up or 11 am". The hour after waking up could possibly be a period when it is not reasonable to believe a person is drunk, but he can still be detained. If he hadn't gone to sleep at that time, he could have been released. In other words, he is getting an hour of extra detention because he went to sleep. I believe that the sponsor of this bill recognised that there were problems and difficulties because he said: "My bill brings forward a concept that I am not sure that I am entirely easy about although I have attempted to build in as many safeguards as I possibly can. This is the concept that persons will be in effect arrested and probably in most cases taken to a place of detention where they will be able to be held without being charged with an offence for as long as 11 hours before they are released. This offends against the susceptibility of most of us who are wedded to the principle that the defendant must be charged when arrested and brought before a court at the earliest opportunity". The honourable sponsor to the bill is aware that there are great difficulties.

Clause 9 gives the person in charge of the place of custody the right to give a sobriety test but the test is not defined other than to say that it shall not be a blood test. It doesn't give the right for a drunk to ask for a test except by saying that he is not drunk. I point out that the test is given at the place of custody and not at the time of arrest. There is not even an initial test such as is done with the breathalyser legislation. The place of custody is not well defined. The place of detention has no specifications or standards. It simply becomes a place of detention upon gazettal. The policeman is given a choice as to where he is to take the person but there is nothing to prevent him taking the person directly to prison. The offender has no choice whatsoever. The legislation doesn't say anything about rehabilitation or detoxification centres.

I am fully aware that the member proposing this legislation would like to see these centres set up, as would every member of this Assembly, but it is the plain fact that there are no centres. This is why I think this legislation is dangerous. It appears to be doing a good thing but, in effect, the only place these people will be taken, if they are not taken home, is to the police cells. It would appear from my reading of the legislation and the opinions which I have sought, that they won't have to go through the normal procedure of the station sergeant's check. The policeman can arrest a person on the streets and take him straight to the cells. I see that the wish of the sponsor of the bill is that such a person shall not be placed in a cell occupied by someone charged with a criminal offence. That is quite commendable but the physical reality is that he will be because there are not enough cells available to keep them segregated. In fact, if

we are going to put money into building those cells, we should be putting it into building the rehabilitation centre. I don't think the honourable sponsor of the bill would argue with that either.

It would appear that a person could bring a civil action for wrongful arrest. The onus would then be upon him to prove that the policeman didn't have reasonable grounds to believe he was drunk. Under normal drunkenness provisions in Australia the onus is on the police to prove the person was drunk which is usually done by swearing an oath. In the vast majority of cases, the person admits his guilt.

Mr Speaker, the honourable member is casting asides at me saying, "You don't intend to move amendments in committee". The amendments which I hope to move would bring the legislation into line with what exists already. I am the first person to admit that the present legislation is not good enough. It is better than what has been proposed, but still it is deficient. We do not have facilities other than to dry people out in the police cells.

To get back to the honourable member's statements about Senator Cavanagh, I have some sympathy for him. Let's examine Alice Springs. There are many Aboriginals living in the Todd River. I travel in Alice Springs and I lived there for some time and I do have local knowledge fortunately. It would appear that the policeman would not consider the Todd River as being a home for the purposes of the ordinance and, because there are no other facilities, he would take the Aboriginal to the cells. I don't see this bill as being particularly racist; I see it as putting back in the guise of progressive legislation what the Legislative Council did away with after considered debate last year—the removal of the need to arrest people in a public place simply for being drunk as long as they were not a danger to themselves or to any other member of the community or as long as they were not guilty of any other offence. You are well aware that the Police and Police Offences Ordinance has a large variety of offences from which to choose if you want to arrest someone.

Before the debate concludes, I would like members of the majority party to read the present legislation and to see for themselves that people are not going to be left on the streets. We did not hide it and say it was progressive legislation; we said that, because there are no other centres available, it is the best we could think of at the moment. The situation has not changed; there are still no detoxification centres and I am most upset about that. I would point out also that the Australian Government and the Department of the Northern Territory brought up an expert on detoxification centres, Dr Milner. To my knowledge, his report has not been made public or been presented to this Assembly. Before the debate continues, I would like to think we would have the benefit of that man's expertise and experience. For that reason alone, I would hope that the sponsor of the bill would agree to an adjournment until we can read what the expert in the field has to say. Having asked that, I will also acknowledge that he is not a Territory resident. We still should feel quite free to disagree with his views, but at least let us look at his views.

I am against the bill for the reasons that I have outlined. I do not believe we have adequate legislation in that no one is going to remain on the streets as a danger to themselves or anyone else. It is already covered. I am concerned about the drunk who is not being assisted to rehabilitate himself, to break the cycle—in the cells, out again, drunk, in the cells. That is where the treatment comes in—the recognition of this social problem. I think the honourable member agrees with me on that but the vehicle he has chosen does not achieve it.

Mr ROBERTSON: I am speaking in support of the bill and I would like first to examine the honourable member for Nightcliff's objection to this bill. She seems to change her own mind half way through her speech. Earlier, she said that section 33A of the Police and Police Offences Ordinance is quite adequate and that that this bill isn't necessary. Towards the end of the speech, she recognises that it wasn't adequate.

Mrs Lawrie: For the treatment of the social disease, it isn't. It is adequate for keeping drunks who are a danger off the streets.

Mr ROBERTSON: The honourable member mentioned that section 33 of the Police and Police Offences Ordinance provides for the arrest of a person who is so drunk as to be incapable of looking after himself. The problem with this is that, by the time the person reaches this stage, he has already done a great deal of harm to himself. If the police on duty at the time don't find him when he had reached that stage, the odds are that he will

do himself an awful lot of harm and probably someone else more harm. This bill provides an interim between more comprehensive legislation and more comprehensive facilities for looking after people who are intoxicated. It provides an interim means of giving the police the opportunity of helping this person before he gets into a position to do any irreparable harm. I acknowledge that the bill is not in its final form and I have no doubt that many amendments will come out.

The honourable member for Nightcliff also mentioned that it is a world-wide trend to decriminalise what is known as social or community sickness. If the honourable member would like to do what the honourable Minister for Aboriginal Affairs obviously didn't do, and that is read the bill, there is no suggestion of recriminalising it. The fact is that section 33A of the Police and Police Offences Ordinance does not work. It hasn't got a hope of working.

Mr Withnall: This won't work either.

Mr ROBERTSON: The situation since the repeal of the previous laws relating to drunkenness has steadily deteriorated. Anyone with any power of observation at all would be aware of that. If the present system doesn't work, then I take it we are being asked to wait until some mythical report is presented to us sometime in the future.

Mrs Lawrie: It is a fact.

Mr ROBERTSON: It is a mythical report because nothing is fact until it is actually on the table—a mythical report which will propose possible rehabilitation centres, the first brick of which we haven't even seen to date. The community can no longer wait upon experts from elsewhere, regardless of their merit. The fact remains that the community has looked to this Assembly for immediate action. I am not grandstanding, Mr Speaker; you have heard this yourself. They have come to us down there in droves; they have insisted that we do something.

I would ask the honourable member for Nightcliff to give serious consideration to meaningful amendments, if that is her intention, rather than reverting back to something that will not work, has not worked and has no hope of working. The honourable members will no doubt be aware that this bill stemmed initially from a statement made by a number of civic leaders and members of this Assembly in the Alice Springs area. That particular statement was signed by a great cross-section of the community. All of the people who have signed that statement dating back several months have had an opportunity to study this bill. I understand that the Executive Member for Finance and Law has a detailed submission on the bill from the Alice Springs Town Council. There are a large number of modifications to be made to the bill, but we must do something. We cannot sit around any more and accept this situation as it exists.

Mr WITHNALL: The kindest thing that I can say about some of the speeches that have been made on this subject today is that the persons who made those speeches are not experts on the subject. I do not claim to be an expert myself, but I do claim to be able to penetrate what I think must be the thinnest disguise ever presented to a legislative body. The purpose of this bill is to allow persons to arrest people who are drunk and put them in a cell. It is quite clear that if this bill is passed that will be the first and, I suggest, the only result. It is thin disguise to make drunkenness an offence again to the extent that permits arrests and permits the person arrested to be placed in the cells and to be kept there till the following morning. Look at the provisions of clause 4 (2) particularly: "For the purposes of this ordinance every police station and every place that is a prison within the meaning of the Prisons Ordinance is a place of custody." Of course, you can declare other places but who is going to do it and how long will it take? When will they be built? What will be done in the meantime? If people are arrested on the street because they are drunk in the same way that they were before 33A was introduced, they will be placed in the same cells and they will be held there for approximately the same time. The only difference is that they will not be fined $2. It is pretty thin disguise, isn't it? The proposer of the bill says that he does not propose to make drunkenness an offence again, but by God he has come pretty close to it. He has come so close that it is not funny. The only people who can arrest are policemen; the only place about which we are sure that the arrested person can be taken is the police station. Is this an advance? Is this a proposal that can be accepted, if one accepts the proposition that drunkenness ought not to be a crime and ought not to be punished?

I know that I am batting my head up against a brick wall. I know there are 17 people here who are going to say that this bill will go through but I think they ought to

understand what they are doing and the public ought to understand that what will be done by the bill is to re-instate the old offence of drunkenness and take out only the appearance in court and the $2 fine. As far as I am concerned the public ought to know the facts and not have presented to them a piece of nonsense like this which attempts to disguise what it is doing. It might as well have said that drunkenness is now an offence again. There is little difference between this bill and that result.

If the bill is to be accepted, however, I want to see a few things done to it. First, I do not want to see policemen as the only persons who can arrest a person for drunkenness and place him in a place of custody. Why can't welfare officers find someone in the street and say, "I'd better take him along and put him in some place". The whole intention is to make sure that the police station and the police officers handle him. Welfare officers ought to be able to arrest somebody and take him along to the police station. That would be a funny old act, wouldn't it? What would the sergeant in charge think if a welfare officer came and said, "I've got a drunk here, mate; he's yours". I understand that all persons going into cells are arrested by police officers and that is the intention of this bill.

Let us suppose some wayward citizen gets himself very nice and tight on a Friday night and, not being able to go home, suddenly knocks on the door and says, "Listen sport, I'm pretty drunk tonight. Will you take me in?" When you are taken into custody, if you say you are not drunk, you can submit to a sobriety test. What test? Are we going to have the blue bags or the breathalyser, or are we going to have people walking white lines or standing on one leg and waving a finger in the air? What sort of a test? Any old test that anybody thinks up? It is a complete piece of nonsense. Anybody can think up any test he likes and call it a sobriety test within that section.

When you get into the place of detention, you have to stay there for a certain length of time. You can have visitors. Let us assume that somebody's everloving son is picked up. Why can't the old man come down and say "Look, I'll take him. Don't you worry about him any more". They will say, "You can't take him away. He has to stay here until 7.30 in the morning or 6 hours." What sort of rubbish is that?

The comments that I am making about the text of this bill only reinforce my general proposition. It is designed to reinstate the offence of drunkenness and take out only the fact that you have to go to court and pay a $2 fine. I oppose the bill.

Mr KENTISH: Since cyclone Tracy went through Berrimah things have been very quiet at the Railway Hotel out there. In fact, the hotel was blown to smithereens. Now and again people wander over to my place—they are very few and far between now—at 11 o'clock at night. They will keep knocking on the door, wanting a match, wanting a drink, wanting something else. Because my own phone has been out of order, we have had to search for a phone and ask the police if they would come along and cart these people away so that we can get a night's rest and so that our fox terriers can settle down for the night. If we did not do this, we would have to put up with pandemonium till 1 or 2 o'clock because many of these folk do not know the difference between day and night, particularly when they are drunk.

Drunkenness has been removed from the law as an indictable offence but in my book it is still an offence. It is not a criminal offence but it is an offence. It is an offence against an organised and peaceful community. It must be an offence against any people who have a pride in their town or a pride in their community surroundings. It cannot help but be an offence even if lawyers or judges or attorneys-general prefer it not to be an offence; it will always be an offence in a community which has any pride.

When the Attorney-General removed drunkenness as a criminal offence from the laws of the Northern Territory, we debated the subject here and I remarked that I did not like the look of it. I predicted that Alice Springs would become noted not as a town for tourists but as a town for drunks. Apparently, this seems to have happened. It is unusual for me to be apparently lined up on the same side as publicans but I have a letter asking me to support any moves that would help to correct the position in Alice Springs. Even the publicans are worried about the situation and the effect it has on the town. They are upset about the situation and the letter I received reminded me very much of the published report in the Northern Territory News of my speech at the time. Unfortunately I do not have that letter with me today.

We were assured that this sort of thing would not happen and that there would be detoxification centres. We have heard since then that an organisation in Alice Springs was to be given funds to take care of the drunks. I do not know if they have received the money yet. This should have made quite a lot of difference in the town but I have not heard that anything has happened yet. We had that assurance about detoxification centres but, as far as I can see, nothing has happened. We still have to put up with this social offence of drunks lying about.

I have rung up on 2 occasions since Christmas time and had police remove people who would keep us awake all night. I am a bit worried about this. I sometimes wonder what happens to the people. They took them away and I am concerned that they may have dumped them miles out in the bush somewhere or on a road and told them to walk home when they became sober. I am concerned about what might happen to a person who wakes up in strange surroundings and does not know which way to start walking. I would be much happier if I knew that the person was taken to a cell where he would be quite safe until he sobered up but I do not think that that has occurred. I think that they have been dumped somewhere in the bush. I have no evidence on this but that is the alternative. I do not think they would charge them for knocking on my door at night and keeping the dogs awake. However, I would be much happier in my own mind if they had been taken to a cell for the night. I support this bill.

Mr TUNGUTALUM: I rise to support this bill. When you were overseas, Mr Speaker, I was in Alice Springs. I spent 2½ days in Alice. I woke up the first morning and I saw the majority of Aboriginal people were in the pub and not a single European was there. In the afternoon, I walked down and I saw that there were mostly Aboriginal people in the pubs. They are causing a nuisance; they are fighting. I went there about 8 o'clock in the evening and there were fights and brawls. The next day, I heard that the Minister for Aboriginal Affairs would be arriving in Alice Springs. They spent a day and a half cleaning up the town. They were taking drunks, mostly Aboriginal people, out to missions and settlements. The place was absolutely clean. The Mayor of Alice Springs took me round to the Todd River and not a single Aboriginal person was around. This really surprised me.

I support this bill because I have a telegram that was sent to me this morning from Nguiu Wilya Town Council. The Nguiu Town Council advised its approval of this proposed Drunkenness Ordinance of 1975. I support this bill.

Mr BALLANTYNE: I rise to support this bill for quite a number of reasons. There have been a lot of theatricals going on today in trying to denounce this bill but anything we can do in the Assembly as an interim measure to act as a deterrent or to curb in some way the drunkenness problem should be done. This is one of the biggest social problems existing today. We can go to any state; we do not have to go down to Alice Springs. I drove past a shop here last night and I saw a drunk lying in Woolworth's doorway. No one went to him to help him. If we had this ordinance, they could be taken to a cell and given somewhere to lie down and a feed. At least, we would be giving them some help. These people are crying out inside for help but they won't ask you for it; they would rather push you away than let you pick them up. The honourable member for Port Darwin suggested that they do not need help, just let them get drunk, put them in a cell and charge them $2 for paying that price. I do not agree with that entirely.

I live in Nhulunbuy where we have over 4,000 citizens. There is quite a big contingent of Aboriginal people there; they come from quite a number of tribes in the Arnhem region and they have, in my opinion, one of the best systems for Aboriginals in the Territory. They have an association whereby orderlies come into town and, if there is anyone disturbing the peace or misbehaving, they put them into taxis and send them home. At least, they have taken it upon themselves to do this. The Aboriginals are aware of the problem and so are we as citizens of the Territory.

There are quite a few things that we could perhaps all suggest to make this a sounder bill but when are we going to get a sounder bill? In any state, you will always find that there are some weaknesses in legislation. We are only too aware of that. One thing that I like about the bill is that, under clause 5, there is an inspection of places for custody. This is a very good idea, because it does give an outside department, particularly the Department of Health, an opportunity to inspect the places of custody. That is something that we did not have before. It gives a little bit more advantage to the person in there and also it will assist the police. In the past, police have

sometimes been accused of bashing people or interrogating them for no apparent reason. We can see that the inspection system is good. You have the option of taking the drunk person home or to a hospital. How do we know that the person in the street did not need some medical attention? If the police had gone round there, they would have probably picked him up. At least they have a place to take him where he can be cared for. They will be sent home in much better condition than if they had been left lying in the gutter.

The bill has certain clauses relating to medical attention. There is a provision for visitors and it will give the person the right to reasonable access to the telephone. These things are not written in any other ordinance. It will give the people taken into custody an opportunity of showing some reasonable doubt that they are not drunk. If they have had some medical problem, they will be given some assistance from the medical department.

Records are to be kept for five years. The only thing is that there is no provision for habitual drunks. An habitual drunk is a problem to himself, and to society generally. He is generally a person who cannot tell you why he is doing these things. We must have detoxification centres or some place where they could be helped to dry out and given some medical treatment. It is one of the biggest social problems. This bill is only an interim measure but, as far as I am concerned, it will act as a deterrent against an evil which affects all of us today.

Mr POLLOCK: I rise to support the bill and I can at least speak with a clear mind. One wonders about some other members when one hears the utterances from certain sections of the chamber this afternoon and also those of Senator Cavanagh over the last day or two. However, we can expect anything from him after what we heard of his utterances about the situation in Alice Springs last February. He accepts the advice of somebody with whom he has dinner and who possibly has not even been to Alice Springs. It is disturbing that his remarks get such coverage when they are repeatedly based on such great inaccuracies.

We heard about section 33A of the Police and Police Offences Ordinance and what great provisions that provides for detention of persons who are drunk. A person who is drunk in a public place is a danger to himself and the public. The big problem, as many of us know who have had dealings with the situation, is that the police are fairly powerless under that section to deal with a drunk until such time as he is on the ground. I think we should nip it in the bud and get them before they fall down in Todd Street and smash a couple of shop windows, before they have been in a fight and involved themselves or other people in personal injury. There is hardly a night goes by in Alice Springs when there is not a major insurance pay out for glass. I think the insurance companies in Alice Springs must be starting to wonder if they will take on the policies insuring plate glass in Alice Springs.

Another aspect which has been referred to by some of the opponents of the bill is that people can be detained overnight. Perhaps those members would like to see them thrown out at 5 o'clock in the morning when the temperature is 5 degrees. I think that the person would welcome the stay at the police station because the weather will be much more clement for him. There are many points which opponents of the bill just forget about very quickly; they cannot see the wood for the trees.

It has been suggested that we wait for Professor Milner's report. It will be seen on page 50 of Hansard for 19 March that the Executive Member for Finance and Law mentioned that he was waiting for Professor Milner's report on this question of drunkenness. Extracting a copy of this report has been some problem. The Executive Member for Finance and Law has on at least 4 occasions been promised by senior government officials a copy of this report, but weeks after these promises have been made he still has not got a copy of the report. Utterances that the report is not being considered are not soundly based because we can't consider it until we get a copy of the report. If anything can be said in the chamber to get the copy of the report here this afternoon or anytime in the near future, I would welcome it.

It was mentioned also that only police can pick up these drunken persons. The police are not by any means looking forward to the implementation of this ordinance because they are the ones who will have to sweep up the drunks. It would be good if clauses could be put into the bill which would allow a person, other than a policeman, to apprehend a drunk. I think that we all hope for the establishment of detoxification centres and that the

persons running those places should have authority to take into custody persons who are drunk.

The matter of the pick-up service in Alice Springs was raised and the vote of money which has been allocated for that. That was another of the great utterances of Senator Cavanagh. Unfortunately, he hasn't backed it up although various governments did offer the Central Australian Aboriginal Congress a night shelter in Alice Springs. It was to be at 22 or 23 Giles Street, right in the heart of the residential area. The Aboriginal Congress could see a great problem with such a centre right in the middle of a residential area and they have refused to accept that place as acceptable quarters to operate. Apart from that, in Mr Perkins' own words: "The building wasn't even fit to put a dog in". There are a great number of tribal groups in Alice Springs and just who can take them into custody or persuade one or the other to do certain things is a matter to be resolved amongst themselves and a great headache for those who want to put the scheme into operation. They have great problems to overcome and money is not the only thing that can overcome these problems. A few of the government departments need to move a little bit more positively at times than they have in the last month or two.

The present bill is not perfect. There will be numerous amendments to it. The Executive Member for Finance and Law has indicated he is going to Alice Springs to discuss the provisions of the bill with a couple of Aboriginal communities. There are problems, especially from the inspectorial side. There is the problem of providing a staff from the Health Deparment to carry out duties. As far as such places as Kulgara are concerned, there probably wouldn't be an authorised inspector within 100 miles. It would be unfair if the person who is drunk there is not treated in the same way as the people in Alice Springs or Darwin.

I should mention also about the provision to be taken home. Once a person has been taken to a place of custody, some good samaritan might come along and say, "Look, you have my lad in there, can I take him home?" I think that these points will be taken into consideration before the bill is actually passed through all stages. Generally, the bill intends to tackle a social problem in our community that has been overlooked by some who fear that drunkenness will be made a crime again. This is far from the intention of the bill despite what a very vocal sector might say.

Debate adjourned.

ADJOURNMENT DEBATE

Mr EVERINGHAM: I move that the Assembly do now adjourn.

I would like to refer to the matter of the surge line concept embodied in the proposed Darwin Town Plan which has been on display and to which objections closed on the 17th of this month. It is causing me a great deal of concern because, when this surge concept was introduced, I don't think that the people who prepared this plan had any idea of the profound effect that it could have on the lives of people who own property within the area affected by the line and the colour that they put on this plan. Unfortunately, I have now been told that the Department of Services and Property is not going to process the voluntary negotiation of the acquisition of these properties with any degree of priority and these people will take their turn in the queue. The reason why I feel that they should have some priority is the fact that, assuming that they wanted to stay on in this surge area, they would find it extremely difficult to obtain finance from any lending institution simply because these planners have drawn this line. They would also find it extremely difficult to obtain insurance cover to protect them from flood risk. By virtually the stroke of a pen, and I am sure without properly considering all the implications, these planners have removed many people's lifetime of work and saving. I earnestly request the Australian Government to give the matter of compensation for people living within the surge area a top priority because they have had removed any real prospects of selling their property. I understand that no consent will be given to the transfer of this property even if someone was prepared to buy it knowing it was in the surge area. I feel that the Government has a moral duty to attend to this matter extremely urgently.

Mr RYAN: This morning I was asked a question by the honourable member for Stuart concerning the current stoppage at the Darwin wharf. I have made a few inquiries and, while I can't tell the honourable member when the wharf strike is likely to finish, I would like to take the opportunity to express my opinion, and I believe the opinion of most people in Darwin, that the time for calling a

strike on the wharf could not be more inappropriate. On numerous occasions in the past, the wharf labourers have decided that they want better conditions and have closed down operations. This normally creates quite a few problems and, over the years, has caused the halting of the service of various shipping lines into Darwin.

We now have the Stuart Highway out of action and the Waterside Workers Federation have decided that they want 2 weeks paid holiday to bring them into line with the 2 weeks which was given to the public service. I have made it quite clear that I disagree with the holiday entirely, however, it is a fact that the public service were given 2 weeks paid leave in addition to their normal leave. I do not support any union going on strike to obtain 2 weeks leave. It is placing the private sector in an awkward position in having to supply this extra leave. I don't think it is really necessary. The statement by Mr Nixon, the secretary of the union, that 99% of people other than the public service are getting this 2 weeks is absolute hogwash. Very few of the private enterprise companies in Darwin are giving their employees 2 weeks paid leave.

Mr Perron: Few can afford it.

Mr RYAN: That is exactly right.

The situation must improve. I can't understand the attitude of the wharfies. I am sometimes accused of being a union basher. I don't hold that that is correct because I feel that many members of unions are swayed by the oratory of the leaders and organisers of these unions who have no thought whatsoever for the well-being of the citizens of Darwin. I can't believe there are 110 people on that wharf who really want to have a strike that is going to put Darwin in an awkward position in regard to food and materials. One of the vessels that left yesterday had glass and glass is a commodity that we certainly need in Darwin at present.

The situation as far as I am concerned should not exist. The people organising the strike are organising it purely for political reasons. In particular, the secretary of the union, who is an unsuccessful candidate for this Assembly is attempting to give himself a little bit of a lift by applying the strike conditions to the town of Darwin. I appeal to the waterside workers to go back to work. I don't agree with the 2 weeks paid leave but if anybody is going to pay the 2 weeks leave, it should be the Government. They are the ones who applied the 2 weeks leave to the public service. They are trying to force the private sector to follow this lead and it will place the private sector in a worse situation than they are already in. In principle, I don't accept that people need this 2 weeks holiday. Nobody has come up to me and said; "I can't hack it. I have to leave". I think that the waterside workers should go back to work and the people trying to organise strikes should have another think about what is good for Darwin instead of getting involved in this type of activity which can only downgrade the standard of life in our town.

Mr WITHNALL: I rise to ask the honourable member for Victoria River in his capacity as a member of the Darwin Reconstruction Commission to table a copy of the Building Code which he said this morning has been adopted by the Darwin Reconstruction Commission. I think that, when that Building Code has been tabled, it will prove to be one of the most peculiar documents that has ever been produced in the history of the Northern Territory. I understand from the perusal of a copy, which I can only assume is an authentic one, that it is expressed to apply to the whole of the Northern Territory. The advice apparently received by the Commission is that it is not necessary for it to be promulgated as the law of the Northern Territory and that Darwin Reconstruction Commission has only to approve of it and it becomes effective. The only thing that I can find that may support such a view is either section 15 or 17 of the Darwin Reconstruction Act which says that nobody can build anything in the Darwin cyclone area without the approval of the Commission. The Commission would obviously say, "You can't build here unless you can comply with this stack of documents here. We will approve of your building providing it comes up to that code". How does that become a law of the Northern Territory? It is said to be a law which applies throughout the Northern Territory, and you will find in it numerous references to "the ordinance" but there is no ordinance.

Isn't it about time that somebody came down to earth and had a look at the subject matter of this building code and said, "We'll apply it only in a specific region or we'll apply it throughout the Northern Territory and have an ordinance to make it effective throughout the Northern Territory?". Nobody wants to do that but there is a good reason for it. If it were made as a building

manual, it would be a statutory instrument; it would have to be tabled in here and it would be subject to disallowance. We must avoid that. We must not let the people's representatives have a look at it. We will try to keep it within the public service and let nobody else have a chance to say that this or that provision is oppressive or it is based upon a false premise or will lead to difficulty in building.

I call on the honourable member for Victoria River to produce that document. He is a member of the commission and apparently he has seen it. Apparently, there are some copies about; I have casually seen one but have not had time to read it. I want it on the table, Mr Speaker. I want to be able to see it and I want every member of this Assembly to see it so that they realise just what sort of nonsense is being perpetrated. The Darwin Reconstruction Commission has a very difficult task but I say that it must do that task within the law presently available in the Northern Territory. If the people are to be subjected to a building code, it must be a piece of subordinate legislation. It must be put on the table and we must be able to see it. I suggest that it is very important that the opinions of members of this Assembly should be able to be expressed with respect to that document. As far as I can find out, there are very few copies available. This may be due to the fact that it was produced in a hurry; it may be due to the fact that even now somebody is having second thoughts about it. If anything is going to be put into law to govern the lives of the people of the Northern Territory, and the people of Darwin in particular, it must be open to consideration and objection.

Mr PERRON: I rise to expand on some of the points raised earlier today by the Member for Transport and Industry. Whilst most might be excused for making every reasonable attempt to secure for themselves benefits which they feel they are entitled to in relation to other sections of the community, the methods being used to this end by the waterside workers are intimidation and blackmail. One would have hoped that, during the current wet season when we needed supplies so badly to get on with rebuilding Darwin and with roads frequently cut, we could expect some cooperation from our union leaders. That hope is just a pipe dream.

The State Shipping Service vessel which has been tied up at the wharf for over a week now has on board a 20 ton container of perishables. When the waterside workers executives were approached by the consignees to have this container removed because the food therein was urgently required and it was also on the stage of going off, the waterside workers agreed on the condition that the consignees sign a statement supporting the watersiders and their claims. Another vessel lying in this port for the past week at a cost to the owners of somewhere near $7000 per day is a large tanker. The tanker requires parts which are available in Darwin; they had been brought to Darwin to be put on board the vessel. The waterside workers executive have again refused permission—on what grounds they can grant permission I don't know—to allow the parts to be taken out to the ship until the agent signs a statement supporting the union's claim. I point out that no-one can legally prohibit the transporting of goods to a vessel at anchor but unfortunately the intimidation usually works because no ship owner likes to have threats of black bans placed on his vessels throughout Australia.

The waterside workers at the moment are claiming from shipping companies 2 weeks paid R and R leave plus $55 per week disability allowance from 25 December until 30 June 1975. A further demand has now been made. The watersiders now want to be paid for the time they have been on strike. Where will this senselessness end? Already State Shipping Service have announced that no more of their vessels will call at Darwin until the strike ends. I have a telegram from Mr O'Connor, the Minister for Transport in Western Australia, who states that he will consider resumption of Western Australian ships to Darwin when a responsible attitude is shown to the West Australian ships and to the costs incurred by Western Australian taxpayers.

One Knudsen Line Vessel has already been diverted to Fremantle from outside Darwin. It was due in this coming Friday. The vessel that has been diverted has a large cargo for Darwin and will discharge the cargo at Fremantle. The consignees of that cargo will have to pay the extra cost of shipping it from Fremantle to Darwin. As a result of past strike activity in Darwin, the Knudsen Line will only accept cargo to Darwin on a condition that they have the option of discharge at Darwin or Fremantle. They have been caught too often before. It is also rumoured that they may drop Darwin from the run altogether. The Knudsen Line has served Darwin for

many years, particularly bringing cars here and taking beef out. This will cost Darwin its direct link with Asian, Japanese and American ports for beef exports as well as for general cargo imports. Perhaps the Reconstruction Commission should examine its powers under the Reconstruction Act with a view to using the army currently in Darwin for some productive work on the waterfront.

Mr MacFARLANE: The thing I can't understand about all this is why the watersiders are not elegible for the same benefits as other people who were caught in the cyclone. It seems that the Public Service are setting a line and private enterprise had to follow. If this point could be cleared up, I'd be very happy, but from what I can gather the waterside workers have a real axe to grind. However, I stand to be corrected.

What I want to bring to notice are incidents which happened in Katherine in the past week, starting on Sunday with the arrival of 60 Hooker Creek Aboriginals. Katherine is only a small town with 2 hotels, a couple of stores and a number of police. When you get 60 people, whether they are Country Party members attending a convention, stock inspectors, bikies or anyone else on the rampage, it is bad news. The fact that they happened to be Aboriginals and out for trouble is incidental but this was what happened. These people came with great bundles of spears, boomerangs, killing sticks and even lengths of waterpipe. They came to the town primarily for a court case where they were alleged to have attacked the police station and the police officers at Hooker Creek in December last year. They are entitled to go to any town but the town also has a responsibility to make sure people behave themsleves.

It was only shortly before Easter that the Prime Minister described the events in Alice Springs as a "lamentable example of racism". The same thing happened there and I sent the honourable gentleman a telegram explaining at length what had happened. I also sent one to the ABC so they could understand what I was talking about. What happened in Alice Springs was much the same as what happened in Katherine. A group of visitors came, misbehaved, made nuisances of themselves and the residents of the town didn't want them any longer. The same kind of thing happened at Bathurst on the Easter week-end where the bikies gathered for the Motor Cycle Grand Prix and 150 were arrested. There was no suggestion of racism there—just a mob of visitors who misbehaved. There were only token offences like smoking "grass", drunken behaviour, speeding through the town and fighting the police but the residents of that staid old city didn't like it. They considered that they had some rights too. As far as I'm concerned, that is what the people of Katherine thought and, as far as I can gather, that is what the people of Alice Springs thought.

The Community Adviser of Hooker Creek, Mr Morris Luther, had an article in the recent Katherine Informer where he said 3 or 4 people made trouble for the Hooker Creek group. This was not so. There were about 40 people on the rampage and 19 were arrested in one night. There has been no suggestion at all by the Aboriginal Legal Aid or anyone else that these people were arrested just for the sake of the police reporting a conviction. The only suggestion put to me is that I acted far too leniently in insisting that these people behave themselves or be transferred back to where they came from. This is not the first occasion that there has been trouble with these Hooker Creek people and it won't be the last.

I have a question 224 relating to an attack on an Aboriginal patrol officer, Jamie Campbell, on 11 March. There was a group of troublesome Aboriginals at Hooker Creek and the village council expelled them. They went here, there and everywhere and they ended up back in Katherine. This fellow tried to talk a bit of sense into them and they knocked him over the head and he ended up in hospital with a fractured skull. The Department of Aboriginal Affairs got them out of town very soon after that.

We had the other occurrence, a Christmas present for the police at Hooker Creek on 23 December. Then we had this occurrence last week when these people came in deliberately. They wrecked the Top Springs motel on the way in; they ran amok at the high level camp at Katherine and then went into the Crossways Hotel public bar. They didn't give any notice or warning; they just attacked. There was big trouble there. They were thrown out and they would come back in. Eventually, they were put out of the road.

The next occasion was described to me by a chap who was born in Katherine and had gone to school with Aboriginals; he likes them as we all do. When he saw these fellows walking past the Katherine Hotel he said; "These

would be the cheekiest mob of Aboriginals that I have ever seen in my life". About 20 of them walked past the hotel and declared war through the open windows. War was declared that afternoon and I don't know whether the Prime Minister would think that this is racism. I felt that it was racism on the part of the Aboriginals. Who is to blame? I don't know. Sticks, stones, knives, billiard cues, were all used and all the time these people are sheltering behind Aboriginal Legal Aid.

I have put a question on notice asking the honourable Member for Law what was the possible maximum penalty faced by any of the defendants in the cases at Katherine last week relating to incidents involving Aboriginals at Hooker Creek in December, 1974. As I understand it, they were nasty offences but they would not have brought any great penalty. The second part of the question is: "Who authorised the engagement of a Queen's Counsel to appear at the taxpayers' expense on these charges?" The third part is: "What was the total amount of fees and expenses paid to Mr Barker, QC by the Aboriginal Legal Aid?"

There is a lot of ill feeling being stirred up now by the blatant discrimination in favour of Aboriginals. There are two kinds of discrimination—one is for and one is against. I feel very strongly that the Australian Government and particularly the Minister for Aboriginal Affairs have gone too far. These people do commit an offence; they know right from wrong yet we are trying to allow them to determine their own punishment by giving them the best possible legal aid that we can and on a discriminatory basis. I hesitate to think what would happen if white people had attacked that police station at Hooker Creek. They would certainly have been entitled to legal aid, but whether that legal aid would run to the hiring of a Queen's Counsel at the taxpayers' expense is hypothetical. It is about time that a policy was evolved so that in 10, 15 or 20 years the Aboriginal will be part of the Australian economic system. He is entitled to live his own life-style but he must also observe rules and regulations which are laid down for other people. For instance, if 60 white people went to Hooker Creek and created the havoc which these Hooker Creek people caused in Katherine, I would think that the Hooker Creek people would be entitled to shoot them. They would be in danger of their lives. I regard these happenings as most serious and I demand that everyone take a second look at this situation which is, to quote the Prime Minister, "a lamentable display of racism".

Mr KENTISH: I noticed a statement by the Prime Minister concerning racialism and racial attitudes in the Northern Territory. He appears to blame the people of the Northern Territory for aggravating the situation. From my observations, the greatest proponent of racialism in the Northern Territory is the Federal Government itself. It subsidises it and helps it along wherever it can. If people can find some racial stories anywhere, they are almost certain to get a substantial grant to help them with their work. Having observed all that sort of thing over the last couple of years, it is incredible that the Prime Minister can come out with a statement accusing other people of what his government is doing in a big way.

We have observed an organisation at Kulaluk that was doing quite a lot of stirring. We heard of the burning of a truck—I think that man only received a couple of months in jail—the attacking of a policeman and others with bicycle chains and the advocating of the attacking of other people. This is racism. Oddly enough, the leader of this gang is a white man. They received a very substantial subsidy for their troubles and anyone who wants to take up racial stirring can be quite sure of a good subsidy from the government to help them with their business. On top of this, we get the opinion of the Prime Minister that Territorians are racist or something to that effect.

I consider also that not only is the Federal Government aiding, abetting and propagating racism in the Northern Territory but also engaging in political discrimination in the Northern Territory. These are very hard things to prove. I asked a question this morning concerning the case of a person applying for a job who was questioned by government officers concerning his political convictions. I am quite certain that this is a genuine case and that this actually happened. We can see other examples of this sort of thing about us. The Prime Minister accuses other people of what his government is doing in a big way itself. This is what they call "red herrings", taking the attention of people away from what is really happening.

I have been disturbed by the transfer of the Department of Rural and Urban Land to Brisbane. This is a very sensitive thing in this

area, particularly at a time when there is so much turmoil in the Darwin area and it is reflected throughout the whole Territory. Territorians are faced with dealing with faceless people; people who are situated in Brisbane to whom you must write. We are told that this is necessary due to the cyclone and the housing accommodation but I don't readily accept that.

The recent action of the Government in relation to the Emergency Powers Bill demonstrates very clearly that, although the Federal Government has arranged for a fully elected Assembly in the Northern Territory, it is itself assuming more and more the role of intimate government in the Northern Territory. We have now a fully elected Assembly. About a year ago, I pessimistically stated in debate that when that Assembly was elected, we would be given the key of the cupboard by the Federal Government and we would find that the cupboard was bare. I did not state that carelessly, but all the pointers were there a year ago for anyone with perception to see. There is nothing sudden about this; I do not blame cyclone Tracy very much for it nor the fact that the Legislative Assembly tends to be a one party government. I do not think that that has a great deal to do with it.

However, there is still time for the government to honour its pledges, promises and undertakings. There is still time for them to end this farcical position into which they have thrust the Northern Territory. The people of the Northern Territory voted very clearly in October for what they wanted. The people of the Northern Territory are an independent crowd of people. Most of them have come up this way for reasons connected with independence, to carve a new life for themselves, to do things for themselves in a land a little bit unfettered by controls and all the things that they have had in the south. What they have found has been an increasing amount of socialisation being thrust down their throats and they are not taking to it very kindly.

Mr BALLANTYNE: In an article that I read in the Australian of April 19 the Attorney-General and the Federal Minister for Health proposed new drug legislation. They proposed to ease the penalties and to override the state of the Territory drug laws. They have taken the line that the laws should distinguish between hard drugs such as heroin, cocaine and LSD and the soft drugs such as marihuana. In other words, there will be harsh penalties for trafficking in the hard drugs and offences such as possession of marihuana would carry a maximum penalty of $100. Also there is to be provision for medical treatment for the addicts.

The experts are divided in the decision as to whether the soft drugs are harmless. Some say they are harmless to a point. I might add that recent reports from the United States of America say that marihuana has dangerous physical and psychological effects. In fact, a congressional committee, acting on the best available advice, concluded that marihuana can cause sex impotence, perhaps cancer and general brain damage. Let us not take these drugs too lightly. It has been a growing social problem here in Australia and we have had problems here with Darwin being an international airport.

The drug offences in Western Australia, for instance, carry quite harsh penalties—up to 3 years jail, $2,000 fine or both. I bring this information to the attention of the Assembly so that it can perhaps give some thought to this proposed federal legislation. It is a very important matter. There has been no discussion by the Attorney-General or the federal Minister of Health with any other State. The states' laws vary, the same as perhaps the territories' do. Will this be another bulldozing tactic over peoples' rights by the socialists in Canberra? Where will they take us next? I do not have to tell the community what effects the relaxed legislation on drugs will have on them and their families.

Motion agreed to; the Assembly adjourned.

Wednesday 23 April 1975

PETITION

Rail Freight Charges

Mr POLLOCK: I present a petition from certain residents of central Australia praying that the Assembly take action to bring about a reduction in rail freight charges. I move that the petition be received and read.

This petition was originated by residents of central Australia, principally those who are engaged in the pastoral industry. There are over 100 signatures from persons directly involved in the pastoral industry and varying residents from the northern part of South Australia right through the centre to Tennant Creek area. The Commonwealth Railways recently increased freight charges by some 40% shortly after an earlier increase of 10% or 12% and, as a result, freight charges for livestock to the south, where the main market is, has been greatly increased to the extent that it costs an average of $21.26 per head to send cattle by rail from Alice Springs to Pooraka.

In addition to that, many pastoralists have the additional cost of transporting the cattle from their stations by road to Alice Springs. This can vary from an additional $10 to $30 a head. Therefore, the cost of freighting a beast from some parts of central Australia to the Adelaide market can be as much as $45 a head. In many cases when the stock is sold, the agents fee and feeding charges are also paid by the station owner. Therefore, many of these people feel aggrieved at the additional cost of freight and ask that this Assembly seek that those costs be reduced.

Motion agreed to.

STATEMENT

Building Manual

Dr LETTS (by leave): I table a document entitled "The Northern Territory of Australia Building Manual 1975, Draft Edition", together with a letter to me from an officer of the Darwin Reconstruction Commission. In this letter, the officer points out that the edition which I am tabling is in draft form, lists a number of sections and paragraphs to which corrections will be made and adds that it is anticipated that a correct and consolidated final edition will be available for the general public within 2 weeks. I understand that there are 5000 copies of that edition being printed at the moment and that a press announcement covering this area will be published in today's paper.

FIREARMS BILL

(Serial 34)

Bill presented and read a first time.

Mr WITHNALL: I move that the bill be now read a second time.

The purpose of this bill is to enlarge the list of firearms referred to in the regulations as firearms which are not to be deemed to be high-powered firearms. Many years ago, action was taken in the Northern Territory to require a person requiring a high-powered firearm to obtain a licence and not merely register it as is the case for less highly powered firearms. In order to determine what was and was not a high-powered firearm, the ordinance and regulations used general words. Because those general words take in a very large number of firearms, it was considered convenient that the regulation should prescribe that certain firearms are not high-powered by reference to the calibre and the grains of powder which are used to propel the projectile. An examination of the firearms referred to in the regulations shows that, of the 7 firearms described, 6 are virtually unobtainable, either because the ammunition is no longer made or because the rifles themselves are no longer made. However, consideration of available non-high-powered firearms has shown that 3 types of firearms can quite readily be said to come within the same class even though they are not referred to in the regulations. These are the .38 special, the .44 magnum and the .357 magnum.

The purpose of the bill is to bring the provisions of regulation 6 up to date. It has been done not by directly proposing an amendment to the regulations but by putting in a schedule to the ordinance itself. This does not mean that the power to make regulations to extend or to limit the sorts of rifles which are not to be deemed as high-powered firearms is to be abrogated. I am proposing that the power to declare a firearm not to be a high-powered firearm will be available both to this Assembly by virtue of its power to amend the schedule and also available to the Executive by virtue of the power to make regulations. If honourable members will turn to the third schedule in the bill, they will see that there are 2 paragraphs to the schedule, one dealing with the rifles that I have referred to and one

dealing with 7 classes of firearms which are presently denoted by the regulations as not being high-powered firearms. If this bill be passed, you will have 2 provisions of the law going hand in hand. As far as paragraph (b) is concerned, the schedule is identical with the regulations and there can be no conflict but, as far as paragraph (a) is concerned, the provisions are in the schedule only. This is a reasonable proposition since it does not limit the regulation-making power but gives this Assembly itself a power to amend by amending the third schedule to the ordinance itself.

Debate adjourned.

NUDITY BILL

(Serial 38)

Bill presented and read a first time.

Mrs LAWRIE: I move that the bill be now read a second time.

In moving this bill, let me indicate that I do not intend proceeding with the 2 previous bills introduced on the same subject at the last sittings. After consultation with other members of the Assembly, I feel that this is a far better way of embodying in legislation the concept that, in certain areas of the Northern Territory, it will not be an offence simply to have no clothes on. One of the limitations in my last bill was that it only referred to beach areas. On second thoughts, this is most unwise. If we accept the concept that there are a reasonable number of people in the community who wish to have an area which shall be a nude area, those people might just as well be found in Tennant Creek, Alice Springs, Borroloola or any other part of the Territory.

This bill deals specifically with the subject rather than simply amending the Police and Police Offences Ordinance. It introduces the concept that in certain areas certain standards will still apply; it is a positive bill rather than a negative one. By clause 2, a "free area" means an area declared by regulations to be an area where nudity is permitted. This is done for a particular reason. The Administrator in Council can make the regulations for the declaration of an area. Those regulations must be tabled in this Assembly where they can be debated and, if necessary, disallowed. This means that if a large number of people in the community are outraged by the particular siting of the free area, they can voice that discontent through the Assembly on the debate of the regulations. Simple gazettal did not give enough room for community discussion on the area to be gazetted. In other words, those members of the public who feel that a free area is in the wrong place, will have a means of appeal against that decision through debate on the regulations. I would not see it being used by one or 2 people who happen to feel that nudity is offensive in any circumstances in any place in Australia. If they hold that view strongly, I would recommend to them that they do not go to one of these areas where they would be offended.

In clause 4, we see that the Administrator shall cause the boundaries of and the approaches to a free area to be clearly marked with signs indicating that nudity is permitted within that area. This is deemed necessary because not all people in the community are prepared to accept that nudity is not offensive. It is not my wish to impose upon them and if the boundaries in the area are clearly marked and the areas are chosen wisely by the Administrator in Council, it would be unusual in the extreme for a person to have a complaint by virtue of saying that he stumbled unknowingly across a group of unclothed people.

Clause 5 is the guts of the bill. It says: "A person shall not be held to be guilty of an offence against a law enforced in the Northern Territory by reason only that he was nude on or whilst swimming at a free beach". This is the point where my bill departs from previous legislation even though the end result will be the same. Instead of amending the Police and Police Offences Ordinance, we have introduced legislation to say that, where all other things are considered, this shall have overriding effect and people will not be prosecuted simply for being nude in that area.

In clause 6, I am endeavouring by subclauses (1) and (2) to provide that people should not behave otherwise offensively. It may be quite validly said that this section is completely unnecessary and that the normal laws of the land should apply. However, in this instance, it may be wise to introduce specific penalties for people who behave in an otherwise outrageous, obscene or insulting manner. I foreshadow that in the committee stage, I will attempt to amend clause 6 by reducing the penalty from $1,000 or imprisonment for 1 year to a penalty of $500 or imprisonment for 6 months. Although they are maximum penalties, maximum penalties do give an indication as to how the offence is viewed in the community. I don't believe that this offence would be seen as quite as serious

as criminal assault, rape, etc. I still think it should be an offence but not perhaps one of this magnitude.

I foreshadow also that in subclause (2) of clause 6 I intend to remove the words "sexually indecent" and substitute "or use language that is threatening, abusive, disorderly or sexually indecent". I feel that all people in a free area should behave in accordance with common principles. I have a great fear, perhaps unfounded, that dressed larrikins would attempt to enter a free area for no other purpose than the harassment of the people lawfully in that area who may or may not be clothed. This is a 2-edged thing: people need protection both ways. I don't see that nude people in a declared area should be subjected to harassment by people who are clothed; nor do I think that people who are in the area and who are clothed should be subjected to any type of abuse by the nude people within that area. Therefore, I have tried to provide specific protection for all people who may end up in an area declared to be a free area.

In clause 7, I have provided that the Administrator in Council may make regulations. Once again, these regulations must be tabled in this House and, if necessary, debated.

I seek the passage of this bill at this sittings because the concept of free areas was introduced at the previous sittings. Although I have substituted this bill for the other 2, I have not altered the concept in any way other than to provide that it shall not be restricted to the coastal areas of Darwin. I hope that all members of this Assembly have had suitable time to refer this legislation to their constituents and seek community views. I have been offered nothing but support for the concept, not only from the Sun Club and other people interested in nude bathing, but from people who have said quite clearly, "I am not a nudist, but I know there are plenty of people who are and that is their business. If they want a secluded area, good luck to them".

I move that so much of standing orders be suspended as would prevent the passage of this bill at this sittings.

Mr ROBERTSON: I oppose that motion. I can well understand the honourable member for Nightcliff's concern that she and the people who have obviously asked her to bring this bill forward have the maximum benefit of the so-called dry season. If it is held up for another month, they are going to miss that period of freedom from the sea wasp. However, as it was pointed out to me by a distinguished member of the staff of this Assembly this morning, in my country we have bull ants; they have no respect for seasons and, if this bill goes through, the bull ants are going to have something more succulent to feed on. My point is that this bill is quite a departure from the previous bill, despite what the honourable member for Nightcliff says. The bill now affects all areas of the Northern Territory——

Mrs Lawrie: No, they have to be gazetted by the Administrator in Council.

Mr ROBERTSON: . . . whereas previously it only applied to Darwin. Accordingly, the way the bill previously was, I had nothing to go to my electorate with and neither did other members. The bill to them was meaningless. It can now affect them directly but I have had no chance whatever to discuss this bill with my electors. I therefore oppose the motion.

Mr TAMBLING: I am appalled that the honourable member for Gillen has not taken the issue to his electorate in the month that has been available to him.

Mr Robertson: It had nothing to do with us.

Mr TAMBLING: All members of this Assembly represent not only their electorate but the entire viewpoint of the Northern Territory and therefore they should canvass views and exercise their full responsibility with regard to any legislation that passes before this House. I see no reason for a delay to be granted on this occasion because the concept of nudity has been flying around for years.

Mr Withnall: It's been flying around since Adam and Eve.

Mr RYAN: I oppose the motion. It was at the last sittings that the honourable member for Nightcliff had a bit of a serve with me for putting through bills at all stages in the one sitting. Only yesterday we corrected this procedure which seemed to upset her so much. I don't oppose the bill but I certainly oppose putting it through at this sittings.

Mr MacFARLANE: The remarks by the honourable member for Fannie Bay that everyone should have taken this to his electorate in the last month doesn't ring very true to me because only a short time ago we had this trouble with the Caravan Parks Bill which

applied entirely to Darwin. It then came in for the whole of the Northern Territory and only 3 people voted against the adjournment of that. It looks like a double standard here: one if it suits the honourable member for Fannie Bay and the other if it doesn't.

Mrs LAWRIE: I remind honourable members that I am only seeking the suspension of standing orders to permit passage of this bill if it is indicated by the Assembly that that is the majority view. It does not necessarily mean that the bill will pass all stages but it certainly empowers the bill to pass all stages. I repeat that the concept of this free area has been before the Assembly for at least one month.

The Assembly divided:

Ayes 9	Noes 10
Mr Ballantyne	Miss Andrew
Mr Dondas	Mr Everingham
Mrs Lawrie	Mr Kentish
Dr Letts	Mr Kilgariff
Mr Perron	Mr MacFarlane
Mr Steele	Mr Pollock
Mr Tambling	Mr Robertson
Mr Tuxworth	Mr Ryan
Mr Withnall	Mr Tungutalum
	Mr Vale

Mrs LAWRIE: I believe all honourable members have had adequate time to study this bill. Clearly, they are now going to have more time but I would look forward to hearing the views of honourable members as representatives of the people in their electorates. I am aware, Mr Speaker, that at the next meeting of the Assembly I shall have the right of reply.

Dr LETTS: It is hardly necessary for me to reiterate that this is a personal judgment bill with no party ties to it at all. Within the pattern of social changes which have occurred during the last decade, we have seen the recognition of what I regard as many reasonable freedoms being extended to the community at large. In regard to this particular area of nudity, we have actually seen the creation in Australia of a legal nude beach in South Australia and I think it is foreshadowed that several other states will be pursuing a similar course of action. To that extent, the Northern Territory, which has had this idea in mind for a long time, has been upstaged. Whereas we would have been on our own 12 months ago when the matter was discussed in the old Legislative Council, we can now be seen as belonging with a number of other communities in states which are prepared to accept under certain conditions the concept of nudity.

I rise in support of the bill. I stated my views on the question of nudity and free beaches on a previous occasion in the Legislative Council some 12 months ago and they haven't really changed since that time. I could see merits in the provision of an area such as now proposed by this bill provided it did not occupy space which was regarded as a popular resort used generally by the public traditionally over a period of years, as long as it could be done without the risk of offending the many people who would object to having nakedness thrust upon them, and provided the minority group did not have an exclusive claim to an area set aside for such a purpose. Those are the basic criteria and I think they can be met by this bill.

I am happy to see that regulations must be made to declare an area in which nudity is permitted because by that means the regulations applying to any such area will be tabled in this House after careful consideration by the Administrator's Council. They will be examined by the Subordinate Legislation Committee of this Assembly and they will be open to debate and to public representation to any members who feel that the particular area which is set aside in the regulations is not suitable. That is really the public protection which some members have been seeking. It is because of that that I would have little reservation about the rate at which it progresses.

The other thing that I am happy about is that the clause refers to a secluded area and the Administrator's Council will have to make up its mind what a suitable degree of seclusion is. In other words, it is not sufficient to set aside an area just because people do not normally use it. It will be interesting to see how the word "secluded" is interpreted but it does provide that people will not inadvertently be offended.

I have one question which I put to the honourable member for Nightcliff. How widespread is the eligibility for various areas in the Northern Territory to be declared under this bill? For example, would it be possible to declare an area of a pastoral lease, an agricultural lease, a miscellaneous lease as a secluded area, or would there be convenants in such leases that would prevent this legislation operating there? There may well be throughout the Territory a number of lessees who would be quite happy to have sun lovers,

nudists, operate on a secluded part of their property. However, the question arises as to whether this would be permitted in law and whether there would be any contravention of the covenants and conditions of those leases. In order for us to see how widespread the effect might be, I would like to know the answer to that question.

Mrs LAWRIE: People can permit what they like on private land.

Dr LETTS: There are certain covenants in some of these leases which restrict the uses to particular purposes and I just don't know whether there could be any conflict. I would like to know the answer to that. Other than that, I think that the bill expresses all that is needed and I just wish to indicate my support for it at the second reading.

Mr POLLOCK: I voted against the motion a few moments ago in the division to give more time because the concept of the bill presented originally a month or so ago has changed. The bill will now allow areas in any part of the Northern Territory to be prescribed by regulation. I am not opposed to the bill at all and I am now waiting until the next sittings to hear opinions from people outside of the coastal areas. I hope that in the next month and particularly in the next few days this matter will receive appropriate publicity and there will be feed-back to us.

One aspect of the bill that does concern me to a degree is that there are no provisions to advise the public how to make application to have an area declared a free area. It appears that perhaps an area could be declared a free area and the regulations made without too many people knowing about it until it gets to the Legislative Assembly. I can see some problems in that every time an area is declared a free area we are going to have a complete free for all between various sectors and the debate about the whole matter will go on over and over again. I hope that does not occur and that, when areas are declared by regulation to be free areas, some common sense will prevail.

I am not opposed to the concept of the bill but I have those minor reservations. Perhaps, before the bill passes through all stages, we may receive some feed-back from people outside the Top End.

Mr STEELE: I was wondering about the name of this ordinance. I would have thought that it could have been referred to as the "Dick Muddimer Memorial Ordinance". Also, I was a bit concerned about clause 4 because "Trumby was a ringer but he couldn't read or write." Perhaps signs could be looked at.

Mrs Lawrie: Nobody is interested in signs.

Mr STEELE: We will get somebody to paint a picture. I support the bill.

Mr MacFARLANE: The fact that the bill has come this far is a tribute to Dick Muddimer. As far as I can work out, there were only about 50 or 60 people before the cyclone who were interested in this Sun Club thing and that amounts to one person in every thousand. In Alice Springs, you could say that, on the same proportion, there would be 13 people who would want a free beach; and in Katherine probably 3½ would want a free beach. It does show the power of the press and it does show how you can make a big thing out of something that does not really matter much. I feel that we have much more serious things on the program than whether people wish to disport themselves in the nude or whether they prefer to behave like all other people and cover their private parts. If we pass this, a secluded area might be found on Marrakai for the purpose. The honourable member for Port Darwin would probably be interested in establishing a paying proposition out there. I do not support this bill. It has not anything to do with me at the present time but we seem to be making bills here for the good of Darwin but which affect the whole of the Northern Territory whether the rest of the Northern Territory likes it or not. My views do not carry much weight but I do oppose the bill.

Mr RYAN: I rise in support of the bill. I must admit that I have not been approached by members of my electorate to advise me on this matter. However, I feel that it is something that can be brought into law without greatly affecting those people who do not wish to become involved in it. In supporting the bill, I would like to say that I would have preferred to try to influence my colleague, the member for Jingili, to present the bill that he got up himself. However, it was treated on the basis that it was an open vote and unfortunately the honourable member for Fannie Bay, who seems intent on getting back into the good graces of the member for Nightcliff——

Mr Tambling: Sticking to principles.

Mrs Lawrie: This is an interesting debate. Tell me more about your inter-party wrangles.

Mr RYAN: It was not an inter-party wrangle. This is a free vote and, in certain informal discussions which we had, certain members of the Assembly supported the honourable member for Nightcliff. However, I think they are going to gag me in a minute. I commend the bill.

Mr PERRON: I would like to speak very briefly in support of this bill I feel that this type of legislation is an example of how minority groups can have their wishes satisfied in some instances in a democratic society even though large numbers of people may not necessarily wish to use a free area. The majority of the population can concede to a minority group to allow them to carry out their activities providing they do not unduly interfere with other people's rights. I guess that I might even end up using the beach myself.

Mr MacFarlane: You'd strip lovely.

Mr PERRON: Nobody else appears to have been game to come forward and say whether they might or might not use the beach themselves.

We should be sensible, particularly in a climate such as we have here. How nudists in South Australia can go onto their beaches has got me beat; they must be very determined people. I think that our climate is a little bit different and one tends to disrobe from what society has hung over us these days. Certainly, there are plenty of examples in the Chamber here of the distaste for some of the clothing which society has hung on us through tradition. I support the bill.

Mr TUXWORTH: I support the bill. It has already been suggested to me that it might be indecent to rise and support it so I shall not do that. I would just like to support the remarks of members from the southern area of the Territory. When this bill was first mooted, it was put to a meeting of some 35 people in Tennant Creek and they were very disturbed that the proposed legislation only referred to beaches. They said, "Here we go again: everything for Darwin and nothing for the bottom end. What about us?"

Mr Robertson: It is designed for the bottom end, isn't it?

Mr TUXWORTH: That depends on your taste entirely.

We would like to think that we are easy-going people and that we can enjoy the same fruits of life as people in Darwin. The feeling of the meeting was that it was a matter of horses for courses—it did not affect the individual but if other people would like to partake in nudity and go along to a free area, they were more than welcome to. It was felt that people who would be prepared to subject themselves to sunburn, windburn, sandflies and ant bites would probably need other medical attention at the same time. There was a feeling at the meeting that there should be strong penalties for indecent behaviour, rudeness and sexual misconduct in a free area. While it is very easy for this Assembly to try to set a penalty, I think we should confer with the people who are going to use these areas and ask them what they feel is a reasonable penalty. After all, they are going to be the ones affected because members of the public who are not interested will not be there.

The only other comment I have is that, being the red-blooded boy that I am, I certainly hope that I never have to officiate at a function in a free area.

Mr BALLANTYNE: I rise to support the bill. There is a lot of merit in the new draft of the bill. My first intimation that we would be having a debate on something of this nature was early in October last year. Some of the members of the Assembly today have not been all that truthful; they were given plenty of time to discuss it with their constituents. I have with me a couple of representations, one from the Australian Nudist Federation and another from the Darwin Sun Club; they give a guideline for the members of this Assembly to look at and there are many good points in it.

When I first saw the original draft, I did take it upon myself to contact people in Nhulunbuy. I have contacted quite a few by phone and I had a very good response from those who are in favour of it. I did not get any harsh statements from those who are against it. The main view is that, if they do not agree, they will not be seen on the beach themselves but they would not care if other people did that sort of thing. Let us face it, people are doing that sort of thing every day in the outlying areas and walking on the beaches nude here in the dry season. This bill will bring it into some perspective where it will lay a clear guideline for what a free beach is all about. I must give thanks to those people who have brought out a more clearly defined bill for the Nudity Ordinance 1975. I commend this bill.

Mr TAMBLING: As the Majority Leader mentioned we are in a time of extreme changing social acceptances, values and mores and I think a quote from Alvin Toffler in "Future Shock" is rather relevant: "This one lifetime is the centre of history with as much happening in it as in all the previous lifetimes put together". It is very relevant at this time that we must look at the society in which we live and look at its diversities. We cannot categorise the society of Darwin or the Northern Territory into one group and I do not accept the statement of the honourable member for Stuart Park when he said that we were representing a minority group. It is not necessarily a group that is looking for the establishment of nudity or the establishment of free beach areas. The members from central Australia have approached this bill without the degree of consideration that they should have. In the original draft that was presented over a month ago there would have only been the need for the amendment of one word to have affected them. That would have been an amendment to drop the word "coastal". Therefore, they did not give that bill due consideration.

I have had a wide cross-range of representation made to me from 2 extremes, from real naivety to extreme cynicism. In between, there is a group of people who do believe that they have the right to use a secluded area for nude bathing and I am sure that any Administrator's Council in determining a free area, whether it be on a foreshore, a river or a lake, will take into account the particular requirements of local government, town management boards and any groups that want to make representations in particular areas.

The principal opposition expressed to me on this bill always seemed to come from a confusion between the definitions of what is nudity and what is sexuality. Man's main sex organ is his brain; 90% of all his sexual activity takes place there. The honourable member for Millner might take offence if suddenly the honourable member for Nightcliff and the honourable member for Sanderson are scratching their heads. He might feel there was an ulterior motive involved but that is for his own interpretation because nudity and suggestive circumstances and outright proposition knocks on the door of the brain many times a day. Coming to grips with nudity is a matter of looking at the society in which we live and not putting particular stumbling blocks in the way. I believe that we have reached a time when it is appropriate to consider a bill such as this in the interests of the whole Northern Territory community, and free areas will be established depending on community response.

Mr EVERINGHAM: The bill has my support. I did think it probably would be passed at this sittings but, when the member for Gillen rose to object, I considered that there was some merit in what he said because there is a great deal of difference between this particular bill and the mere amendments, band-aids or amputations—or whatever they were going to be—to the Police and Police Offences Ordinance introduced by the honourable member for Nightcliff at the last sittings. They referred specifically to exemption from the offence of indecent exposure, by being naked on an area of coastal beach. Therefore, I felt that, if members wished to take this bill back to their constituents to have a look at, one month more or less would not make a great deal of difference. I am certain that the bill will be passed; there is an overwhelming majority in this Chamber in favour of it.

There were other considerations in the back of my mind when I considered what I should do on the honourable member's motion. One was that, even as late as yesterday morning, I still had 2 drafts of 2 separate nudity bills, both of which appeal to me almost equally, and another month will give persons who wish to consider various aspects of the bill the chance to bring it to a peak of perfection so that we will not have to be tacking little bits on to it or subtracting little bits from it for the next half-dozen sittings of the Assembly. I am sure that the Sun Club, the persons most affected by the bill directly, will probably be glad of the opportunity to have a look at it themselves and perhaps offer us their suggestions so that these could perhaps be taken into consideration before the bill passes all stages at the next sittings.

There is some opposition to the bill in various sectors of the community but it is a resigned type of opposition. So long as the ordinance is administered with some discretion by the Administrator's Council, there will not be any great outcry.

Miss ANDREW: I speak very briefly in support of the bill. It is very interesting to note the lack of public interest in terms of the bareness of the gallery. It seems to indicate to me that people are quite willing to let a greater sense of freedom prevail. If this bill had come

before the Legislative Council in 1950, the gallery would have been full of people who opposed it strongly because of the hang-over of Victorian attitudes. I can do no other than commend the principle of this bill. However, I do agree that there should be another month before a definite vote is taken on it in order to let the members from the centre look at it more carefully. I too would like to go back to my electorate to show them this piece of legislation and discuss it with them before I give my vote. However, I commend the bill.

Debate adjourned.

CYCLONE DISASTER EMERGENCY BILL

(Serial 37)

Bill presented and read a first time.

Dr LETTS: I move that the bill be now read a second time.

At the outset, I make it clear that I present this bill on behalf of the Australian Government and I will now proceed to give the case in support of the bill as prepared by the officers of that government.

This bill arises out of doubts as to the adequacy of the Darwin Reconstruction Act 1975 to permit the present clean-up program to continue to completion. The Cyclone Disaster Emergency Ordinance passed in January 1975 contained the powers of entry upon any land in a cyclone disaster area, section 10 (1) (d), and powers to carry out works and clear premises and dispose of dangerous structures and materials, section 10 (1) (m). These powers were those primarily relied upon to support the clean-up program in Darwin. This ordinance was due to expire on 31 March 1975 and the government sought the extension of certain powers beyond that date, including those powers contained in paragraphs (b) and (m) of section 10 (1) . However, these latter powers were not extended in the Cyclone Disaster Emergency Ordinance No. 2 1975.

Since the passage of the latter ordinance, the government has further considered the matter, having regard to the spirit of the intention of the amendments made by the Assembly and to the scope of the Darwin Reconstruction Act. Section 16 (2) of the Darwin Reconstruction Act provides that for the purposes of public safety or sanitation, the commission may, by its authorised servants, agents or contractors enter on land referred to in subsection (1)—this presumably refers to land not either occupied by the Darwin Reconstruction Commission or by Australia or a public authority in the Darwin area—and demolish dangerous or damaged structures, remove debris, goods and materials and perform work.

Crown Law advice has been received to the effect that the powers in the Act are not adequate to cover the present emergency clean-up operation. The advice expresses the view that the object of the clean-up in many cases may not be to rectify dangerous structures or to avoid health risks and it may not be at all related to any requirement of the Darwin Reconstruction Commission to secure the land for its purposes. The object may be no more than to ensure and secure the safety of privately-owned and government-owned chattels and fixtures left on the land and the general tidiness of the area. In the latter cases, which may be quite numerous, the residue of powers held by the Director of Emergency Services would not support a program involving entry onto private land without consent as mentioned for any purpose other than one under paragraph (h) of section 10 (1) of the Cyclone Disaster Emergency Ordinance.

Further, the powers under the Darwin Reconstruction Act only relate to the removal of goods and materials from the land. They are not adequate to deal with the disposal of damaged property that has no value or, where the property is considered to have some value, its storage and subsequent delivery to the rightful owners. There is no power in any other legislation enforced in the Northern Territory to deal with property in this manner. There are only limited statutory powers for specific purposes. For example, the courts can make orders dealing with property, the subject of a criminal offence, the health authorities have power to remove refuse of offensive matter for health reasons, and the Public Trustee has power to deal with the property of deceased persons.

It is essential for the clean-up program to be completed as soon as possible and the persons undertaking this work are entitled to the protection of the law. This bill, if enacted, will give them this protection. It has been restricted to land which is apparently unoccupied as this should be the only case where statutory powers of entry will be necessary. The power of entry will be available for the purposes of clearing premises and the disposal of dangerous structures and materials. As a subsidiary purpose, the

clean-up teams will be able to collect and secure or remove property and deliver it to the Administrator for storage, if it has value, or dispose of it where it has no value. The Administrator will have power to store the property and deliver it to the rightful owners. The power to store property will of necessity have to extend beyond 30 June 1975 as it may not be claimed by the owners by that date. Other powers given by the amendment will expire on that date.

To give the clean-up teams protection at law, it has been necessary to validate actions taken from the time of the Cyclone Disaster Emergency Ordinance No. 2 1975 came into effect until this bill becomes law. This provision is necessary as otherwise they could be liable to court action. On the other hand, if the clean-up teams have acted or should they act beyond their powers, the compensation provisions of the ordinance will still apply.

Dealing with the specific clauses of the bill, clause 3 will have the effect of exempting proposed new sections 3A and 15A from the provision in section 2 of the principal ordinance terminating the ordinance on 30 June 1975. Clause 4 proposes to insert a new section 3A to validate actions taken by members of the armed services and persons acting under the instructions of the Director of Emergency Services or of the armed services in the interim period until the bill becomes law. Clause 5 proposes to insert in section 10 (1) of the principal ordinance the necessary powers to enable the clean-up program to continue and to provide for the collecting and securing or removal of property and its subsequent storage or disposal. Clause 6 proposes to add a new section 15A to give the Administrator powers to store property delivered to him and deliver it to the person who apparently had the right to lawful possesion. In cases of doubt as to entitlement to possession or where it is no longer economical to store the property, the Administrator may apply to a court of summary jurisdiction for an appropriate order. The bill is commended to honourable members by the people who prepared it and these notes that I have just delivered on their behalf.

This is the third Cyclone Disaster Emergency Ordinance that this Assembly has considered during the past 4 months. The fate of the last ordinance passed by this Assembly is well known and I do not propose to dwell on it at this stage of the second-reading debate. Indeed, Mr Speaker, I believe that you would probably call me to order if I went back over that ground in any depth except to express the disappointment which I have, and which I am sure all members have, at the fate of that previous ordinance as being a deliberate disregard of a parliamentary convention which has been honoured in respect of this Chamber and Australian governments over the past 27 years. I am introducing this bill only because of the convention which I have established with the Minister and with the government that I would be prepared to introduce government legislation when drafted and not in any way obstruct its introduction.

As far as my views are concerned, I bring to the attention of the Assembly that it does appear that the participation of the army in the Darwin clean-up operation has drawn to a close. I understand that the army service units are on the point of leaving Darwin and only a small task force will be remaining here. It would appear that one of the main purposes of this legislation is to cover things which may have been done rather than with a view to a major extension of the clean-up operation from here on. I do not altogether agree with the contention contained in these second-reading notes, that the Darwin Reconstruction Act would not cover most of the purposes of the clean-up operation. To suggest that the clean-up operation in many cases is not designed to rectify dangerous structures and avoid health risks is somewhat of an exaggeration because whatever kind of rubble is lying around on a property could certainly be interpreted as being either dangerous to children playing in the area or, if it is capable of collecting water, it would certainly be a health risk. There would be very few exceptions where the purpose of the clean-up operation was simply for the sake of valuables as suggested in these notes.

I do accept the point that the Darwin Reconstruction Act and our ordinance do not really cover the point of somebody taking into custody valuables on behalf of absent persons and looking after them until those persons can be located. I am concerned that officers of the armed services or other agents acting quite properly themselves within the authority given to them by the Director of Emergency Services should be legally covered in respect of orders which they are only obeying. They should be covered legally from any action which may eventuate from things they do under such orders.

However, I am equally concerned to see that the people who own property in the cyclone area are protected from accidental or inadvertent mistakes made during the clean-up operations. I have it on good authority that such mistakes have occurred in recent times. Portions of houses have been removed where the occupant is in Darwin and actually occupying the house; he has gone away to work in the morning and come back in the evening to find a portion of his house removed and taken to the rubbish tip without any proper authority from him or proper consultation. These are mistakes, and it is one thing to cover an officer who made the mistake but it is another thing to look after the rights of the person so affected. Our examination of the existing legislation indicates that the present compensation provisions are not wide enough or specific enough to cover these kinds of cases. I foreshadow that, during the committee stages, I will be introducing an amendment which makes clearer, broader and more specific compensation entitlements for the protection of the rights and property of the people of this city in respect of any effect of the clean-up operation.

The question of what we do with this bill at these sittings is one that I still have somewhat of an open mind about. I will be guided by the remarks and views put forward during the second-reading debate. It is largely retrospective in effect and could be dealt with in the proposed June sittings and still provide the necessary covers both to the population and the agents engaged in the clean-up campaign. As the bill has only been received by members this morning and as I am about to distribute the supporting notes prepared by the government, I suggest that sufficient time might be allowed before proceeding much further with the debate.

Debate adjourned.

CONTROL OF ROADS BILL

(Serial 36)

Bill presented and read a first time.

Mr RYAN: I move that the bill be now read a second time.

This bill has 2 important provisions, the first of which is contained in clause 3. It removes from the delegation provisions the requirement that the delegation from the Administrator be made to a person, so that the delegation now may be made to an office holder. The delegation made under this ordinance includes the power to order the closure of a road or to impose weight limits on vehicles using the road. Last year, following considerable damage to road surfaces in the 1973/74 wet, the ordinance was amended to provide for the speedy imposition of these restrictions when circumstances made them necessary. The decision is usually made under delegated power by the person on the spot who knows the circumstances, usually the district officer. As the delegation provisions stand, a delegation may not be made to the person holding the position of district officer as the office holder but must be made to that person by name. The delegation must be revoked and reissued with every change in appointment to the position and cannot be exercised during the illness or absence of the person. The amendment would enable the delegation to be exercised by the person for the time being acting in or performing the duties of the concerned office. The delegation would thus be exercisable at all times in emergency circumstances.

The second important provision is in clause 5 and reinserts in section 45 (1) a penalty for using over-weight vehicles. That was inadvertently omitted when the section was last amended. This is a serious offence and can be a major cause of road surface deterioration. While some administrative means can be used to attempt to control the situation, it is necessary to have the sanctions of a penalty for offenders to help prevent the use of overweight vehicles. The amendment proposed in clause 4 is merely a minor amendment to correct the numbering error in an early ordinance.

Debate adjourned.

ANSWER TO QUESTION

Dr LETTS: I have been able to get some information on the subject of the gift of tea in which the honourable member for Nightcliff has been interested. My information is that some of the consignment has arrived and there is more to come; the approximate total is 600 tea chests. What has arrived is stored in the supply section of the Emergency Services Committee. None has yet been distributed but the food committee of the emergency services organisation has been given the responsibility of making distribution arrangements and will probably be in contact with the service clubs and organisations to discuss ways and means in which this might be done.

Mrs Lawrie: It was given to the public of Darwin; everyone is entitled to it.

CROWN LANDS BILL
(Serial 35)

Bill presented and read a first time.

Dr LETTS: I move that the bill now be read a second time.

This again is a piece of government-sponsored legislation. It covers several areas of the Crown Lands Ordinance and a variety of matters, some of which date back 10 or 11 years, consideration of which has led to the drafting of this bill.

The first area is in connection with stocking covenants of pastoral leases in relation to soil conservation and control legislation. Some honourable members will remember that, back in the days of the major Alice Springs drought between 1958 and 1964, the whole of the Alice Springs pastoral district was in default as far as its pastoral leases were concerned because none of them were able to comply with the minimum stocking requirements contained in the Crown Lands Ordinance. An investigation carried out by a special land board at that time recommended that some revision of the legislation would be appropriate. In about 1967, a Soil Conservation and Control Ordinance was introduced and passed in the Legislative Council and it was recognised at that time that there was some inconsistency between the Soil Conservation and Control Ordinance and the Crown Land Ordinance as they affected stocking convenants and conditions. The final attempt to tidy up those matters is represented in this bill.

Section 37C of the Crown Lands Ordinance requires a pastoral lease to contain a covenant to stock the land and to keep its stock except when a notice is served on the lessee under sections 14 or 17 of the Soil Conservation and Control Ordinance. Section 14 of that ordinance provides for the serving of a soil conservation order on a landholder but makes no mention of a notice. Section 17 empowers the Administrator in Council to declare an area of land to be subject to erosion hazard by notice in the Gazette and to determine the number of livestock on the land but does not mention a notice to the lessee. Therefore, clause 3 of this bill proposes to amend section 37C of the Crown Lands Ordinance to relate the lease covenant to any limitations imposed by the Soil Conservation and Control Ordinance.

Legal opinion has also brought to light that, upon the expiry of a soil conservation order, the stocking covenant immediately takes effect again. This is obviously undesirable and provisions should also be made for the Administrator to grant an extension of time for compliance with the stocking covenants in the interests of conservation and in the interests of good management, with necessarily an application by the lessee and without a threat of forfeiture. Accordingly clause 4 of the bill amends section 39 to permit the Administrator to reduce the stocking covenant and if necessary to suspend the existing covenant while the matter is under consideration.

The bill then moves into a different area and proposes to extend the provisions of the ordinance in respect of partial surrenders to include leases of town lands and miscellaneous leases subject to the consent of the Administrator since provision already exists for partial surrenders of the other types of leases under the Crown Lands Ordinance. Clauses 5 and 6 of the bill will achieve this. In the past, we have had similar sorts of problems in relation to pastoral leases in the Northern Territory where, if a lessee was to surrender a small part of his lease for a purpose, then he had to surrender the whole lease and start the process all over again. We had a couple of cases of that in the Victoria River district when Birrimba Homestead was found to be on somebody else's lease, and the same problems occurred when the new town site of Top Springs was being established. It was corrected in respect of pastoral leases but it is now proposed to extend this flexibility to the town lands and miscellaneous leases. In other words, if you have a town lands lease and you wish to surrender a small part of it, then you don't have to surrender the whole lease; you can do it by surrendering part of the lease.

Finally, the bill gets into a fairly complicated area dealing with the question of occupation licences and seeks to expand the purposes for which occupation licences may be granted by the Administrator. Section 108 of the Crown Lands Ordinance deals with the granting of occupation licences over vacant crown land and section 109A deals with the granting of occupation licences on reserve land. Legal opinions obtained on the provisions of section 108 have indicated that those provisions are deceptively restrictive in that the other purposes mentioned therein

must relate to the purposes specifically mentioned which are the drying or curing of fish or manufacturing or industrial processes. At this point, I might quote from section 108 and also from the legal advising which has been given in respect of this. Section 108 (1) as it stands says; "The Administrator may, under and subject to the regulations, grant a licence to any person to occupy any particular crown lands for the purpose of drying or of curing fish or for any manufacturing or industrial purposes or for any other purpose prescribed". Section 103 (1) (a) and section 109A of the ordinance provide for the granting of licences for the use and occupation of reserve land, firstly for the recreation or amusement of the public; secondly, for national or public parks or gardens; and, thirdly, for cultivation purposes. As a result of research into the background of these provisions, it was discovered that the reference to subparagraph (xiii) of section 103 (1) (a) was originally intended to be a reference to what is now subparagraph (xiv). The error apparently occurred when a new subparagraph was inserted during committee stages. Hansard No. 6 of February 1964, page 1569 and Hansard No. 7 of May 1964, pages 2098 and 2105, will confirm the error. Clearly the intention was to permit the Administrator to grant licences over land included in a reserve for any purpose in relation to the Northern Territory as the Governor-General thought fit. Consequently, clause 7 of the bill amends section 108 so that the Administrator may grant occupation licences for any purpose as he sees fit.

That was a reference to section 108 and the legal advising on that part is as follows: "Section 108 is a somewhat curious provision in giving a specific mention to a purpose of drying or curing fish and then lumping it in with any manufacturing or industrial purpose. Other purpose mentioned in the section is to be read, ejusdem generis, with the purposes already expressed in the section and the regulation-making power in this regard is not at large. Accordingly, in my view, when regulation 75 purports to add recreation or garden purposes, the regulation is ultra vires to the Act except insofar as garden purposes of a particular type may be shown to be an industrial venture". This question arose when the Sun Club sought a temporary occupation licence for a short term over some crown land so that they could carry on while other matters were being considered. This was the legal advising that came from the Attorney-General's Department at the time; it said that, unless they went in for drying or curing fish at the same time, they would not be entitled to the occupation licence. It is not intended to meet their particular case which is now being met in other ways, but the weakness in the provision of section 108 of the ordinance was shown up by the research that was done at that time.

Clause 8 will amend section 109 to correct the error previously mentioned about the issue of occupation licences on reserve land. I believe that these matters have been well researched. The Crown Lands Ordinance is one which I am fairly familiar with and some of the amendments that are required go back in history for perhaps up to 10 or 11 years. It's time we put the statute book in order.

Debate adjourned.

POLICE AND POLICE OFFENCES BILL

(Serial 16)

JUSTICES BILL

(Serial 24)

Bills, by leave, presented and read a first time together.

Mr EVERINGHAM: I move that the bills be now read a second time.

I will refer to the Justices Bill because amendments proposed to both ordinances are exactly the same. This is a very minor technical amendment to both bills to enable the more easy disposition of lost property. I would like to emphasise that the amendments proposed by these bills were considered and action was taken to institute the drafting of these amendments prior to the cyclone. This action has not been precipitated by and is in no way connected with the happening of the cyclone and is not intended to make the job of the police any easier simply because of the cyclone. This has been a problem for some years past and it will greatly assist the police and the courts in their administration of lost property if these 2 bills can be passed.

Section 130B of the Justices Ordinance empowers a court of summary jurisdiction to make an order for the delivery of property in the possession of the police or a court in connection with criminal matters or in the course of duty to the person appearing to be the owner thereof. It may also make such order if it thinks fit for the disposal of such property if

the owner cannot be ascertained. This bill proposes the removal of the words "if the owner cannot be ascertained". The reason for this is to permit a court to make an order for the disposal of the goods, usually by public auction, in cases where the reputed owner is known but cannot be found. It is not uncommon in the Territory for a reputed owner's name to be known but his whereabouts to be unascertainable. As the law now stands, property which is owned by such persons must be kept indefinitely by the police or the courts. The proposed amendments will permit a court to order its disposal. It must be accepted that a court would not make such an order unless it was satisfied that every reasonable effort had been taken to trace the owner and it was not reasonable to expect that he could be contacted in the future.

This is not a proposal emanating from the situation that has come into existence since Cyclone Tracy. The accumulation of property which could not be disposed of was an increasing problem and the police and the Attorney General's Department originated proposals for this bill before the cyclone. It is probable that the position will worsen as a result of the cyclone but members should understand that this bill proposes to deal with a continuing problem, not one only related to Cyclone Tracy.

Debate adjourned.

JUSTICES BILL

(Serial 13)

In Committee:

Clause 1 agreed to.

Progress reported.

HOSPITALS AND MEDICAL SERVICES BILL

(Serial 15)

In Committee:

Clause 1 agreed to.

Progress reported.

POLICE AND POLICE OFFENCES BILL

(Serial 27)

CRIMINAL LAW CONSOLIDATION BILL

(Serial 28)

Bills, by leave, withdrawn.

ADJOURNMENT

Dr LETTS: I move that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

Thursday 24 April 1975

MOTION

Building Code

Mr WITHNALL (by leave): I move that the document tabled yesterday by the Majority Leader relating to a proposed building code be noted.

I have taken the steps of initiating debate on this subject today because it is important that many of the doubts which surround this building code should be cleared up. I think that the Darwin Reconstruction Commission, unwittingly perhaps, have not really understood their functions and have extended the powers entrusted to them at law. It was to my dismay that I learnt fairly early that this building code which was being introduced by the Darwin Reconstruction Commission was to apply to the whole of the Northern Territory. By asking questions, I sought to find out exactly upon what basis the building code apparently approved by the Darwin Reconstruction Commission was to be made a lawful requirement. The reason for this lies in the fact that the extent of the powers of the Darwin Reconstruction Commission are stated in the Darwin Reconstruction Act. Section 15 of that act provides for the approval by the Darwin Reconstruction Commission of a building code and I quote the terms of it for the guidance of the public: "The Commission may approve and cause to be published the building codes or other rules, not inconsistent with any relevant regulations under this act, for the guidance of persons seeking approval under this section for the erection of a building".

It is one thing to provide in a building code all sorts of provisions relating to inspections and penalties but it is another thing merely to provide a document for the guidance of the public. The first point that I want to make is that the Building Code approved by the Darwin Reconstruction Commission is only to be for the guidance of the public and is not a law of the Northern Territory. It is a set of rules, and its publication means that the Darwin Reconstruction Commission is saying, "When you apply for approval to erect a building, these are the rules we expect to make conditional upon our approval. These will be the conditions that we will put upon the approval to erect a house". That is the full effect of the matter in law and the document itself can go no further. That was why I was so puzzled to find that there was a proposal that this Building Code extend to Alice Springs and to other parts of the Northern Territory. The Darwin Reconstruction Commission authority ceases 40 kilometres from Darwin. The Darwin Reconstruction Commission has no authority outside the Darwin cyclone disaster area.

Perhaps as a result of my questions, a statement was issued this morning which I only half heard. It seems now that the Reconstruction Commission has recognised that they might be in some difficulty in doing what they proposed to do in the first place and now propose to issue 2 building codes: one under the Darwin Reconstruction Act and one under the Building Ordinance and Regulations. How the Darwin Reconstruction Commission has any authority to decide what is going to be done under the Building Ordinance and Regulations, I don't know. Presumably, that is a matter for the Department of the Northern Territory and I have no doubt that somebody in that department will gently, or otherwise, remind the Darwin Reconstruction Commission that anything outside the disaster area is none of their business.

Coming to a consideration of the terms of this document, I have one general criticism to make of it—that it goes far too far and it goes beyond what it ought to be, a document for the guidance of the public. The document, for instance, has a Part 4 which talks about penalties. It also has a provision relating to the types of plans which may be submitted and how they will be drawn and upon what paper they will be drawn. I suggest that might be beyond the power of the commission. When one considers the actual terms of the document, one is astounded at the length and the extent of the detail which is provided. I recognise very well that putting a building manual into a form which the public may read and understand is a very difficult task because I was faced with it myself many years ago when the first building manual was drawn up in the Northern Territory. However, I do offer this comment about this particular code: the language seems to be unnecessarily technical and unnecessarily abstruse.

I would suggest to the Darwin Reconstruction Commission that they should take out of this Building Code all references to penalties, repeals and savings and enforcement and inspection. Part 4a 1 ought to be omitted because it says: "The Minister may by notice published in the Northern Territory Gazette

declare that a defined area within the Northern Territory shall be a primary tropical cyclone area". A document which is only for the guidance of the public cannot give the Minister power to make declarations about primary tropical cyclone areas. If this is to operate only within the Darwin cyclone disaster area, it can operate throughout the whole of that area without any declaration at all. If it is the intention of the Department of the Northern Territory to extend the provisions relating to cyclone protection to other parts of the Northern Territory under the Building Ordinance, they have authority to do it and it is a matter for that department and not for the Darwin Reconstruction Commission.

I say therefore to the Reconstruction Commission that it could cut down on the length of this document by taking out all these unnecessary provisions and the provisions which have no place at all in the code. It could be cut down by simplifying the language and by omitting parts which apparently are not going to be implemented anyhow. Under Part 5 there is a statement concerning establishment of fire zones. There is a note appended to it: "Fire zones have not been established in the Northern Territory to date. Any reference later in this manual to requirements for building within the fire zones shall not apply". We have dozens of provisions relating to fire zones, taking up page after page, and they are all preceded by the statement that they do not apply. There might be a little bit of simplification to be done there.

I do not propose to weary members with a section by section description of the errors and the absurdities which I have found in this building code. I am sure that the further consideration of the document before it is published will result in many of these mistakes being automatically recognised. I would like to inform members of some of the provisions which seem to me to be either of no application or not capable of being understood.

In Part 4 of the code, there is a reference to a Building Ordinance and a suggestion that the Building Ordinance has application. I ask the Darwin Reconstruction Commission not to confuse people by suggesting that this code that is going to apply in the Darwin reconstruction area is going to be observed side by side with the Building Manual itself, because one has to apply to the exclusion of the other and the public is entitled to know where they are going and what they should read. They should not be forced to jump from one to the other and so become confused. There are a number of references to a curious person called the "Building Authority" and in one case a reference to a person called a " Building Controller". There is no attempt made to say who these people are; there is no attempt to say that they are officers of the Commission. These people, whoever they may be, are given particular authorities under the code. I suggest that these expressions should be cleared up and that, if there is a particular person to whom such powers are to be given, the commission should identify that person with certainty so that the public will know to whom they should go and who has the authority in particular decisions.

There are many provisions in Part 6 which don't seem to be capable of being understood. Part 6.1 (1) (h) refers to a second schedule but there is none. It refers to a class VIIIb building but there is none. Part 6.1 (1) (i) refers to a class IXa and IXb building but there are none. I think there is a class Xb building referred to later on in the code.

I would particularly refer members to the provisions of Part 16.22 which seems to be somewhat contradictory: "A roof required by clause 16.7 to have a fire resistance rating and to be non-combustible may be covered with built-up roofing consisting of successive layers of bitumen-impregnated, tar-impregnated or similar roofing felt". It seems to me that somebody ought to pay some attention to that clause. In Part 24.2 there is a typographical error in reference to a class of building but it has been left blank in the copy that I have.

I would like to read 2 provisions which seem to have very little relevance. These deal with walls of buildings: "Walls of buildings not parallel with side or rear boundaries may have their average distance required under subclause 11 (7), (2), (3) and (4) irrespective of their length provided that they are no closer than is required for a wall of the same height and length". There is a provision relating to the frontage of buildings under the site requirements. The provision is: "Where the side boundaries of land are parallel, the average distance between opposite boundaries at the front and the rear shall be the width of the frontage." With the greatest of respect, Mr Speaker, I think we ought to do something about revising this document before we let it loose on an unsuspecting public.

I would like to refer also to the provisions of Part 11.3 which provide that a primary road and a secondary road shall be determined under the Transport Planning Authority. Who the Transport Planning Authority is, I don't know. I have heard that there is a branch of the Department of the Northern Territory with a similar sort of name but so far as I am aware there is no person or office which enjoys the name of Transport Planning Authority in the Northern Territory. I refer honourable members also to the provisions of Part II. There are a number of statements there which are not grammatically phrased and I find them difficult or impossible to understand. I find, for instance, in subpart 12 of Part II: "Class III buildings erected in accordance with the zoning of the Town Planning Ordinance and lease conditions shall not exceed the plot ratio determined under such requirements together with any other provisions of this manual but in no case shall the plot ratio where not determined exceed one". So far as I know, the expression "plot ratio" is foreign to the Town Planning Ordinance and to the town planning authorities in the Northern Territory.

I have 5 or 6 pages of notes, Mr Speaker, but I think I have given every indication of the sort of difficulties that the public will face if this document is let loose unrevised. Before I go further, I would like to refer particularly to the provisions of parts 53.18 and 53.19. These relate to swimming pools. At a first glance, I would say that they would not be capable of being complied with if the present sorts of swimming pools that are used in Darwin are installed. The general requirements are: "Indoor and outdoor swimming pools shall conform to the following requirements: "Where the capacity of the pool exceeds"—it doesn't say what it is to exceed—"a pool shall be of the recirculation type in which water circulation is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool". I don't know of any swimming pool pump which is capable of disinfecting water before it returns to the pool. There is a pump which will do this but it is not the sort of pump which is supplied for domestic installations; it is the sort of pump which is supplied only for larger swimming pools where the public use the pools regularly. I don't think there is any swimming pool in Darwin provided with a pump which will clarify and disinfect water before returning it to the pool.

Further on: "Means of egress from pools shall be provided in the form of ladders, steps in the floor of the pool or a ramp". Many existing swimming pools would not comply with that provision. There is a provision in 53.21 for pools to be fenced: "Any area containing a permanent outdoor bathing, wading or swimming pool or an above ground pool with a maximum depth exceeding 500 millimetres shall be enclosed with fences or other permanent barriers not less than 1,800 millimetres in height and shall be constructed in such a manner as to provide regularly spaced horizontal members at less than 450 millimetres distance apart, and every opening in every fence and barrier provided with a self closing and latching gate or door". This regulation has been debated in the parliament of the Northern Territory before, and a provision was made only last year which said that this was entirely a matter for each municipal council and, where a municipal council considered that swimming pools were not safe in a particular case, they could correct the situation by bylaws. The city council has not seen fit to do it and I do not see why the construction of Darwin for the next 5 years—and this the time limited by the Darwin Reconstruction Act—should insist upon 6 foot fences being built around swimming pools. It is a matter for local consideration and local decisions.

I point out that there is a mistake that may prove fatal if not corrected. In 53.19: "Where diving boards are installed, they shall, for a 1 metre diving board, be installed only where the depth for diving is not less than 2,600 millimetres and, for a board over 1 metre and up to 3 metres above water level, shall only be installed where the depth for diving is not less than 300 millimetres". Somebody is going to have a 6 foot board and about 12 inches of water.

It would be idle for me to go through the rest of the notes I have concerning this building code. I offer these criticisms in the hope that there will be some understanding by the Darwin Reconstruction Commission of the extent to which they have authority, and some understanding of the document that they have produced and apparently approved without reading. If they had read it, many of the mistakes would have been picked up. It needs careful revision before it is given to the public. I offer these comments in the hope that

the language of the document will be made more easily understood by people required to read it and also in the hope that all those references in it to things which are beyond the power of the commission itself will be deleted—the references to penalties, to fees, expenses and inspections, etc.

When the new building code is made in the Northern Territory, it will be required to be tabled in this Legislative Assembly and come under the scrutiny of the Subordinate Legislation Committee. Since it is more a guide for the public published by the Darwin Reconstruction Commission, this document will not come under the consideration of this Assembly at all. I have given consideration to the possibility that a select committee might examine the document but, in view of the nature of the document and the function that it is destined to achieve, I thought that this would be an unwarranted interference with the commission. I do trust that the commission will take some notice of what I have said this morning and also what may also be said by other members of the Assembly.

Dr LETTS: I move that the debate be adjourned.

The honourable member for Port Darwin is to be commended on the work that he has put into this document and the constructive approach he has taken. There is a good deal of material in what he has said this morning and we would like to study his remarks as printed in Hansard before we take up the subject further. I would also go along with the view that the Subordinate Legislation Committee might well take the opportunity to have a further look at it between now and the next sittings so that constructive advice could be passed to the Darwin Reconstruction Commission.

Debate adjourned.

CATTLE PRICE STABILIZATION BILL (Serial 17)

In Committee:

Clauses 1 to 4 agreed to.

Clause 5:

Dr LETTS: I move that a new subclause (3) be added to clause 5.

The purpose of this new subclause is to indicate that the scheme is for the purpose of stabilizing returns and is not intended to be some type of floor price scheme. This point is the one that the government would require in order to give its approval and advance moneys under the scheme.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Dr LETTS: I move that clause 7 be amended by inserting in subclause (1) after "producer" the words "not being a producer whose participation in the scheme has been terminated under section 16".

This amendment will preclude a producer whose participation has been terminated on the grounds of malpractice from again applying to participate in the scheme.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9:

Mr WITHNALL: I move that clause 9 be amended by substituting a new subclause for subclause (1).

Clause 9 is the provision which relates to security being required by the board for money advanced. The draftsman has now redrafted subclause (1) and I think the language has been clarified by the amendment.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:

Dr LETTS: I move that clause 11 be amended by omitting from subclause (1) "is not required to" and substituting "he may, but is not required to."

This will permit a producer at any time to pay to the scheme any money that he owes to it while preventing the board from demanding the money while he is a participant in the scheme.

Amendment agreed to.

Dr LETTS: I move that clause 11 be amended by omitting from subclause (1) (b) "he cannot demand" and substituting "the board may pay to him, but he cannot demand".

This would enable the scheme at any time to pay a producer money the scheme owes to him but he cannot demand the money while he is a participant.

Amendment agreed to.

Dr LETTS: I move that clause 11 be amended by inserting in subclause (2) (a) after "is" the words "subject to subsection (3)".

This relates to the next amendment which will qualify the requirements for a producer to repay the money owing.

Amendment agreed to.

Dr LETTS: I move that clause 11 be amended by adding at the end new subclauses (3) and (4).

The proposed new subsection (3) will empower the board to allow a producer who ceases to be a participant time to pay any money he owes to the scheme. The proposed new subsection (4) provides that interest is payable on that money if an extension of time is granted.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Dr LETTS: I move that clause 13 be amended by omitting from subclause (1) "branded" and substituting "produced".

This is again an amendment designed to allow buffalo producers to participate in the scheme.

Amendment agreed to.

Dr LETTS: I move that clause 13 be amended by omitting from subclause (1) the words "in the Northern Territory" (last occurring).

This was a mistake in the original drafting. It was never intended that the scheme would be limited only to cattle slaughtered in the Northern Territory. It was designed for Territory produced cattle whether they be slaughtered at Wyndham or Gepps Cross or Mount Isa.

Amendment agreed to.

Dr LETTS: I move that clause 13 be amended by adding new subclauses (3) and (4).

The proposed subsection (3) was originally in clause 14 as subclause (5) but it is more appropriate to put it in clause 13 so that the connection between minimum and maximum prices is more evident. Proposed subsection (4) states the matters the board will consider when determining minimum and maximum prices and clearly shows them to be based on actual market prices.

Mr MacFARLANE: I would like a point cleared up. We have the words "maximum and minimum prices". I would like to have it made quite clear whether these are maximum prices determined in relation to the overseas market or whether they are the minimum and maximum prices the producer can economically market cattle for.

Dr LETTS: These prices are not related to the cost of production; they are related to the ruling market prices at the particular time that the board fixes the minimum and maximum and to any trends in the market the board may take into account for the purposes of fixing it at that time.

Mr MacFARLANE: Will the efficiency of the meatworks be taken into account with regard to fixing the minimum price or the price relating to the overseas market?

Dr LETTS: I should imagine that the board would certainly be interested to have power and opportunity to examine what prices are being paid on the export market. They would be able to have some knowledge of freight charges and they should be able to work out a reasonable level at that particular meatworks having regard to transport costs. At the same time, they would have comparisons on prices ranging across northern Australia to take into account. If there were any major discrepancies between the prices of a local works and other works in the area, I think that the board would have regard to the general situation rather than to a particular works which may be well away from the average.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Dr LETTS: I move that clause 14 be amended by omitting from subclauses (1) and (2) the words "the Northern Territory for slaughter in the Northern Territory cattle" and substituting "for slaughter cattle, not being prescribed cattle".

This amendment also removes the reference to cattle sold for slaughter in the Northern Territory so that it relates to all Territory cattle sold for slaughter except prescribed cattle. A later amendment explains prescribed cattle.

Amendment agreed to.

Dr LETTS: I move that clause 14 be amended by removing from subclauses (1) and (2) the words "and branded".

Amendments agreed to.

Dr LETTS: I move that clause 14 be amended to include the expression "boneless weight" with particular reference to buffalo production.

Amendment agreed to.

Dr LETTS: I move that clause 14 be amended to include a new subclause (2A).

The purpose of the proposed subsection is to show that, while prices paid to producers lie between the maximum and minimum prices determined by the board, he shall neither be paid from the scheme nor shall he have to pay into the scheme.

Amendment ageed to.

Dr LETTS: I move that clause 14 be amended so that subclause (3) refers to boneless weight.

Amendment agreed to.

Dr LETTS: I move that clause 14 (3) (b) and (3) (c) be amended by adding the words "the amount that is".

The insertion of the words "the amount that is" shows clearly what the words "less than" refer to and should remove any misunderstanding.

Amendments agreed to.

Dr LETTS: I move that clause 14 be amended by adding after subclause (3) (c) "so that the maximum payment that can be made to or by the board under this section is 10 cents per kilogram dressed weight or boneless weight as the case may be".

Amendment agreed to.

Dr LETTS: I move that clause 14 be amended by adding a new subclause (3A).

The proposed section states a condition necessary before payment be made. The animal must be sold directly for slaughter and proof of slaughter is necessary, This is to prevent interstate trading on the Territory scheme which could be taken advantage of by producers elsewhere and could in fact bring the scheme into disrepute.

Amendment agreed to.

Dr LETTS: I move that clause 14 be amended by adding in subclause (4) after "dressed weight" the words "boneless weight" and by omitting subclause (5) and substituting a new subclause (5).

Amendments agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Dr LETTS: I move that clause 15 be amended by omitting "at the rate of 5% or at such less rate as is prescribed" and substituting "at such rate as is determined from time to time by the board".

This provision will permit the board to determine interest rates in accordance with the cost of money that they borrow from time to time.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 45 taken together and agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

JUSTICES BILL
(Serial 13)

In Committee:

Clause 2 agreed to.

Clause 3:

Mr WITHNALL: I move that the words "an offence" be omitted from new section 121A (1) (a) and the words "an indictable offence" substituted.

Amendment agreed to.

Mr WITHNALL: I move that subsection (2) of proposed new secton 121A be omitted and there be substituted therefor a new subsection (2).

As the subsection stands, it provides that a person who is convicted of an offence under this section is liable to imprisonment for a term not exceeding 2 years or a fine not exceeding $2,000. Most of the offences which come before a magistrate will limit the term of imprisonment or the amount of the fine. Consequently, this section would have had the effect of increasing most fines and some terms of imprisonment which would have been imposed as maximum terms of imprisonment by the law creating the offence. It is much better to provide that 2 years and $2,000 be a maximum that may be imposed so that, where the section creating the offence provides for a lesser fine or a lesser term of imprisonment, the magistrate will be confined by the provision contained in the section creating the offence.

The second reason why I suggest the new subsection relates to the fact that there is provision in subsection (2) that where the defendant is in the opinion of the court under 16 years of age, the term of imprisonment should not exceed 6 months and the fine not exceed $500. With the greatest of respect, the Child Welfare Ordinance takes care of the case of children being charged with offences and I do not think that this bill should extend to the court a power which the Child Welfare Ordinance carefully took away except in certain circumstances.

Mr EVERINGHAM: I have no objection to the amendment.

Amendment agreed to.

Mr EVERINGHAM: I move that the definition of "court" be omitted from new section 121A (3) and a new definition inserted.

Amendment agreed to.

Mr EVERINGHAM: I move that clause 3 be amended by adding at the end new sections 122 and 122A.

Amendments agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr WITHNALL: I invite defeat of clause 4.

The word "magistrate" appears in it, whereas the new provisions refer to the duties of the "court". The difficulty arises because at one stage the magistrate is acting in an administrative capacity but at a later stage he becomes a court. I suggested to the draftsman that this point be reconsidered and he suggested that section 121A covered what was necessary and that the section proposed by this clause is unnecessary. Upon further reflection, I am inclined to agree with the draftsman that this is the case. Consequently, I invite the committee to defeat the clause because it seems to serve no purpose and may confuse the situation by using the two expressions "magistrate" and "court" in one section.

Clause 6 which relates to section 125 of the ordinance may also have to be altered for this reason but it is more appropriate that the difficulty that I saw in clause 4 be amended by proposing a new clause 6 rather than by trying to force the words of the existing clause 4 to fit the case.

Mr EVERINGHAM: I agree to the deletion of clause 4.

Clause 4 negatived.

Clause 5 agreed to.

Clause 6:

Mr WITHNALL: I invite the defeat of this clause with a view of inserting another clause.

When I read the clause, I did object to the use of the expression "or a magistrate proceeds to dispose of a case" because at the stage he was not acting as a magistrate but acting as a court I thought that the language might be more appropriate. A new clause 6 has already been circulated to members. Section 125 relates to the metamorphosis between the magistrate hearing the preliminary proceedings before indictment and the court dealing with the matter after the conditions required by section 121A are dealt with.

Clause 6 negatived.

Mr WITHNALL: I move that new clause 6 be inserted.

New clause 6 agreed to.

Clauses 7 to 10 agreed to.

New clauses:

Mr EVERINGHAM: I move that new clause 10A be inserted.

The reason for the amendment is to give both the prosecutor and the defendant the right of appeal from the decision of the magistrate. The Supreme Court is to have the widest possible powers on the appeal and will virtually be able to review the matter by calling for the production of documents and examination of witnesses.

New clause agreed to.

Mr EVERINGHAM: I move that new clause 10B be inserted.

New clause agreed to.

Mr EVERINGHAM: I move that new clause 10C be inserted.

New clause agreed to.

Mr EVERINGHAM: I move that new clause 10D be inserted.

New clause agreed to.

Clause 11 agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 25)

In Committee:

New clause 2A:

Mrs LAWRIE: I have studied the proposed amendments to this bill and I am generally in agreement with them. However, I am still not clear as to why the residence qualification in the Northern Territory is being removed. Honourable members will realise that residence in the Northern Territory was one of the criteria before. Having had discussions with a fair number of people, I now know what the honourable member is trying to do and precisely why, but it seems that the drafting is sloppy. It is too wide and open to abuse.

The proposal is that "producer" will now be defined as a person, including a body corporate, engaged in, or in the opinion of the board intending to be engaged in, primary production in the Territory. That is perfectly clear but it goes on to refer to the processing, storing, handling and packaging of primary produce in the Territory. That would include Woolworths, Coles, Tom the Cheap and all retail outlets. I think that a better definition could have been drafted. I have not approached the parliamentary draftsman to frame an amendment because I feel that the Majority Leader, having more expertise in this field, would be the appropriate person to seek to tidy up this proposed definition. You should not have legislation on the books which relies on the goodwill of people. Particularly with the Primary Producers Ordinance, the definitions should be concise and explicit and convey to the board exactly what they should do and the area in which they should exercise their discretion and their powers.

Accordingly, I am not proposing that this clause be defeated. I am proposing that the honourable member should answer my queries and, if possible, the committee report progress with a view to redrafting and tidying up the proposed definition of "primary producer".

Dr LETTS: The purpose of this amendment is in part to enable corporate bodies other than specified cooperative societies to be able to make applications and receive loans from the Primary Producers Board. At the moment, partnerships and companies are not able to do this. In the past, the Primary Producers Board has lent money to partnerships and companies outside of the terms of the ordinance. It has been used as an agent for disbursing resconstruction moneys and drought relief money. A number of partnerships and companies that hold pastoral or agricultural leases in the Northern Territory have benefited outside the ordinance but this is not very satisfactory from anybody's point of view. The idea is to widen the powers of the board to make it a more effective lending body for primary production in the Northern Territory.

A company or partnership operating in the Northern Territory may have its registered office in Adelaide, Mount Isa or somewhere else. As well as being excluded by virtue of being a company or partnership, it would also be excluded by not being a resident of the Northern Territory and there would be cases where residence would not be necessary or even desirable.

As far as the definitions relating to processing are concerned, I envisage that they would be functions closely and directly concerned with primary production. For example, in relation to storage it would be such things as the cold storage of meat in the port area by the firm that is producing it; it would be the storage of peanuts awaiting processing at the cooperative at Adelaide River. The packaging would be that carried out at the primary processing point rather than anything that was done at a retail outlet.

There would be justification for inquiring further into whether there is a need to tighten up the clause. The problem we have in this matter is that the operation of primary industry in the Northern Territory this year may well depend on having amendments of this sort operable in the near future. For example, there is no indication as to how the loan to the Katherine meatworks will be administered and who will be the banking or lending authority in the Northern Territory, but the most appropriate body, which is not tied down by other types of standard banking rules, would probably be the Primary Producers Board. For the meatworks in Katherine to open, this amendment may be extremely necessary as the means by which this could be achieved. This morning, we heard of another regional meatworks which is in difficulties and may require loan funds at concessional rates. Once again, it would be the Primary Producers Board which more than likely would be the

authority to do it. If it is a partnership or company arrangement, at the moment they can't. There is a certain amount of urgency about this. I feel that we should deal with it at these sittings and that the most we could do to satisfy the honourable member for Nightcliff would be to report progress and make a check with the draftsman on the matter.

Progress reported.

HOSPITALS AND MEDICAL SERVICES BILL

(Serial 15)

In Committee:

Clause 2 agreed to.

Clause 3:

Mr POLLOCK: This clause amends section 4 by extending the definition of "charge". The effect of the amendment is to place any charge payable, such as interstate transport of patients, in the same category as any other charge payable under the ordinance.

Clause 3 agreed to.

Consideration of clause 4 postponed.

Clause 5:

Mr POLLOCK: This clause relates to charges for medical services prescribed by regulation. The Minister's power to make the regulations was removed by the Administrator's Council Ordinance 1963. Sub-section (1) is therefore redundant and should be deleted.

Clause 5 agreed to.

Clause 6:

Mr POLLOCK: This new subsection makes it clear that extensions to land for alterations or additions to buildings on premises previously declared to be hospitals are still covered by the original declarations.

Clause 6 agreed to.

New clause 7:

Mr POLLOCK: I move that new clause 7 be inserted.

I apologise for bringing new matter into the bill at this time. The reason is that Medibank will be with us on 1 July and it is necessary to make certain amendments to the ordinance and regulations so that Territory people may gain the full advantages of the scheme. The proposed section 6A will insert in the ordinance a provision which is presently in the regulations relating to the payment of charges for medical services in respect of a patient who has an enforceable claim for the recovery of the cost of the services. This does not seem to be a proper power to be exercised under the regulations. Certainly, it is a matter important enough for statement in the ordinance. The proposed section provides that, where a patient has such a claim, the full cost of the charges—or if the recoverable amount is less, the recoverable amount—is a debt due and payable. Where such a payment is made, for example, by court order or insurance payment, the payment is made against the charges and the charges do not become part of the general tax cost of the system. It is proposed that the prescribed method of calculating the charges will be the actual bed cost in hospital in the preceding financial year.

The proposed section 15A amendment also will insert in the ordinance a power which is presently in the regulations. In the regulations, the Minister has the power to classify beds as public, intermediate etc. In this case, it is certainly desirable that this power be inserted in the ordinance. The proposed new section would transfer the power of classifying beds from the Minister to the Chief Medical Officer. It is obviously desirable that this power be exercised locally and, of course, the Chief Medical Officer has the power to delegate to the medical superintendents of the individual hospitals. This may also be a proper area in which to exercise the power. This section will show the nature of the regulations which may be made to give effect to this provision.

Progress reported.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 25)

In Committee:

New clause 2A:

Mrs LAWRIE: Following discussions with the Majority Leader, I am agreeable to the bill proceeding. I still have some reservations but it would appear that other provisions in the ordinance will preclude the abuse of which I was afraid. I have left it to his discretion to decide whether this bill should be processed at this meeting or whether it could be held over. It would appear that, in the interest of the Territory, it would be better for the bill to go through at these sittings. I assume from discussions with the honourable

member that, if further amendment is necessary, he is quite agreeable to that procedure happening at a future date.

Dr LETTS: While I am unable to completely satisfy the honourable member that money may not be used for purposes which are not as closely allied to primary production as she would like, I did recall that there are constraints on the Primary Producers Board elsewhere in the ordinance, such as the sections which preclude them from lending money unless the borrower is unable to obtain it from any other source. In fact, the board becomes a lending authority of last resort. It means that the large retail firms would almost certainly have finance available from other sources and be unable to convince the board that loans were necessary for them to do the sort of thing that she had in mind. On the other hand, there may be a small retail outlet such as the Adelaide River store which agreed to handle the retail of peanuts produced in that district. They may require finance which they could not get from any other source.

The clause should achieve the effect that we desire, particularly with the expanded size of the board. I will investigate the clause further and I will watch with close interest the way in which this particular provision is administered with a view to making any necessary amendments.

New clause 2A agreed to.

Clause 3 agreed to.

New clause 3A:

Dr LETTS: I move that new clause 3A be inserted.

This particular amendment is consequential and removes an existing restriction in section 9 (4) (b) of the ordinance which limits assistance by the board to primary production. It will now include the expanded purposes provided for in the previous amendment which the committee has agreed to.

New clause 3A agreed to.

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

CYCLONE DISASTER EMERGENCY BILL

(Serial 37)

Mr WITHNALL: My concern originally, and perhaps my concern still, is to take some sort of action to indicate to the Minister for the Northern Territory that the course he pursued with respect to the last Cyclone Disaster Emergency Ordinance passed by this Assembly was utterly reprehensible and unparliamentary, and represented a departure from the ordinary democratic principles of government such as no British-speaking country had ever heard of in the history of colonialism. My primary reaction to this proposal was that I should take this bill and reinsert the provision of section 10 (3) in such a fashion as to make it quite certain that the powers sought in this bill would only be available if the will of this Assembly as to the limitation of the permit system was accepted. Since then however I have noticed that a relaxation of the permit system has been proposed which achieves much of what I proposed by the amendment to section 10 (3), but at the cost of a great deal of expenditure of public servants' time which could have been avoided had section 10 (3) been accepted. The curious thing about the administration of the Cyclone Disaster Emergency Ordinance has been that it has operated, for practical purposes, only with respect to the permit system. It is a fairly comprehensive ordinance to give a great deal of power to the authorities to undertake certain activities, but for all practical purposes only the permit system has worked.

My principal objection to the action in respect to the last ordinance was that it was a slight upon this parliament and that it was perpetrated without any opportunity being given to this Assembly to answer any criticism that may have been levelled at the section. It would have been possible to propose the return of the bill so that we could reconsider it but it was refused arbitrarily and without any real attention to the dignity of this Assembly which had been specifically created by the government presently in power and had been specifically given not exclusive but practically exclusive, power to make legislation.

I asked a question in this Legislative Assembly a little time ago, question 202. One part of that question was: "Have the provisions of section 10 (3) been observed in the implementation and administration of the permit system?" Section 10 (3) as it stood then and stands now says that any person who was in Darwin on 9 January requires no permit. The answer I received to that question was yes, an answer that was as blatant a lie and as senseless a lie as I have ever heard in

my life. Every member of this Assembly who has travelled out of Darwin, even if he has only had to go to Katherine, has known that a permit has been demanded and has known that every obstacle is placed in the way of any person who tries to insist upon his rights under section 10 (3). There may be reasons for the way in which this is administered, but there can be no reason for telling blatant lies like that and I despair of any administration which can in public say something which it knows to be untrue, which every member of the body to which it gives the answer knows to be untrue, and which all members of the public know to be untrue. That answer goes down as one of the most disgraceful things the Department of the Northern Territory has ever done.

I have no reason to doubt that the persons who have been employed by the Commonwealth and Navy and the Army in searching premises and cleaning up premises have done their task well and, as far as I know, quite honestly. I know that great care was taken with personal property which was of some value and I know that property is stored in the custody of the Commonwealth at the present time. So far as the terms of the bill are concerned, I am prepared to accept the need of validation of the acts which they have carried out and I am prepared to accept that they should not be held personally liable because they did not have authority to act at the time when they made the entry on premises for the purposes of cleaning them up. I am going, however, to address some remarks to the provisions of section 10 (1). I would have preferred to see the proposed power to the director in the new paragraph (b) of section 10 (1) somewhat limited because it merely says that the director may enter for the purposes of the ordinance or may authorise the entry into any apparently unoccupied land, building or structure within the cyclone area. The new paragraph (m) says: "Authorise the carrying out of works, clearing of streets and premises and disposal of dangerous structures and materials". I wonder whether, read together, this could result in somebody's premises, which may be unoccupied because the person who owns it has not been able to obtain a permit to return, being bulldozed away because somebody considered or some workman considered they were not repairable. The powers given in paragraph (b) and paragraph (m), if they are used together, could result in an injustice. Someone could make a decision that a particular house is not repairable and could bulldoze away something which could be quite occupiable for the next 2 or 3 months and could be used by the owner himself while he was attempting to rebuild or attempting to find himself other and better accommodation. I know the proposal is for the payment of compensation if somebody's rights are affected but I have always been very wary of granting power, except in limited terms, to any officer of the public service because I do believe that power corrupts and that too much power is likely to result in the misuse of it. I sound a note of caution about the use of these 2 powers and suggest to the honourable members of this Assembly that some limitation of the powers might be necessary.

Dr LETTS: Mr Deputy Speaker, I make application under standing order 152 for the bill to be declared an urgent bill on the grounds that difficulties in relation to the storage of materials will occur during the ensuing months if the bill is not processed at this sittings.

Mr DEPUTY SPEAKER: Standing order 152 says that the Speaker may, on application of the Majority Leader, declare a bill to be an urgent bill if he is satisfied that the delay of one month provided by standing order 151 could result in hardship being caused. It is up to honourable members to decide whether hardship would be caused. If there is any argument as to hardship being caused, honourable members could assist me by resuming the debate.

Mrs LAWRIE: I move that the debate be adjourned. I do not wish the bill to proceed at this stage. I am attempting to have amendments prepared. I am simply proposing an adjournment to later this day.

Mr DEPUTY SPEAKER: The question before the chair is whether hardship will be caused if this bill is adjourned and not put through at this sittings. I am merely seeking assistance from honourable members.

Dr LETTS: I would like to make it quite clear that last night after the Assembly rose I had further representation from the people who are administering emergency powers in this city to the effect that hardship and difficulty could be caused to the people engaged in the clean-up operation and to those whose property is at risk unless some provision was made to cover this question of storage of valuables etc. I pass on that request in those terms for the consideration of

honourable members so that the second reading vote can be taken; then we can deal with the request of the honourable member for Nightcliff for some further delay following that.

Mrs LAWRIE: I again move for the adjournment at this stage of the second reading of the bill as I am still attempting to circulate and prepare amendments which will be taken in committee.

Dr LETTS: I am not in opposition to anybody not wishing to process the bill through to any degree of finality at this stage at all. The question being put at the second reading is on a government bill which contains one principle only, and that is the principle of whether additional powers be provided for the securing and storing of valuables and disposal of other materials. This is the principle the Assembly is being asked to vote on. To my mind it is a perfectly sound principle and one that I am convinced is necessary. There may be other things that are necessary in connection with this bill too which could be considered later, and the matter could be adjourned after the second reading for preparation of material for the committee stage. But that one essential point which is contained in the government bill is to me undeniable; and what the Assembly is being asked to do is to vote on that principle.

Bill declared to be an urgent bill.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

STATEMENT

Discussions with the Minister

Mr SPEAKER: At question time this morning, I indicated that I expected to have discussions with the Minister for the Northern Territory later today. This discussion has now taken place and, I am pleased to say, has resulted in clarification of many of the problems indicated by honourable members in their questions. On the question of providing members with electorate offices in accordance with the recommendations of the Remuneration Tribunal, Dr Patterson has agreed to an interim arrangement whereby members in Alice Springs already renting premises will be reimbursed the amount of that rent. Telephones will also be installed at the expense of the Assembly. The same arrangement will apply to a proposal by members in the northern suburbs to rent an office in that area.

A further matter discussed was the recommendation of the tribunal that consideration should be given to the institution of some kind of retiring allowance for members of the Assembly. Dr Patterson expressed his sympathy with the proposal and has agreed that, if the Assembly so wishes, he will provide officers to assist members in the selection of a suitable scheme for submission to the tribunal.

Dr Patterson further indicated his agreement to a recommendation which will create 3 positions of steno-secretary for the assistance of members. The recommendation in this case has been posted in Darwin but has not yet reached the Minister's office. Those 3 positions would be for an office in the northern suburbs, for the Alice Springs office and for the 2 independent members. I have also suggested to him that other members who do not live in Alice Springs or Darwin will not have the benefit of secretarial assistance and he has agreed that a submission should be presented by myself to him which will give part-time secretarial assistance for electorates that come under this scheme.

A number of other matters were discussed and I am happy to report that the Minister was most considerate and helpful. It may be of interest to honourable members that he expressed his support for the principles enunciated by the Clerk in his letter to the chairman of the Reconstruction Commission, copies of which I believe have been distributed to members. I am encouraged by the Minister's attitude and will seek leave to appear before the commission to press the claims of the Assembly for a priority for the construction of a new parliament house on a suitable site.

ANSWER TO QUESTION

Dr LETTS (by leave): I provide information on a question asked by the honourable member for Nightcliff this morning. This was a question in relation to the use of land at Adelaide River and the land freeze that has been placed on that area pending the completion of a land resource and land use study. In the previous information that the honourable member for Nightcliff gave me she mentioned a particular case. The information I have is that the situation of this application has not changed significantly since the answer given to question 4346 on 21 August 1974. The Forestry Fisheries and Wildlife Branch commenced photo-interpretations of the area

late last year but many of the maps were lost or destroyed during the cyclone and staff involved in the work have been dispersed throughout Australia. The Department of the Northern Territory is, however, attempting to re-form the former resources group in Brisbane and it is hoped that this particular aspect will commence within a month. The land is still subject to the freeze imposed on vacant crown land following presentation of the Woodward Report.

QUESTION WITHOUT NOTICE

Mrs LAWRIE (by leave): Mr Speaker, I ask a question of you concerning a matter you have just spoken of, that is the siting of the new parliament house. Is it the intention to make public the views expressed to the Darwin Reconstruction Commission on behalf of this Assembly so that public comment can be invited?

Mr SPEAKER: Yes, I see no reason why the opinions of this Assembly should not be made public. The House Committee has now invited members of this Assembly, I think it is on 14 May, to join with the House Committee in looking at various sites, not only East Point but all other sites that have been indicated by various reports. Following this survey, a report will be made to the Reconstruction Commission. I see no reason why it should not be made public.

CYCLONE DISASTER EMERGENCY BILL

(Serial 37)

In Committee:

Clauses 1 to 5 agreed to.

New clause 5A:

Dr LETTS: I move that new clause 5A be inserted after clause 5.

I foreshadowed this amendment during the second reading stage of the bill and indicated that the purpose was that, while the government has a reasonable case on its side for the particular proposition that it had put forward of enabling the clean-up and recovery of valuables to proceed, there had been cases reported to members where, through inadvertence or accident or insufficient care, property had been removed which the owner wished to retain and without proper consultation with him. In these circumstances the compensation clauses, which previously applied only to requisition of property, should also apply more widely to damage done during the work of clearing up. That is the purpose of this amendment and I understand that it will probably receive sympathetic consideration.

New clause agreed to.

Clause 6 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Third reading:

Dr LETTS: In speaking to the third reading of this bill, I draw the attention of this Assembly to the fact that certain amendments which were foreshadowed earlier were not proceeded with. I join with the honourable member for Port Darwin in remarks that he made earlier on the bill and suggest that the matter is not altogether finished in relation to the former decision of this Assembly to remove the permit system as it applies to the residents of Darwin. I believe that there is action open to citizens and to members of this Assembly. Some of the requirements to do with the permit system which are carried out at the airport and road blocks are illegal and it is my intention not to obey those requirements. I suggest that other members of the Assembly who feel it in their conscience to do so—I understand that one or two members have already taken this stand—should think seriously about it and indicate their views in this form. The other question is one of a possible legal challenge. I believe that this matter is still up in the air so people can take heart that the will of the Assembly in one way or another may still prevail.

Mrs LAWRIE: As both the honourable member for Port Darwin and the Majority Leader have felt free to allude to other bills introduced in this place dealing with the Darwin emergency, I intend to allude to those previous bills. I was a little unimpressed by the bleatings of the Country-Liberal Party when the Minister refused assent, in my opinion quite wrongly, to part of the legislation passed at the last sittings. It was of course the intention then that only bona fide Darwin residents would be allowed to return to their homes. The reason for my feeling a little sceptical about the bleatings of the Country-Liberal Party is that in January they were the people who voted 17-2 for the original legislation that prevented Darwin people returning to their homes. At that stage both the member for Port Darwin and myself spoke strongly on the subject. We pointed out

the injustices we saw, that it was legislation unheard of in peacetime in Australia. But part of the justification came from the Majority Leader and, I think, the Executive Member for Finance and Law when they pointed out that it would be under the control, after all, of the Administrator's Council, that the people administering the ordinance would be under the direction of the Administrator's Council. I accepted that, but ever since we have seen a steady deterioration of the supposed system, where people who were resident in Darwin at the time of the assent to the ordinance and should not have been subject to any interference have been harassed and have had to go practically on bended knees for a permit to return when in fact they needed no such thing. They have had other controls. Other controls have sought to be imposed upon them by the filling out of various little pieces of paper such as Darwin departure cards and Darwin arrival cards. The Administrator's Council are well aware of this because, after all, they are the people who should be directing the Director of Emergency Services.

It is with rather a wry smile that I now hear of their dissatisfaction, that they are prepared to pass this particular amendment while decrying the operation of other parts of the principal ordinance, when in the beginning they said they would be directing its operation and control. That hasn't happened. It has to be said that the Administrator's Council, who were to ensure that this ordinance was interpreted with wisdom, humanity and in the best interests of the people of Darwin, have not been able to achieve that. They have not lived up to the expectations and the promises they made at the very first introduction of the emergency legislation when it was opposed by at least 2 members of this Chamber. The Majority Leader has just suggested that members of this Assembly refuse to go along with the system and he mentioned that a couple already have. I have already; but I must say that this plea coming from the person who was responsible for the original passage of the legislation leaves me without a great deal of pleasure at all.

Bill read a third time.

ADJOURNMENT DEBATE

Mr EVERINGHAM: I move that the Assembly do now adjourn.

I wish to draw attention to a situation which presently prevails in the Territory with the Australian Legal Aid Service and the North Australian Aboriginal Legal Aid Service as well as the Central Australian Legal Aid Service. The Australian Legal Aid Office set up under the control of the Attorney-General's Department, and the North Australian and Central Australian Legal Aid Services set up under the wing, one might say, of the Department of Aboriginal Affairs, come within the ambit, in my view, of a judgment of the Supreme Court of the Australian Capital Territory which was handed down on 18 March 1975 and would have resulted virtually in the closure of the operations of the Australian Legal Aid Office in the Australian Capital Territory but for the fact that urgent legislation was, I understand, passed through the Legislative Assembly of the Capital Territory. Nothing has happened here and yet I consider that the same position would apply in the Northern Territory.

In support of what I am saying I would like to read some passages from the judgment of one of the 3 judges who constituted the full court of the Australian Capital Territory at that time, the judgment of His Honour Mr Justice Blackburn who was previously senior judge of the Supreme court of the Northern Territory. These passages relate most definitely to the legal aid services which are operating up here. "It is not lawful", said Mr Justice Blackburn, "for a group of solicitors, not being partners, to practice anonymously under a group name, none having responsibility for the work of any other save to their common employer who is not the client. The fact that the employer is the Crown can make no difference. These principles, in my opinion, demonstrate the unlawfulness of conduct of those practitioners who have purported to conduct in this Territory the business of the Australian Legal Aid Office as it appears in the evidence in this case." Mr Justice Blackburn went on to say, "I am astonished at the fact that the Australian Legal Aid Office has been established in the Territory without any statutory precepts designed to offset the public servant's existing duty by statutory and common law to obey the orders of his superiors and his natural and proper loyalty to the interests of the Commonwealth". Further on, he remarks that to his mind the true significance of the facts which counsel for the Registrar, that is of the Australian Capital Territory Supreme Court, relied on to show the conflict or potential conflict of duties was that these facts consisted of the terms and conditions of the respondent's service, he

being a public servant; they thus illustrated in a particular way the impropriety under existing laws of carrying on the practice of a solicitor.

I endorse the remarks of Mr Justice Blackburn but I admire the solicitors concerned for the work that they do in the Australian Legal Aid organisation and I hope that that organisation can carry on on this Territory. In my view, the Attorney-General of the Commonwealth should take urgent action to bring legislation before this house so that the Australian Legal Aid Office in the Northern Territory is properly constituted. As to the Aboriginal Legal Aid Service, I can see no reason for its being kept separate from the Australian Legal Aid Office and I hope that, in the legislation the Attorney-General may see fit to propose to this house, he will take steps to incorporate both services so that there is no discrimination between one section of the community and any other.

Mr RYAN: Before getting on with the subject of my adjournment speech, I would like to answer a couple of questions without notice. One was from the honourable member for Nhulunbuy concerning the post office boxes at Nhulunbuy. I have been in touch with the PMG and they have advised me that they had some problems with the contractor who was to carry out this construction. The contract I believe has been cancelled but they are now going to recall tenders and hopefully they will be able to complete the construction of post office boxes. With regard to the general standard of the postal services to Nhulunbuy, the main reason for delays and mixups is based on the airlines rather than the PMG itself. The airlines have a reduced schedule presently running to Nhulunbuy but hopefully they will be able to increase the flights and this will overcome the problem.

The other question was from the honourable member for Arnhem concerning the Stuart Highway outside the airport. I have been in touch with the contractor. The job was under suspension; that suspension order has now been lifted but there has been a negotiating period for a variation in the price in the contract. This is expected to be resolved shortly and once this had been resolved the job will then be carried on.

Many people in Darwin are asking questions regarding the resumption of overseas flights to the Darwin Airport. I was recently able to speak with an official of the Department of Civil Aviation who spent quite a bit of time taking me around the premises of the DCA operation at the airport to give me a rundown on the situation as it currently exists. Technically they are able to handle any flights in and out of Darwin. Most of their emergency repairs have taken place and they have sufficient support for their equipment now. The main reason that the air services are not being reintroduced on a 24-hour basis is the lack of housing for the Department of Civil Aviation personnel. We all realise that lack of accommodation is affecting very many departments; however, it is reasonably important that the services of the overseas flights are restored to Darwin as soon as possible so that we do not run into a situation where we will be without them for so long that they will not want to call again. I hope that the Department of the Northern Territory will be able, in the near future, to give some priority to housing Department of Civil Aviation officials so that the airport can be put back on a 24-hour operation and Darwin can once again benefit from overseas flights. This benefit of course will extend down through the Territory to other centres which rely quite heavily on that service.

Mr KENTISH: I am touching this afternoon on a number of subjects. First of all, I would like to remark on the matter of the tourist coaches and the relaxation of the permit system. Tourist coaches will be allowed into Darwin providing that they do not camp in the city or use hotels or motels. That seemed to be a joyous bit of news for tourist camp operators east and north of Darwin who may still be surviving—I don't think there are many left north of us. The next piece of news is that they may not stop at hotels and motels but must all go to Mandora, 1400 of them, and they must all come across the harbour in some sort of boat and get into other buses to look at the city. No one can give any reason for this. I have not met anyone yet who can give any reason for it. No one knows why it is. Does this please the tourist people, the 1400 that come up here, or the 480 bus operators? Why is it that they are not given freedom of choice as to where they will camp? They have camped by the hundreds in the years past, for 8 years or more, on the eastern side of Darwin. These resorts are still there for them, nothing has altered. The trees may have fewer branches and leaves on them but nothing else has altered and these resorts are still there on

the eastern side of Darwin to receive them and the people who run the resorts are wanting business to keep going. But we have this advice that every bus must go to Mandora.

We have asked why this stipulation about the city area was extended to the outside suburbs and the eastern side of Darwin. For many years people out that way have had it impressed on them—at Howard Springs and other places—that they can't have this and they can't have that; they can't have electricity or bitumen roads or anything like that because they are not in the city area, but now we are told that they are in the city area for the purposes for the tourist exercise—a complete turnabout. Of course there have been many about faces in the last week in the paper and we have seen somersaults all over the place. In fact it becomes like a circus. Why do we have this discrimination, Mr Speaker? These buses that come up and camp on the outskirts of town, around the various resorts as far out as Berry Springs, are possibly self-contained. They have their own showers and toilets and they have their own food with them; they have their own cooking facilities and their own tents. Practically all these buses are self-contained. They worry nobody, but for some peculiar reason they are to be kept out.

We are told that the city area means the permit area. The permit area, as we all know, begins at Katherine. Once you are through the road block at Katherine you go where you like, but again for the purpose of this, although they state that it will be within the permit area, this does not carry any weight at all. Our inquiries resulted in all manner of silly evasiveness. We have been given no sensible reason why this state of affairs would apply. I do hope that the tourists will not be disappointed by the treatment meted out to them without any apparent good reason.

I would like to touch briefly on the fire brigade. I see very little, if any, activity as yet in getting rid of dangerous areas on the outskirts of Darwin which should be the first places to tackle. There has been very little activity at all and I asked a question this morning as to whether people are asking for permits or whether they are not and what the fire brigade is doing about the dangerous areas of crown land. As far as I can see there is nil activity. The Show Society have been trying for a week to burn some heaps of logs and grass but they can't get a permit. The local fire brigade sallied out and tried to burn the grass in the area where the logs were but it would not burn because it was too green. The following day we got an intimation that the logs may not be burnt because they are a major fire hazard and would set fire to all the grass roundabout which the Winnellie fire brigade find too green to burn. So we are faced with this obstruction. Although the paper said you can ring up and get a permit quite easily any time, you can not. You can't get a permit to burn. There is obstruction at every point in everything. The Show Society were told that they must cut the logs up in little pieces and cart them away—this is where a match would have done the job. The area in question has been burnt off by about 2 men for the last 8 years without the slightest danger or worry at all, but suddenly it is a major fire hazard, with a fire station and several engines right beside it.

Now a word for Dr Coombs. Dr Coombs has been around the Territory again with his friends and he is delighted at the number of new outstations and settlements that are springing up. He says this is due to tribal tensions among the Aboriginals; they don't like each other so they are getting away from each other back into their own land, and various other things like this. That may be so in some cases occasionally and it has happened in the case of the Yirrkala. It may be an attempt by some people to escape from the eroding influences of the town nearby. You could have various reasons which are legitimate in various areas at various times, but the main reason why this trend is growing so rapidly is that if you decide to start up a settlement you get a new 4-wheel-drive vehicle, a Toyota or a Landrover, and anything from $10,000 to $100,000 to help you along with various things. This is quite a good idea but it wants carefully watching and I think Dr Coombs may have overlooked the point that this 4-wheel-drive vehicle and plenty of money in the pocket could be having quite a big influence on starting new settlements. To show that there is no discrimination in the Northern Territory, one way or another, it would also be a good thing if a similar offer could be made to people who have got out of Darwin on to freehold blocks between here and Adelaide River—a new 4-wheel-drive vehicle and $10,000 or $100,000 to kick them off, just to show that everyone is on an equal basis. I think that would be quite popular also. I don't think Dr Coombs is quite aware of all the things that go on in the Territory, the

undercurrents or reasons are not apparent to him.

Another subject is JPs. I believe there is to be a seminar at Alice Springs on Tuesday to train JPs in their duties. I asked a question as to how they were chosen and I am still a little vague about it but I have heard that in times past they had to have 2 or 3 references and be of a very high character. I don't know if I would qualify myself. I am not a JP but I have given references to one or two other people who have applied to become justices of the peace. However, most of the JPs appointed recently are Aboriginal people. I agree with the idea of this but I think that a lot more care should be taken in vetting people for this particular purpose with respect to character and qualifications and whatnot. I know of one man chosen as a JP who during the last 6 months has received from the Department of the Northern Territory or Department of Aboriginal Affairs a new 4-wheel-drive vehicle just to start a settlement, and I think perhaps a suitable amount of money. I think his rate was $100,000 or $200,000 but he hasn't got it all at once of course. But instead of starting settlements he started a grog run, a liquor run. You may say he received this 4-wheel-drive vehicle by false pretences. There is no sign of a settlement yet, but I hear on the grapevine that he has put in an application to start a grog shanty away out in the bush miles from anywhere. However, that appears to be a matter of false pretences. He is using the vehicle for this purpose and there is no doubt about that. I have been told by so many people and I have seen the vehicle. It doesn't go any longer but I have seen where it is. Apart from getting the vehicle on false pretences, this man, who has been appointed as a JP, is also breaking Territory laws by taking liquor illegally into reserves. That apparently has been overlooked or not investigated. It is hard for me to imagine that a justice of the peace would be a man who was destroying his people; that is, if it is considered that alcohol is destroying the Aboriginal people and there is very strong evidence that it is.

This man who has been appointed a JP is destroying his people; he is breaking the law by illegally taking liquor into reserves; he has got a 4-wheel-drive vehicle under false pretences—and I understand he is attending the seminar at Alice Springs on Tuesday to find out what makes a good JP. I don't know if there are others like this but the people in that area just can't understand the whiteman any longer. They wonder what makes the whiteman tick; a person who is to them a lawbreaker and a danger to their community receives the highest honour in the community. They begin to wonder if the whiteman is sane or not in view of all the things they have been learning for about 50 years. And so we are faced with somersaults in these difficult times. Things have turned upside-down and back-to-front as never before. It is time some of these things were straightened out.

Mr STEELE: I rise this afternoon to talk about the big A in this town. The big A is accommodation and, in speaking about accommodation and finance, I would like to thank NT Real Estate Institute for providing me with some notes and background so that I can talk more capably on the subject. Probably the single most important feature in the reconstruction of Darwin is the availability of adequate and suitable finance to those residents wishing to rebuild on their own land, to those wishing to build instead of relying on government accommodation and to those who previously relied on rental accommodation provided by the private sector. Darwin for many years has suffered from the effects of a floating population. In recent years, however, there has been a significant degree of stabilisation as living standards and accommodation and social life have greatly improved. If in the short and medium term a drastic resurgence of floating population is to be prevented, it is in the best interests of Darwin for as large a percentage as possible of its population to be homeowners. For this reason it is felt that not only should finance be available to those who owned a house at the time of the cyclone disaster but also to those who may wish to come and live in Darwin and can be usefully employed here.

I would like now to comment on the publicised availability of a government housing loan to an amount of $33,000, bearing an interest rate of 6% and a maximum term of 45 years. Extensive enquiries were made in Darwin but from nowhere could actual details be obtained. Publicity on the loan stated that the amount of $33,000 was a maximum and would be reduced by moneys available from insurance payouts and the amount of compensation received from the government. What is meant by the moneys available from insurance payouts? In many cases the insurance payout did not cover a homeowner's mortgage debt. Are we therefore correct in assuming that "insurance

moneys available" means the amount of money which remains after existing encumbraces have been paid out? As for the compensation payout, during an interview with a senior officer of the Darwin office of the Department of Repatriation and Compensation, it was stated that when compensation payments are made no details will be provided. As a compensation payment could cover underinsured improvements, contents, personal belongings and motor vehicles, it would seem unjustified if the total compensation payment received is deductable from the $33,000 loan.

Dealing first with those residents who owned a home at the time of the disaster, I feel that adequate finance should be available to those wishing to rebuild. In the tenders called by the Department of Housing and Construction for the construction of houses in lots of 20, the lowest tender prices were in the $40,000 range. It is fairly evident then that the proposed maximum loan of $33,000 will not be sufficient in a great many cases to enable people to rebuild. Based on these tender prices, it would appear obvious that a minimum standard 3-bedroom home which meets the new building code and is built privately is likely to cost $45,000. If the government is serious about the promise we understand was made by the Prime Minister, that every Darwin resident who lost his home during the cyclone would be provided with a new home and furniture, a government housing loan scheme could at least provide for no limit or, if there has to be one, a limit which is not less than $45,000. Publicised details on the $33,000 government loans states the repayment term will be 45 years. This should be irrespective of age, as in the case of a war-service loan, and the maximum term should be available to all who seek it. Where loan repayments would exceed more than 30% of a person's income, either the loan period should be extended, the interest rate lowered, or a staightout repayable subsidy made available to be accounted for at the time of death or sale. Not only should money be made available for the cost of constructing a home but, where home owners are still in mortgage debt after receiving their insurance or compensation payout, additional funds should be made available to pay off this debt.

I do not see that extending the repayment period of a loan to 45 years for all age groups or even a further extension to, say, 60 years should meet a lot of opposition. It would appear that in Darwin the average home ownership period does not exceed 15 years and even in future years the likely percentage of people actually retiring in Darwin can be expected to be small, although this figure is growing all the time. Hence the majority of loans by the government are likely to be paid out within a 15-year period. Should the government consider the strain on general revenue to be too high to meet the terms of loans as outlined above, it could give consideration to issuing a Darwin bond in Australia which, particularly if interest payments were made tax-free, should not meet any difficulty in raising the necessary funds. In fact, had the compensation scheme not been accepted in its present form, the money saved could have gone a long way to meeting the difference between the interest payable on the bond and the interest charged on the loans with a low rate of interest to meet the borrower's repayment capacity.

Assuming that the availability of the government loan is restricted to homeowners who lost their homes in the disaster, it will be necessary to look at finance for past and future Darwin residents who wish to acquire a home of their own. This should include single people. In line with the housing policy adopted by the Australian Real Estate and Stock Agents Institute, I propose that the government adopt a policy that at all times encourages home ownership and, in particular, provides incentives towards the saving of the necessary deposit for the purchase of a home and provides help and assistance to homeowners through adequate taxation deductability for municipal and government rates and taxes.

In order to provide an independent source of funds to provide finance for home owners, it is necessary to encourage into the two main sources of home finance, such as the banks and the building societies, an adequate supply of money which can be made available at reasonable interest rates. This can be achieved by establishing a tax rebate system on money deposited for home finance purposes with banks and building societies. Such a scheme could operate in the following manner. Interest would be paid to the depositors at a determined rate, for example 5% or 6% per annum, and this interest would be tax free in the hands of the depositor. Deposits made by any one person or corporation could be limited to a maximum of, say, $50,000. The banks and building societies would then be

required to lend this money at a differential of, say, 2% which would mean that money would be available at the rate of 7% or 8%, although this could still be too high. Repayments should be tailored to a person's income by extending loan terms and/or split loans—interest payments only on part of the loan, capital amd interest on the other part. This would achieve repayments on a sliding scale, lower in the early stages and increasing in the later years. The low-income earner could be provided for by government subsidy to help him with his mortgage repayments as well as allowing him to deduct the interest on the mortgage loan from his taxable income. To further assist people in acquiring a home, Darwin citizens both past and future who did not own land at the time of the disaster should be enabled to obtain land over the counter on a reserve price or lease rental basis, subject where necessary to certain qualifications and limitations in respect of resale.

From the foregoing, it should be quite clear that the availability of finance is probably the key factor in the successful rehabilitation of Darwin. Based on last year's land values in the northern suburbs, it can be said that a suitable block of land would cost an average of $7,000. Add to this $45,000 for a new home, plus $5,000 for contents and additionals, and one is looking at an all-up value of not less than $57,000 for the average home. Obviously the majority of wage earners could never afford to live in Darwin unless they receive financial assistance of the type and magnitude proposed here. I have obtained details of repayments on the $33,000 loan if there were no special assistance available. I also have figures available for an additional $17,000. On the $33,000 loan over 45 years at 6% the repayment figure is $41.44 a week. If, as in days gone by you had to go to General Credits or AGC or somebody like that and borrow the other $17,000, you would be paying interest at a rate of 14% at quarterly rests and you would get a 10-year term. I could assure you that then you would be looking at another $94 per week, and this runs into $135.44 per week or $7,042.88 a year. This is all very nice if people could afford it and stay.

One of the big problems in this town right now is that people are leaving hand over fist. Two people in the employ of this Assembly have left and there are other people that I know in a very small circle talking about leaving. I think the government can be blamed for this. They did not get any caravans to Darwin before about 12 April. If I had been in the government in the form of management. I would have been down south on 2 or 3 January and bought a couple of thousand caravans instead of mucking around with this tender system. An emergency situation demands emergency treatment. That would have been my view.

Mr DONDAS: I rise to speak on a report in yesterday's Northern Territory News with regard to the government probing into the R and R fares. The government made allegations that some people have received up to 4 fares for R and R. If this is so, I think it is their own fault for not administering their own department and not issuing these travel warrants properly. It further says that people have stayed in Darwin and have sold their R and R tickets. I am not saying that it has not happened on one or two occasions but I can't see that it has happened a lot because people that get these R and R fares must also have an entry permit to return to Darwin. And it would be very hard having a ticket issued in the name of Joe Bloggs and having a permit issued in your own name. They say that other people have had their fares credited to them for future trips overseas. To my knowledge and on the advice that I have received, this has been going on for quite some time, for the last 10 or 15 years; people have been getting their tickets every 2 years to go south and have left them with a travel agent or an airline and had them credited for a future overseas ticket, which is apparently quite in order. The sources say that the investigation was to close the loopholes in any further granting of fares. If they want to close the loopholes, they will have to get the travel agents and the airlines together with the government and set down a firm set of guidelines on what they want done with these R and R fares, whether people are allowed a cash-back basis or whether they can credit them for some future overseas trips or whatever. If they want to close the loopholes it is quite easy. All they have to do is call a meeting, a round-table conference, with airline officials, travel agents and government officials and work out the guidelines they want and get on with the job. They say they can't do anything before 30 June. That is quite ridiculous.

In this investigation the whole of R and R to the private sector is at stake. The private sector has worked equally as hard as a lot of government workers in Darwin and they should be entitled to R and R leave because

the others have already got it. I don't see what the investigation will prove. The investigations will show that these abuses are going on. Why blame the private sector for government inadequacies in not operating their own department properly? Finally, he goes on to say that a report will be made before any more R and R fares to the private sector will be available. I would like to see Mr Hayden get on with the job and make R and R fares available to the private sector, for the citizens of Darwin who have worked very hard since 24 December to keep this town going.

There is one other subject I would like to bring up. We have a prowler in the northern suburbs. Apparently there could be 3 or 4 of them but they can't seem to pin them down. In one particular item it states that there are no telephones out there in the northern suburbs for people to ring up the police and say, "Look, I think we have a prowler over the road" or "There is a prowler doing something about the place, let's find out who he is". So I would like to see the PMG make some definite attempt in the immediate future to get some private call boxes out there for us. I believe they are doing a good job but with this prowler floating around it would be terrible for someone to get hurt through the lack of communications.

Mr BALLANTYNE: I rise not to bring you joy and glad tidings but to speak for my electorate on matters which some honourable members have spoken about today, particularly the airways. We have 4,000 people out there who have to sit back and listen and watch what is going on in all the southern states and what is going on in Darwin. Ever since the cyclone, their life has been affected in many ways, particularly with the air services and the postal services. People send out letters and they don't get replies for about 3 weeks. The holdups were checked out through the PMG. I am not saying that the PMG is to blame on this occasion. It is truly a matter of economics with the airways. We have appealed to the airways to help us out in these things but they say it is not a profitable proposition to run too many aircraft out there because of the economic situation.

We have problems there with shipping, the transportation of goods into Gove. There is a boat sitting out in the harbour there now which has a black ban placed on it. The original ship the "John Burke" doesn't see fit to carry goods I understand from Nabalco so they arranged to bring another ship into the Gove harbour, and because there has been a black ban placed on that ship the people in the town have to suffer once more. That is not relevant to the cyclone but these are the sorts of things that we do suffer out there on our own on the northeast side of Arnhem Land.

We are the third biggest town in the Territory and I am sure that a lot of people in the Territory don't even know we exist. I have spoken to a lot of people around here lately and they don't even know where Nhulunbuy is. All I'm trying to do is to say that there is a place called Nhulunbuy; we have 4,000 people there; we are the third biggest town in the Territory and we have suffered a lot of problems because of the cyclone. People living there have to go backwards to go forwards for a trip overseas. They have to go to Brisbane, they go over to Perth, to make an overseas flight that they planned 12 months ago. It is going to cost them another $500, sometimes much more. The inconvenience suffered by these people is something that I have sympathy for. The Executive Member for Transport and Secondary Industry brought up the issue of overseas flights. I have asked so many questions, not in this house but outside, and I have had so many different answers that I don't know which is the correct one. I can't see that the airways in this particular case have really tried to help us and I mean the 3 main airlines that come through here on overseas flights; that is, Singapore Airlines, British Airways and Qantas. They have disappeared from the town; they no longer exist as far as I can see.

There are all sorts of things that I can bring up but there is no help even from the Housing Commission to look at Nhulunbuy to build houses for the people. There is a shortage of houses there. We are a growing community but we live on a lease and we have certain things to obey; nevertheless we are trying to build up a community. We have a certain section of free enterprise which we are trying to build up. The housing position is appalling at the moment; we are practically saturated as far as that goes. The government departments have taken it up and as the town grows so do all the other services and the government departments grow with it. Nobody seems to know what is going on. If you had an investigation into the government departments out there, you would find that some of them are completely bamboozled by the system which has taken over in the last couple of years since the new government came into power. That is

not for me to go into but I think it is something that should be looked at.

Those are just a few of the things that we have to put up with. We have a permit system which is not being made absolute at the present moment. I am investigating this now with the Executive Member for Social Affairs and we hope to come up with some sort of decision but I can't foresee any greater decision than what is actually going on now. The Social Welfare Ordinance covers this area but there seem to be so many loopholes in this area that no one seems to know what is going on. It may not sound very pleasant, what I have said, but I will say once more that we are a town of 4,000 people; we are the third biggest town in the Territory and if you hear the name of Nhulunbuy you will know where it is.

Motion agreed to; the Assembly adjourned.

INDEX TO MEMBERS' SPEECHES

INDEX TO DEBATES

April 1975