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NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Third Assembly

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NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Third Assembly

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Sessional Committee — Parliament House

Mr Speaker
Mr Dondas
Mrs Lawrie
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PART 1

DEBATES

Mr Speaker MacFarlane took the Chair at 10 am.

COMMONWEALTH DAY MESSAGE

Mr SPEAKER: Honourable members, I wish to read to you the Commonwealth Day message received from the Chairman of the Executive Committee of the Commonwealth Parliamentary Association:

March 8th is observed as Commonwealth Day in all countries which are members of this unique family of nations. This is the eighth consecutive year marking its observance. I am pleased to continue the custom started by a previous chairman of the Executive Committee of the Commonwealth Parliamentary Association and send a Commonwealth Day message to all branches of the Association.

During the past year, Belize and Antigua and Barbuda achieved their independence. The CPA congratulates these countries and looks forward to their continuing interest in the Association.

The CPA, like the Commonwealth itself, has undergone a process of evolution. Since its founding in 1911 as the Empire Parliamentary Association, it has grown to meet the changing and varied needs of its members on every continent. The CPA is today an Association of Commonwealth parliamentarians who, irrespecitve of race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedom, and by pursuit of the positive ideals of parliamentary democracy. The community of interest which typifies our Association is based on diversity. In that respect, it reflects the Commonwealth itself.

Parliamentary democracy is represented in the CPA and in the Commonwealth by institutions with centuries of tradition. Equally, the CPA embraces parliamentary assemblies which have evolved new and different representational forms to better reflect the dynamic needs of their particular societies.

The CPA also rests on the foundation of equality. Branches representing provincial or territorial legislatures participate on an equal footing and so do old branches and new, large ones and small.

Cooperation within the Commonwealth takes many and varied forms: education, health, law, technical assistance and scientific research, to name a few. The particular and essential contribution of the CPA rests in its pursuit of the positive ideals of parliamentary democracy. It is in its dedication to this pursuit and the concomitant recognition of the principles of accountability, free elections, protection of the rights of individuals and minorities and respect for the rule of law that the Commonwealth Parliamentary Association will continue to make its unique contribution to its 10,000 members, to its 127 branches and to the Commonwealth itself.

General R. Ottenheimer
Chairman of the Executive Committee.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
Health Care Services

Mr SPEAKER: I have received from the member for Fannie Bay the proposal that the following matter of definite public importance be submitted to the Assembly for discussion: the changes to the delivery of health care services which are putting at risk the health of Territorians.

Is the honourable member supported? The honourable member is supported.

Mrs O'NEIL (Fannie Bay): Mr Speaker, in the Northern Territory over the past 10 years, our health services have shown a steady improvement so that increasingly we have enjoyed hospital and health services in which the people of the Northern Territory have had confidence. In those 10 years, a series of competent administrators and dedicated staff, working with sound policies, have produced advances in all fields of public health and in all parts of the Northern Territory. In those 10 years, the Department of Health has chalked up a number of significant achievements some of which even the Northern Territory government has boasted: the dramatic reduction in Aboriginal infant mortality; the provision of a network of community health clinics, both urban and rural, criss-crossing the Northern Territory; school dental services equal to any in Australia; and a series of hospitals with professional staff able to provide specialist inpatient and paramedical services of the highest order.

In the last 6 months, the Northern Territory government has done its best to wreck that fine system. The Northern Territory public health services are now acknowledged by everyone to be in a hopeless mess. Staff morale is shattered and public confidence in the system has been totally destroyed. The budget is roughly $6m in the red despite drastic staff cuts, ward closures and a series of site shifts so bizarre and irrational as to suggest the grazing patterns of a demented goat. It is true that there may have been a little fat in the system. Most prudent public administrators will build in a little extra to provide for financially leaner seasons in the future, as the Treasurer well knows. Perhaps the number of beds was slightly in excess of our needs and could afford to be marginally reduced, together with some specialist provisions. I think, for example, the CAT scanner may have been a little grandiose for our population.

Instead of the careful use of a scalpel to remove such problems by minor surgery and leave the system unimpaired, the Northern Territory government has attacked it like a mad axeman, totally disembowelling the system rather than curing the problem. For example, look at what has happened in Northern Territory hospitals. By January, 90 beds had been removed from hospitals throughout the Territory. In Nhulunbuy, the reduction was not by 10% or even 20% but by a massive 46%; that is, from 70 to 32 beds. The result is that the system is now totally overcrowded. Noisy and distressed children are located adjacent to patients requiring rest and quiet. Patients with infectious diseases are nursed in the same ward as surgical and maternity patients. Of course, the nursing and medical staff use all the correct methods to ensure that cross-infection does not occur. The added strain on the reduced staff and on the patients in these manufactured circumstances is a mess.

At the Darwin Hospital, the Minister for Health did not achieve the bed occupancy rate of 85%, which is his stated goal, but on occasion a bed occupancy rate approaching 101% with the effect that patients have been turned away from the hospital. Only last week, a patient who had been admitted as a day patient for minor surgery was sent home from hospital in the evening despite the fact that she was suffering from severe anaesthetic reaction. The appropriate action should have been to transfer the patient to a normal ward for the night but her husband was told there were no beds available. An attempt to see a doctor in Outpatients was fruitless and this husband had no option but to take his extremely sick wife home. Mr Speaker, I have received calls about this and I understand that, on that occasion, there may have been more than 1 patient with a similar problem.

Ward organisation is totally disrupted. The result is that at Casuarina the risk of cross-infection is rife. For example, patients have been transferred from the Intensive Care Unit where methicillin-resistant staph aureus exists to Ward 2B where the burns patients are treated. I should not need to remind members that no patients are more at risk to infection than burns patients yet, as a result of these foolish policies of the government, they are placed at risk of this virulent and non-treatable bacterial infection. So concerned have senior nursing staff been about the spread of staph aureus at Darwin Hospital that they requested nasal swabs to be taken from staff to identify possible staph carriers - a routine preventative procedure. The sick joke is that they were told that there was not enough money to carry out that simple, basic procedure.

Paramedical services are next in line for confusion and chaos in the Northern Territory. Discussions on transferring the pathology service to the private sector are well advanced despite the fact that it is well recognised around Australia and throughout the world that private pathology services are the most extreme abusers of health funds in the system. I am told expressions of interest for radiology services to be performed privately are being called for. In the pharmacy field at Katherine, Tennant Creek and Nhulunbuy, investigations are currently being carried out with a view to transferring pharmacy services to private pharmacists.

Of course, this will not save public money; it will cost public money. Quite clearly, private pharmacists in small country towns will not be able to gain the cost savings, by bulk-buying ingredients and equipment, which are presently enjoyed by the public services. Not only that, patients will now need to increase their insurance as these functions currently carried out by hospitals will require private insurance.

The minister says that he continues to support community health services. Indeed, he told a Community Health Centre Sisters' meeting in Darwin recently that he continues to acknowledge community health centres as a necessary means of reducing pressure on hospitals. The Minister for Health, as usual, does not practice what he preaches. If members look at the Northern Territory Government Directory for 1981, they will see that the Department of Health consisted of the Environmental Health Division, Dental Services Division, Management Services Division

and an Aboriginal and Community Health Services Division. In the 1982 Government Directory, which we have all received recently, community health has ceased to exist; it has been downgraded. Management services, environmental health and dental services have as their companion the Aboriginal Services Division, with no reference to community health.

In line with this philosophy and despite the frequent statements of the minister to the contrary, community health clinics in Darwin have been moved, and are still in the process of being moved, as we have heard this morning, despite the stress caused to patients. In other parts of the Territory - for example, in Tennant Creek - I am told consideration has been given to handing over the community health clinic to the private sector.

Another frequent statement made by the minister is that he is aware of the problems the user-pays system holds for Aboriginal people. Once again, his alleged concern is not reflected in the policies and practices being carried out. Only recently, an Aboriginal woman, referred to the hospital by her own community's health staff, was refused admission until she produced evidence of medical insurance, or $1000, to pay for her estimated stay. Only the kind intervention of an observer of this abhorrent scene enabled the problem to be overcome. If an ordinary, helpful member of the public was able to sort out the problem with a little effort and some personal inconvenience, how much easier would it have been for the department if only it had cared to try?

Dental services is also an area which has seen the wind of change. School dental clinics in the northern suburbs of Darwin are currently unstaffed, and services at public clinics generally have been reduced.

Mr Speaker, if we look at the administrative arrangements, it is there that the total irrationality of events within the Department of Health becomes most obvious. Actions which are taking place on the pretext of saving money are clearly only causing confusion without reducing expenditure and, in fact, in some cases are actually increasing it.

Not long ago, the northern region offices of the Department of Health were moved from the MLC building to the old Darwin Hospital. This was done at considerable expense. At the time, the cost of the carpet alone was a matter of talk around the town. This section has been moved to a building at Casuarina Hospital. All this has been done at great expense. The cost of telephone reconnections alone has Telecom Australia laughing all the way to another record profit. But that is not the end of it all. Subsequently, those offices will be relocated yet again in a building under construction at Casuarina. In fact, so laughable has it become that I have heard people speculate on which members of the government have shares in removalist firms.

The Drug and Alcohol Bureau, opened only last year with much publicity, has been moved from a shop front position in Smith Street to an obscure office upstairs in the MLC building. Student nurses were moved out of the nursing home in January and have now been told they can move back in again. Clearly there is no pattern in all of this except to create the maximum of confusion with the minimum of consideration for the public.

The Minister for Health will tell us in a few minutes, no doubt, that this is the result of the Fraser government's imposition on 1 September 1981 of the user-pays health insurance system. He will tell us how he struggled with the federal government, travelled back and forth from Canberra, in order to extract more funds from the Commonwealth for the Northern Territory. If the money spent on issuing press statements by the minister and sending him and his advisers backwards and forwards to Canberra in the past 12 months had been put into the health system, we might at least have had a few more nursing staff than we have at the moment. The result is that we have not gained one extra cent and nor are we likely to.

The minister is partly right. Mr Fraser's user-pays system is wasteful, inefficient, inequitable and thoroughly disgraceful. However, while the Northern Territory government is publicly posturing about what it is costing the Northern Territory, it has, at the same time, quite cynically used the opportunity as an excuse, a cover-up, while it dismantles and mutilates the public health services of the Northern Territory.

The Northern Territory government, as fast as it can, is handing over health services to the private sector. It is encouraging private hospitals and nursing homes, giving pathology and radiology to private practitioners - despite a clear record of increased cost to the public - and obstructing the delivery of primary health care by the community health services. It is forcing people to go to private practitioners and also to join expensive health insurance schemes. All this is happening despite the fact that the minister himself has admitted that more than half - 57% was his figure - of the Northern Territory population falls into the Commonwealth government's very meagre definition of 'disadvantaged'. These people will not be able to benefit from private services which the minister is so anxious to see established in the Northern Territory. They have to rely on the public services which the government should provide, but which the government is quite callously and clearly setting out to destroy.

If this government has its way, we will have 2 health services in the Northern Territory. One will be a stylish, moderately efficient and very expensive service for the rich who constitute a minority of Territorians. For the majority of Territorians, there will be run-down services, perhaps not cheap but very nasty. That will be the inevitable result of the health policies being pursued by the Northern Territory government. Mr Speaker, if you are poor in the Northern Territory, in future you had better not become sick.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it was interesting to hear that the matter of public importance proposed by the member for Fannie Bay was the changes to the delivery of health care services which are putting at the risk the health of Territorians. I would emphatically deny at the outset that any changes that are taking place within the administrative structure of the Department of Health and its various instrumentalities and agencies are putting at risk the health of Territorians at all.

The member for Fannie Bay began with what amounted almost to a peroration from the word go rather than at the conclusion of her contribution. She said that, at one time in the neolithic past, the Northern Territory had rural health services that were as good as any in Australia, school dental services that were as good as any in Australia and concluded by saying that the whole services, compared to anywhere else in Australia, are totally run down. I should say at the outset that the school dental service in the Northern Territory is a unique service. It certainly is not available in other parts of Australia and I am pleased to say that the Northern Territory government intends to maintain it.

We should place the whole debate in a national context. Mr Speaker, you would appreciate that the Northern Territory health administration was established by the federal government and it therefore seems not a little unfair that the Northern Territory government was asked to take over this service. The federal government is now asking us to do the whole thing for considerably less money. We have to look around Australia and see how the states, which have established their health services themselves right from the word go, are coping.

I have an excerpt from the Sydney Morning Herald of 20 January 1982 which says: 'One in every 10 jobs in New South Wales Health Commission will be affected as a belt-tightening exercise aimed at jolting the state's hospitals into major budget cuts goes ahead'. Another one from the Daily Telegraph in Sydney says: 'Jobs to go as health system streamlined - 1500 positions not needed. Hospitals in the state face huge deficit'. The Hobart Mercury of 11 February 1982 said: 'Minister for Health Services, Brian Miller, conceded yesterday that public hospitals face a deficit this financial year of $13.5m in Tasmania'. The Northern Territory is not doing so badly. 'New South Wales hospital charges raised by 20%' according to the Canberra Times of 2 January. They are already 20% higher than the Northern Territory. The Australian Hospital No. 60 of January/February said: 'New South Wales Commission staff levels cut back'. The Sydney Morning Herald again: 'Government closes 500 beds'. It is obvious that things are happening in the health scene right around this country. The member for Fannie Bay said that our services were as good as any in Australia but now they are being run down.

Could I just give a few comparisons which members might find interesting. I believe firmly that, whatever service a government is running, it should be run for the maximum benefit of the people using it with the least cost to the taxpayer. I do not condone the practice of building in fact for a rainy day as was espoused by the member for Fannie Bay. Let us have a look at Casuarina Hospital as against Cairns Hospital in Queensland. Cairns has a district population; it is a base hospital and it services about 250,000 people. There are smaller hospitals in Mareeba, Innisfail etc. The authorised bed number for Casuarina is 327. In Cairns, there are 348 beds. Casuarina has a full-time medical staff of 72 and Cairns has 32. Cairns also has 23 part-time medical staff.

The member for Fannie Bay laid particular stress on the Northern Territory government's cutting back on the number of nurses. I say that is quite untrue. Listen to the number of

nurses on the staff of the Casuarina Hospital as against the number at the Cairns Base Hospital. I think most of us who have been to Cairns would agree that the Cairns Base Hospital is a far bigger complex than the Casuarina Hospital. Nursing staff at Casuarina is 436 as against Cairns' 288. We have 109 paramedical and technical staff as against Cairns' 47. We have 135 administrative and clerical staff as against Cairns' 47. I might add that the Cairns Hospital is an autonomous hospital run by its own board so it does not have the backup of the Queensland Health Department or anything like that. Domestic and auxiliary staff at Casuarina is 399 as against Cairns' 145.

Mr Speaker, certainly it was a Commonwealth administration that set it up but it is budgetary cutbacks in health areas that are forcing a responsible Northern Territory government to examine the position. Those are the figures that we still retain. Certainly, there have been wastages of staff but those are still the figures.

Let us look at the Alice Springs Hospital: as of August 1981, before health charges came in, there were 198 beds available. In November 1981, there were the same number; in January 1982, there were 146; and, at the end of January 1982, there were 166. The average daily occupancy of beds was: August 1981, 145.23; November 1981, 134.76; January 1982, 145.77; and, at the end of January, 145.77. Bed utilisation there has gone from 73.35% to 87.81%. If we can obtain that efficiency, is there any reason why we should not strive to do so? Should we strive to pour taxpayers' dollars down the sink as the honourable member for Fannie Bay would have us believe?

In relation to community health services, there is not one person fewer in the community health service today than there was at any time last year. The staffing levels of the community health service have been maintained. Let me give you some figures of hospital staff ratios to available beds for hospitals throughout the Territory. The Alice Springs Hospital has 166 beds, a total staff of 472 and 2.84 staff per bed. Darwin has 321 beds, 1093 staff and 3.4 staff per bed. East Arm has 50 beds, 40 staff and 0.8 staff per bed. Gove District Hospital has 40 beds, 105 staff and 2.65 staff per bed. Katherine Hospital has 50 beds, 115 staff and 2.3 staff per bed. Tennant Creek Hospital has 24 beds, 85 staff and 3.54 staff per bed. The only one that does better than Darwin is in the minister's electorate. We have to expect that I guess.

Can I just compare some of the figures for some of the other cities in Australia? As we know, the Casuarina Hospital is a carbon copy of the Woden Hospital which has a total staff of 923 people. Beds in use are 359 in the hospital, 24 in the nursing home and 14 in a handicapped persons unit. That is in the national capital. I would argue very strongly that, as a measure of the quality of services that should be delivered, Northern Territory health staff numbers are more than adequate by comparison to other national indicators.

Let us look at other hospitals in Australia - Whyalla, Ipswich in Queensland, Broken Hill - and again compare them with Casuarina. Whyalla has 244 beds and 546 staff - 2.24 staff per bed. Ipswich

has 310 beds, 484 staff - 1.56 staff per bed. Broken Hill has 333 beds, 587 staff - 1.76 staff per bed. It is quite clear that in New South Wales, in Queensland and in South Australia, the ratio of staff to beds is way below that available anywhere in the Northern Territory. To say that the Northern Territory's health services are being run down is an absolute exaggeration which is designed only to attempt to destroy the morale of the Northern Territory health service. The opposition worked at that consistently all through last year. It is time that the people of the Northern Territory had a few of the relevant, salient facts put in front of them.

Health services in the Northern Territory cannot be matched anywhere else in Australia. Certainly, in public hospitals in the Northern Territory, people will have to wait in Outpatients. I invite anyone in the Northern Territory to avail himself of the services of Outpatient departments in hospitals elsewhere in Australia. The comparison in favour of the Northern Territory is extraordinary. People go to the Royal Brisbane Hospital and come back the next day. I do not condone that, but that sort of thing certainly does not happen at the Darwin Hospital. You do not go there at 7 o'clock in the morning and have to go home at night and return at 7 o'clock the next morning without having been attended to.

We have been criticised by the member for moving health centres and consolidating them. Are we not to take account of the constantly changing demography of the Northern Territory? We have been caught and so have other people. A very big private concern built a shopping centre at Rapid Creek before the cyclone. Look at that shopping centre now: no one uses it. It is quite obvious that the place that everyone goes to in the northern suburbs is the Casuarina centre. Why not locate health services there? Why not make them available in that way? Once upon a time, we heard from the opposite side about shop front facilities. When the government tries to give people what amounts to shop front facilities in the places that they frequent, then it is criticised for that.

Mr Speaker, I can only say that I deny totally charges levelled at us by the opposition that we are putting at risk the health of Territorians. We are trying to cope, on behalf of Territorians, with a situation where funding is limited. In my view, there is absolutely no chance that the health of Territorians is being put at risk.

Mr B. COLLINS (Opposition Leader): It is clear that the honourable Chief Minister is in need of urgent medical care himself and he could start with an ear specialist. Certainly, he did not devote himself to anything that the member for Fannie Bay said in her speech. The Chief Minister dwelt at length on the staff-to-bed ratio in the Northern Territory. Really it is irrelevant how good the staff-to-bed ratio is if you cannot get into a bed in the first place. That is absolutely clear to anyone who is dealing with the practical realities relating to disadvantaged people in the Northern Territory - which I certainly do. Almost every day I go into my electorate and it is clear that the system is falling apart around my constituents' ears. The member for Fannie Bay pointed out one example. I have written to

the Minister for Health on specific problems that are cropping up and no one denies that they are cropping up.

The member for Fannie Bay commended the Department of Health. She did not criticise it as the Chief Minister tried to suggest. She commended the Department of Health for those services which are good. We are not suggesting that those services are being downgraded. She went on to talk about the areas that are a mess. The Chief Minister said that any health service should be run efficiently. Demonstrably, this health service is not being run efficiently, Mr Speaker. I intend to show that in the course of this sittings.

It is certainly clear to the government - and it was certainly clear to the opposition a long time before the government publicly said it even though we were $0.5m out in our calculations - that the Northern Territory health services would be $6m down under a user-pays scheme. It was clear that the federal government had anticipated revenue which we are not capable of raising within our health service. 57% of our community consists of disadvantaged people. Everybody knows that. It is also clear that, above any other community in this country, we suffer under a user-pays health service. I am talking about the consumers who suffer. This health service is not being run efficiently and there are numerous examples of where it is falling down.

The honourable member for Fannie Bay referred to a particular case which I have written to the Minister for Health about. A constituent of mine came to the desk with referral papers from a sister. She was in fact a member of a health scheme and an employee of the Education Department. She was turned away because she could not produce documentary evidence. A very helpful school teacher, who happened to overhear the discussion at the counter, cancelled her flight back to her community and spent 24 hours getting this woman signed up again. At the suggestion of the staff at the counter, she paid some more money, came back with correspondence and was admitted for the 5 days of care that she needed. Don't tell me that it does not happen; I am telling you that it does. If the minister does not know it happens, he is not looking after his department as well as he should be.

In 5 months, Territorians have witnessed and have been subjected to a decline in health services and there is every indication that this downward spiral will continue. The Chief Minister knows full well that the kind of comparisons that he has just made are always suspect. It is foolish to lift something totally out of context and apply it to the Territory. The Chief Minister will never hear me compare the performance of his government or of the Northern Territory health services or education services to what is happening in Victoria or Tasmania. That is totally irrelevant. The point is the degree of efficiency with which these services are being delivered in the Northern Territory. There are faults in the system which need to be rectified by the minister. The confident assurances from the Chief Minister and the minister that such a decline would not occur have to be ashes in their mouths now.

It is a fact that, with the disproportionately large percentage of disadvantaged people in the Northern Territory, we are suffering under the user-pays system of health care delivery. Irrespective of its political ideology, it is a far more realistic proposal for our community. We are a very affluent Territory; we have a great deal of money coming into this place as the Treasurer will be glad to tell us any time we ask him. Under those circumstances, if we cannot provide basic health care without people having to be sent away to fill out forms when they need to be admitted to hospital, if we cannot provide a better system than a doctor prescribing drugs in an Aboriginal community for people who are sick and they come to the Nhulunbuy Hospital 3 weeks after the diagnosis - and that has happened consistently at Galiwinku - if we cannot do better than that, we are not doing well enough.

Mr Speaker, the ALP has proposed a system of health care far superior in the effectiveness of its delivery to people who need health care than the user-pays system. The basic principle of the proposal which we are asking the Northern Territory government to support will restore equity in health contribution rates, provide universal cover through a single medical fund and simplicity and efficiency in operation for all Territorians. It will mean automatic cover for basic medical and public hospital accommodation and inpatient and outpatient treatment by hospital and sessional doctors as well as medical consultations at community health centres at no direct charge. As a consequence, the tough, cash-in-advance policy which is being pursued so ruthlessly in the Northern Territory will be abandoned. There will be no need, as is currently the case, for the Casuarina Hospital to contract a firm of debt collectors. I understand that they are chasing about $100,000 at the moment. People who currently cannot afford basic medical cover will no longer have to think twice before visiting their private doctor because of the cost involved. Community health centres will once again be able to do the job they were designed to do.

Bulk-billing will be available to everyone where the doctor agrees. In most cases, patients will not have to claim a refund for the cost of medical treatment. As the Minister for Health knows full well, this will benefit many Territorians who currently have to pay direct charges on top of high health insurance premiums and then have to wait for up to 8 weeks for reimbursement. I would like the honourable minister to tell me that is not happening.

Free pharmaceuticals will be made available to the unemployed and special beneficiaries who are currently excluded. On current figures, this will benefit about 5000 Territorians. For those with specific chronic illnesses or specified disabilities, essential medication will be provided at a reduced cost. Under our scheme, community health centres will receive a boost in funds giving them, in real terms, funds equivalent to the amount provided for community health centres in 1975. This will benefit a great many Territorians as the scheme will once again place emphasis on preventative services.

The single public insurance fund will be financed by a levy on taxable income of 0.75 of 1% with exemptions for low-income earners and cut-off points for people on high incomes. Let me provide the Assembly with some examples. Persons without dependants and with a taxable income below $110 per week will be exempt from the levy. A person with one dependant and a taxable income below $173 per week will also pay nothing. For each additional dependent child, the exemption level will be lifted by $20 per week. To illustrate, a family with 2 dependent children and a taxable income below $213 per week will be exempt from the levy as will a family with 4 dependent children and a taxable income of $253 per week or less - and so on.

If we use the Northern Territory government's own estimate that at least 57% of the population is entitled to free health care,it is clear that, under our scheme, considerably less than half the population will pay any levy at all. Of the remainder, most will pay much less under the Labor Party's plan than they do now. In fact, a family will need to have a taxable income of more than $47,000 per year before it will pay more. In cases where there are 2 income earners in a family earning above the cut-off point, each income earner will pay the health levy so that families with the same total taxable income will pay the same levy. Given the Territory's lack of private hospitals, it is fair to assume that many people will merely pay the levy and, with no private insurance to pay, a family on $350 per week will be about $30 a month better off. Even if that family did take out private insurance, it would still save $18 per month.

It is clear from the outline that our scheme is based on humane principles by which health care should be provided to each according to his health needs and paid for by contributions from each according to his means. That principle cannot be said to apply to the current health system or any of the 4 schemes which preceded it. The simplicity of the Labor scheme is self-evident. During the last June sittings, the Minister for Health himself acknowledged the difficulties involved in means testing. He said: 'Irrespective of how much advertising the Commonwealth Department does in relation to the list of criteria I have just read out, to apply it to Lake Nash, Docker River, Oenpelli and a hundred other places in the Northern Territory is the greatest load of codswallop that I have ever had to listen to'. That was his criticism of the current system under which we are working and I agree with it. He was right when he said it then and he is still right now. The Commonwealth spent huge sums of money on advertising and the Territory chipped in with a substantial sum yet we still have a situation where large numbers of people are being left out of the system.

Our health scheme will provide universal cover for every Territorian and will guarantee access to the best available medical care regardless of income. This will overcome another of the Minister for Health's gloomily accurate predictions last June that many Territorians 'would miss out under the present scheme'. He said: 'We believe there will be many Aboriginals who will not be classified disadvantaged under the Commonwealth terms but will not have the capacity to pay the medical benefit levees or hospital costs'. How right he was. They are not paying and they are

missing out. He went on: 'One of these concerns is that these people will not enter the system or become a bad debt on the government'.

I would now like to provide a more detailed explanation of the financing of our alternative health scheme. Because I am running out of time, I would seek leave to have this incorporated into Hansard. I have copies available for all members.

Leave granted.

COST OF HAYDEN HEALTH SCHEME

OUTLAYS

		$m
1.	*Total medical benefit payment @ 85 percent with $10 gap (Scheduled fee cost $1,750m, benefit average 85 percent)*	1,560
	Derived from Health Department Annual Report 1980-81, p. 247	
	Scheduled fee cost 1979-80 for 92 percent of insurable services	1,157.5
	Therefore full cost	1,258
	Plus uninsured services	120
	Plus fee increases, population increase and usage increase 1980-81 and 1981-82 24.7 percent)	342
		1,720
	Allowance for fee drift	30
	Less full year value of present medical benefits (Budget Paper No. 1 1981-82, p. 85)	850
	Net additional payment	710
2.	*Hospital payments* *Payments to states* *Existing hospital grants plus*	
	a) *Loss of revenue by reducing intermediate and private ward fees by $40 a day 9 million days at $40 per day **	360
	b) *Loss of revenue from expected 2 million bed days transfer to public ***	80
	c) *Loss of out-patient fee revenue*	80
		520
3.	*Payments to private hospitals to raise benefits to uniform $30 per day (4.2 million at $7 per day)*	30

4.	*Payments to restore health centre financing to 1975-76 levels*	*20*
5.	*Extension of pharmaceutical benefits*	*30*
6.	*Additional administrative expenses*	*20*
	TOTAL NET ADDITIONAL PAYMENTS	*1,330*

Net additional payment

* *Target figures for private bed days in public hospitals provided by the Commonwealth Government to the states, May 1981.*

** *Commonwealth Government estimate of effects of percent scheme provided to states, 1981.*

REVENUE

1.	*Levy yield at .75 percent of taxable income with exemptions as provided. Based on Taxation Statistics attached to 1981-82 Budget papers*	*590*
2.	*Full year value of present tax concessions. Based on Budget Papers No. 1, 1981-82*	*660*
3.	*Reduction of reinsurance pool subsidy. ($50m results from reducing private bed fees from $80 to $40 per day).*	*80*
		1,330

Mr B. COLLINS: Apart from providing a better understanding of what is involved, I do this to deal with the knee-jerk reaction of people like our own Minister for Health. Despite the fact that this approach to health care would solve most of the problems that he and his department are now faced with as well as improving both the health and financial status of most Territorians, all we get from the minister is uninformed comment on the financing of the Labor scheme. He claims the scheme will be inflationary and estimates that the levy should be in the order of 2%. His federal counterpart said 1.2%. They are both wrong.

Funds for the alternative scheme will come from the 0.75 of 1% levy mentioned. This will raise $590m. The reason why the levy does not have to be pitched at the levels quoted by either the Territory or federal ministers or, for that matter, at the level of the original Medibank scheme is simply because there are much greater subsidies in the system now than applied before 1974. To illustrate: prior to Medibank 1, the pensioner benefit was only 60% of the fees and did not extend to private specialists. The moneys for 85% cover and specialist cover for pensioners are in the system and that is worth $200m a year. Secondly, the Commonwealth subsidy for medical insurance is more substantial today. During the current financial year, Commonwealth medical benefits will meet 50% of all insurable medical bills. Thirdly, the tax rebate for

health involves a significantly greater amount of forgone revenue than did the pre-Medibank, tax-deductible system. Altogether, the extra subsidies amount to over $1000m a year in real terms compared with pre-Medibank days.

The user-pays approach does not contain costs, contrary to the belief of the minister who subscribes to the view that costs will be arrested if you hit a person's pocket at time of use. That is demonstrably not true. What has not occurred to the minister is that the user-pays approach plays a comparatively minimal role - and I would like some comment on this - in determining health costs.

The typical contribution made by the consumer is his or her initial visit to the doctor at an Outpatients department. The expensive decisions - the ones that cost all the money such as X-ray examinations, referrals to specialists, admission to hospital - are made by medical staff. It is the suppliers of the medical services, not the consumers, who determine the cost to the system.

Mr Speaker, we have heard much from the minister about the efforts he has made to have the Commonwealth meet its obligations in the Territory. It is difficult to square this battler-for-the-Territory image with his progressive dismantling of the public health system. The health system that I have just briefly outlined - and I will expand on it later in these sittings - is a blueprint for putting the care back into the health care system. It is conspicuously lacking from our health services at the moment.

Mr TUXWORTH (Health): Mr Speaker, I thank members for bringing on this matter of public importance. It is one that I have a great deal of feeling for and will be happy to stand here and speak about for 2 hours because it is very complex. It is not as simple as people would have us believe.

Let me say from the outset that I am of the view that patient care has improved and is improving every day in the Northern Territory. We are moving to get better access for the whole of the community and, as the result of that better access, more effective deliveries. Let me say too that the aim of this government and the department is to be more efficient in our health services instead of more expensive. The theme for the 1980s in Australia for every government in power is to be more efficient and have better for less. There is no doubt that we cannot go on the way we have been going.

Mr Speaker, let me say from the outset that we are in a different position from all the states. When the states establish a charge for the cost of a bed, they recoup the majority of their bed cost in that charge and the subsidy by the government is minimal. In the Northern Territory that subsidy is enormous. It is in the order of $100 a day right throughout the community and that is a disability that the states do not have.

The other point to consider is that the Commonwealth and the states together are not prepared to pay for slack operations in

the health field. At the Health Ministers Conference, there is a pretty tough wrangle and it becomes pretty nasty when the finger is being pointed at the states for being inefficient and expecting everybody else in the community to pay for their wastefulness. If we do not want to be accused of that, we have to be effective and efficient the same as the states are expected to be. There is no doubt that the Northern Territory is better placed than all the states because our system is not as old and entrenched as those in other places. I am concerned that a matter such as the health portfolio can be debated as a matter of public importance purely as a mechanism to announce the Labor Party's health platform.

Let us go back to some of the points that were raised. I cannot think of any that the Leader of the Opposition raised but the member for Fannie Bay made a couple of comments that I think are worth following up. There is no doubt that we will have a deficit. Whether it is $4m or $6m is of crucial importance and every effort will be made by myself and the department to try to keep it to the barest minimum. I am hopeful that the Commonwealth will acknowledge our claim for additional funds which will alleviate our disability. The member for Fannie Bay said that we are disembowelling the department, and gave the impression that all the people are dying and that no one can get into the system which is in disarray.

My view is that there are 3,000 employees in the Health Department. We live in every community in the Northern Territory. Most of us have husbands or wives or friends. There are policemen in the community, social workers and there is the Department of Community Development. I could count on the fingers of 2 hands the representations I have had in the last 6 months from people who could not get into the system because they did not have any money. If members have knowledge of these things and are not prepared to bring them forward and want to save them as fodder for a debate like this, then I believe ...

Members interjecting.

Mr SPEAKER: Order, order!

Mr TUXWORTH: They are going down the drain so they will scream and interject and try to throw the thing off course.

The bed reduction at Nhulunbuy was painted as a catastrophe. We had so few patients in the Nhulunbuy Hospital that we sent 22 of the staff home on full pay yet the bed reduction has been regarded as catastrophic and as something that we should not have done. What do they expect us to do? Do they expect us to put on more people so we can send more of them home on full pay? We have an obligation in the Territory, as does every Health Department in Australia, to operate at 85% efficiency. If we do not want to do that, we can forget about federal funding and be sure that our counterparts in the states will have the knife in when the opportunity comes at budget time. That is our challenge and the department is rising to it. I am proud of it; I think it is doing a pretty fair job under very difficult circumstances.

The references made by the member for Fannie Bay about cross-infection are really ones that she could take up with the Medical Superintendent in any hospital or with the secretary. If she does

not get any satisfaction, then I am more than happy to talk to her. She also went on to say that the paramedical services were being dismantled and that the community would be left with nothing. Let me tell you, Mr Speaker, that we have some pretty severe problems in some of our paramedical organisations. Let us just take pathology as an example. Ten or more years ago, when the planning and the building of the pathology setup was organised in the Northern Territory, the federal government and this government were correct. However, we have been taken over by technology. Technological advances provide aeroplanes to and from every town in the Northern Territory every afternoon and every morning. There are computers with display units that give doctors pathology results. From a hospital these used to take 6 weeks or 3 weeks but now they have them back in 12 hours from a major centre. If private doctors in the Northern Territory obtain results for their patients from a lab in 12 hours and our public patients are waiting 6 to 21 days for the same result, what are we on about? The challenge is for us to offer the best service we can.

The honourable member also had a slice at radiology saying that it is being put out to private enterprise. Mr Speaker, I do not hold the view that, because it is government, it is bright and beautiful or that, because it is private enterprise, it is dreadful. I think there is good and bad on both sides of the fence. The department is taking up the challenge to look at all its options in all the fields that it operates in order to obtain the best possible service.

The honourable member for Fannie Bay also had a tilt at the community health service. I can give her an assurance that there is one part of the Northern Territory's health services that has not been touched but rather has been fostered and encouraged at every turn by myself and Dr Fleming: the community health service. We will be taking more action in this area as we get the opportunity in the years to come. At the moment, we are on a holding pattern and do the best we can with the resources we have.

Mr Speaker, the member for Fannie Bay and the Leader of the Opposition would have us believe that the admission of patients with health care cards is so bad that the system ought to be dismantled and we should pick up the Labor system. The problem with the last Labor system was that it was much more expensive than anybody anticipated. We are still paying for it today. I am waiting for honourable members to provide me with instances of people who could not get in because they did not have a health card. I am happy to follow them up.

Mr B. Collins: You have them in your office.

Mr TUXWORTH: The honourable member may say that but I point out the last letter I had from the honourable member relating to this point arrived in my office 2 days ago. The matter is being pursued.

The honourable member for Fannie Bay referred to the movement of the department from the annexe to Darwin Block 4 and then back. That may seem extremely odd and it may have been expensive but compared with $10,000 a week for electricity at the Darwin annexe, which was what the bill amounted to, the cost of those moves was

chickenfeed. All that we are trying to do is to deliver the best health services we can.

The honourable member referred to the alcohol and psychiatric units. The staff in both of those units believe that the best move for them was to go out to Casuarina Hospital where all the resources and back-up systems are located. It happened at that time that we had vacant areas at Casuarina. These units were put into them and they are doing very well. Since they were installed there, I have not had a complaint from either section nor from the public that these units are not operating satisfactorily.

The Leader of the Opposition referred also to the Chief Minister's comparisons as 'suspect'. They may appear to be suspect but, if we cannot stand up to scrutiny with comparisons of that nature when it comes to budget time, we are not in the race. The states see themselves as funding us and see us as a fat and slack operation. We may have good reasons for having more people and doing things differently and that is fine, but it must be explicable. I have not yet received an explanation why we need 100% more staff at Casuarina than does Cairns and some other hospitals. The Leader of the Opposition was not listening. The Chief Minister read it out and these are statistical facts. I cannot change them. The people in Queensland see themselves as funding us. I may be able to explain that away and it is my hope that I can. In any event, those comparisons are valid; they will be valid whether one is Labor or Liberal. Whatever health scheme we work under, that cannot be evaded.

The honourable member also raised bulk-billing and the dissatisfaction of the community in getting their money back from the medical benefits funds as soon as possible. I have been pursuing this, as I undertook to do in the last sittings. I have met with people from Medibank. We now have an arrangement where there are collect-and-pay facilities in Darwin and Alice Springs. In future, the hospitals at Tennant Creek, Katherine and Nhulunbuy will be operating a service for the patients of those communities. Their claims will be filled out the same day, sent into the respective paying centres on the evening jet bag with TNT. Medibank states it will process the claim as soon as possible. People should be paid within 10 days.

Mr Speaker, the honourable member also referred to bad debts. They are a problem. I do not particularly like to pursue a policy of collecting bad debts, but they exist. Either they are met from our taxes and wiped off or an effort is made to collect them.

Mr Speaker, the Leader of the Opposition suggested that the Labor scheme would save the people from disaster. Let me tell you that I have sat at the table with 3 Ministers for Health and they have the same problems but they do not believe the sort of nonsense the Leader of the Opposition is talking. They might say it publicly because it is a part of their platform but I can tell you that, when it comes to the job of getting the best results for the whole country, they do not believe it because they know it is nonsense. They know someone has to pay.

New South Wales now has charges that are 20% dearer than ours and is looking at raising them again yet it is in the position of being able to recoup almost 100% of its actual costs. How would it be if it were losing a $100 a day on every bed? Where would the free medical system scheme be then? It would not be anywhere.

Mr Speaker, I am sorry that this debate is so short because it is one that I would have been happy to go on with for hours. There are so many aspects of it. Let me say that the Northern Territory is getting good health services; it has more than its fair share of doctors. That is a statistical fact and can be proven any time. We as a department and many other people in the health field are working very hard to provide the best possible service and I reject outright the proposal that our services are going backwards.

LIQUOR AMENDMENT BILL
(Serial 169)

SUMMARY OFFENCES AMENDMENT BILL
(Serial 170)

Continued from 2 December 1981.

Mrs O'NEIL (Fannie Bay): Alcohol-related problems in the Northern Territory are recognised by almost all members of the Northern Territory community to be most serious. Excessive alcohol consumption results in social conflict, crime, violence, loss of productivity in the work place and has all sorts of other undesirable effects. I do not think that there is any other question on which there is such complete agreement that there is a need for us in general and for the Northern Territory government in particular to address these problems and attempt to overcome them. We have all welcomed statements from the government from time to time, the establishment of a working party and other activities which seemed to illustrate that they were making that attempt. That was the intention of these bills when they were introduced by the Minister for Health - or so it seemed.

When I looked at the legislation, they seemed quite minor amendments. They do very little, if anything, that cannot be done under existing legislation in the Northern Territory. In fact, one might even think that they are playing legal games. I give the benefit of the doubt to those members who have suggested that they are necessary. I may be wrong. Perhaps they are not playing games; perhaps they are absolutely necessary.

Take, for example, the amendment to the Liquor Act relating to licensing hours. The nature of the Liquor Act, as we debated it in this Assembly some years ago, is to be flexible. It was to remove the limitations and unnecessary classifications that had existed in liquor legislation in the Northern Territory in earlier times and which seemed inappropriate to the very diverse circumstances under which licences might be required in various parts of the Northern Territory. We all endorsed that flexibility. In particular, the Chief Minister did so. In 1979, when the Liquor Commission suggested that it would introduce trading hours simply as guidelines, the Chief Minister was the first to say that that

was most undesirable. I have in front of me statements that he made at the time and they seem to be eminently sensible. The chairman had said that the commission would be flexible in dealing with each application individually. The Chief Minister replied as follows:

> *The government is wedded to the philosophy that the Licensing Act must be administered flexibly whether it suits the bureaucrats or not. Under the directions of flexibility, the guidelines are academic. The report impinges on the policy of flexibility laid down by the government. The Liquor Commission has written a responsible report including comments on alcohol problems but people with alcohol problems are a small majority. I do not believe the majority of people who drink in a responsible fashion should be penalised in an attempt to provide care for a minority who would get the drink they wanted anyhow.*

That was the view of the Chief Minister in 1979. Presuming he supports this legislation before us, he has changed his mind. The point that he made then is very valid. The Liquor Commission has the power to enforce the restrictions on licensing hours - looking at each case on its merits - as it sees necessary to minimise any problems arising from the sale of liquor. Even the bill before us will not change that because, while it provides for licensing hours to be prescribed by regulation under the Liquor Act, it has been recognised as necessary to still say - and I refer members to clause 4(2)(b) - that the commission can ignore it when it is necessary. Quite genuinely, I cannot see what this amendment to the Liquor Act is doing that cannot already be done under the existing legislation relating to the sale of liquor. It is simply introducing another piece of legislation and another piece of bureaucratic nonsense, which the Chief Minister quite rightly said in 1979 should be avoided in dealing with liquor, without solving any problems at all. Unless I can be convinced by the Chief Minister to the contrary, I believe that this legislation to amend the Liquor Act should be opposed.

I then turned to the amendments relating to summary offences. Of course, they are of quite a different nature. In my view, the 2 pieces of legislation should not have been introduced as cognate bills in any case but I did look at this one most carefully indeed. If one had listened to the public discussion on this matter in the last few weeks, one would be led to believe, if he did not know better, that drinking in a public place is not already an offence under the Liquor Act. Indeed, in his second-reading speech, the Minister for Health confirmed that it is. This bill does nothing about drinking in a public place that is not already done under the existing act. Drinking 2 km from a licence or not 2 km from a licence is entirely irrelevant. It is illegal to drink in a public place under the Liquor Act. The only thing that is being done is to transfer it from the Liquor Act to the Summary Offences Act which might be quite appropriate. I am not questioning that but it does not affect the question of drinking in a public place at all.

What it does is attempt to widen the definition of 'a public place' and include problems which arise on private land. I know

it has been difficult in the past for police officers to grapple with this problem of whether land is public land or private land when confronted with a problem. This has happened in my electorate. I have some sympathy for members of the police force who deal with such problems. I looked at this bill and I wondered if it solves the problem. I did a little legal research and I was forced to ask myself whether it really matters. Bearing in mind the other provisions we have in Northern Territory legislation, I think we have been getting ourselves totally confused about this question of the status of land. It seems to me to be entirely irrelevant.

I draw members' attention to section 57(1)(n) of the Summary Offences Act. This says that any person who is found upon any dwelling, any land, whether shop, office etc without lawful excuse, the proof of which shall lie upon such person, is guilty of an offence. Quite clearly, if you are there illegally, you are trespassing and you are guilty of an offence under the Summary Offences Act.

I now draw honourable members' attention to section 123 of the Police Administration Act which says that a member of the police force may, without warrant, arrest and take into custody any person where he believes on reasonable grounds that the person has committed, is committing or is about to commit an offence. Having looked at those 2 pieces of legislation together, I cannot see why the problem has arisen whereby members of the police force have the belief that they cannot act when problems arise on what they think might be private land. I know this has been a matter of discussion in the courts from time to time.

I draw honourable members' attention to the most recent judgment on this matter: an appeal before the Supreme Court of the Northern Territory against a magistrate's decision. The judgment was given in June 1981 on certain questions relating to police powers of arrest on private premises. The learned judge gave the following judgment: 'Provided a police officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence, he has power without warrant to enter private land for the purpose of arresting the person albeit the offence is punishable by a maximum sentence of imprisonment of 6 months or less'. It seems to me that that judgment of the learned judge would solve any problems that in the past might have been seen to be evident to members of the police force as a result of magistrates' decisions and which they might have felt constrained them against taking action on land which they thought was private land.

I notice that judgment is of a later date than the advice of the working party given to the government. According to the minister in his second-reading speech, that was given in May 1981. I am not a lawyer but the Chief Minister is a lawyer and he has the benefit of the backing of the Attorney-General's Department and other avenues which I do not have. I would ask him to explain this apparent problem of private land in view of those matters which I have brought to the attention of the Assembly. Bearing in mind the very serious problems relating to the consumption of liquor that exists in the Northern Territory, it seems to me that it would be a very great shame if all this Assembly is going to do is to introduce yet more unnecessary legislation which might result in

even more legal argument and, in the end, might do nothing more than further tax, quite unnecessarily, the facilities of our already overcrowded prisons.

Mr HARRIS (Port Darwin): Mr Speaker, at the outset, I would like to indicate to members my concern at the methods that have had to be used to control a few people in our community. There is a very strong feeling in our community at present that many of the laws of the Northern Territory have to be amended because of the activities of a few people and that, as a result of these amendments, the community itself is penalised in one way or another. The amendments before us are perfect examples. Because of problems that have resulted from excessive drinking by groups within the city area, these amendments have had to be made. They place an impost on the community in 2 ways.

First, they reduce the hours during which take-away liquor may be obtained. Of course, reducing that time by 2 hours will not cause anyone any great concern but, nevertheless, it is an impost on the people. Secondly, they prevent people from having a drink at a barbecue on a beach or some other areas within 2 km of a licensed liquor outlet. Of course, there are not many people who take part in this particular activity but it is an impost on those who do and it results from the problems caused by the activities of a few.

I know that there are provisions in the bill to enable certificates of exemption to be issued to people in control of these areas so that liquor may still be consumed. I believe that we have a responsibility to all people. In future, if legislative change is necessary because of the activities of a few, there must be a complete reappraisal of the approach needed to solve that particular problem. I do not believe that we can go on penalising the community as a whole because of the actions of a few. Because of my feelings, I have searched for alternative methods of achieving the same aim as these 2 bills. I have not been able to come forward with anything that would stop the intolerable situation that has existed in the last year or so.

The member for Fannie Bay raised the issue of the existing laws in the Northern Territory. In a debate in this Assembly on an amendment to the Summary Offences Act in 1979, the issue of drunks in parks was raised. The member for Arnhem, now the Leader of the Opposition, said that I did not know what I was talking about because the laws already existed whereby we could remove people from our parks. The fact is the people are still in the parks. If the laws cannot work, we should remove those laws and enact laws that can work.

I would just like to recap on the issues that have led to the introduction of these bills. Problems have been experienced in my electorate, particularly during the dry season. I have some 11 sit-in areas in the electorate of Port Darwin where people gather regularly and most of these are used by Aboriginal people. It is not so much the sit-in that worries me but the coupling of this with excessive use of alcohol. I am not getting into an argument on whether or not there should be sit-in areas within the electorate of Port Darwin; I am just making the point that problems do arise when this is coupled with excessive drinking.

The local residents in the areas past Daly Street have been put to a great deal of inconvenience. Families with young children and visitors have been abused. There have been problems associated with noise, indecency and other activities. These are all covered under the various acts that we have but the problem continues. The only way to get rid of it is to provide that they be removed to another area outside the 2 km range from a liquor outlet. Apart from being embarrassed, these people are denied the privacy of their own homes and they have also risked injury. One person in the Smith Street West area has had to hire a security firm to keep his property clean from rubbish that has been thrown around.

There has always been a problem with people who consume alcohol to excess. The perfect example is in Bennett Park. It is a beautiful park which is not being used to the extent that it could be used. The citizens are denied use of it because of a group of people, European as well as Aboriginal, who frequent that particular area. We have always had that problem but it has extended to other areas in close proximity to the central business district. We have these drinking sessions on unoccupied land, occupied land or in beach areas. Most of these areas are very close to liquor outlets and, for a variety of reasons, citizens are denied access to the use of these areas.

In order to solve the problems that are caused by excessive drinking - brawling and anti-social behaviour - these amendments have had to be introduced. I do not like these amendments being introduced but they have had to be introduced to put an end to this intolerable situation. The amendments will protect the rights of the citizens in this area. The unfortunate effect is that it will drive those people who consume liquor within my electorate to some area just outside the 2 km limit. In many ways, it is similar to the amendments that were made to the Liquor Act some time ago which enabled Aboriginal communities and other communities to declare areas as dry areas. I commented at the time that people would come from those areas into the urban electorates where they would be able to obtain liquor. That is exactly what has happened. People drinking in these sit-in areas in the city will now be removed to 2 km from a liquor outlet. This could help the people who are addicted to alcohol because we will be able to look at the problem without worrying about the effects that their behaviour has on the community itself. The issues will not be confused in any way whatsoever. That is one of the benefits that we will be able to receive by having these camps outside the area where people live.

The amendments result from a working party which was set up specifically to examine all aspects of alcohol abuse. The terms of reference were spelt out. The working party was to examine the restriction of hours, the responsibilities of the licensees etc. I believe that there is one area that could have been given more attention: the responsibility that drinkers have to the community itself. If we are serious in our efforts to address ourselves to this problem of alcohol abuse, we have to go all the way. We must look at tightening up some of our liquor laws. There are also a number of inconsistencies in the Liquor Act itself that need rectifying.

A licensee has responsibility to supervise the sale of liquor and to make sure that people who are under the influence of alcohol are not served drinks. If he allows that to happen, he is subjected to severe penalties, and so he should be. As far as I am concerned, to date it has been a fairly one-sided argument because, whilst it is an offence for a licensee to serve a drunk, it is not an offence for someone who is under the influence of liquor to receive drink. He is not committing an offence. The existing laws make it very difficult for a licensee to comply with the act. Most licensees do not like to have drunks on their premises. Their presence does nothing for the name of the place and, in most cases, the patrons will leave the premises. They do not like having these drunks in their hotels or shops. It is incredible that a person who is purchasing liquor whilst under the influence is seen in the eyes of the law as not being responsible yet that same person can go out the door, hop in a car, drive off and be liable to severe penalties. I think that is something that has to be looked at.

We should also note that, on the occasion when a drunk is served in a hotel, it is generally done to get rid of the drunk. The person who is serving that person is subjected to a tirade of abuse. Threats are made and often physical assault occurs. I believe it would help if a licensee could say: 'Listen mate, if you receive this, then you are liable to the same penalties as I am'. I think that would have some effect. There are many cases, when an intoxicated person comes onto a premises and the police are contacted, where it is difficult to convince the police that the person has not been served a drink at those premises.

I believe that we must give consideration to amending the Liquor Act so that a person purchasing or attempting to purchase alcohol whilst intoxicated be subject to similar penalties as the licensee and, further, that a person purchasing liquor on behalf of someone who is under the influence also be subject to some penalty. It is a matter which is of concern to me. It is of concern to a number of licensees whom I have spoken to and I believe that it would improve the act.

A similar situation exists with teenage drinking. I do not want to go into any great detail other than to say that changing attitudes of parents towards what their children are able to do is perhaps one of the problems that we have. Parents should play a more forceful role in guiding their children.

Alcohol abuse is a very complex and deep-seated problem in our community. There are many reports on seminars that have been carried out. There are books written on this particular subject and we still have so much work to do in this area. It is unfortunate that these measures have had to be taken. Because of the actions of a few people, the laws of the Territory are being changed. The whole community will be affected as a result. We could not allow the intolerable situation that has existed over the past year to continue. I do not believe that the laws we have at present would enable us to police this as it should be policed. I believe the problem would have continued to exist. I do not believe there is a solution to the alcohol problem near at hand. I do not like making that comment but, if we open our minds a little and do not get carried away with the changing

attitudes, I believe that we may make progress towards a satisfactory solution.

There are only 2 other queries I would like to raise. Firstly, why has provision been made in the act for a public hearing to be held where certificates of exemption are applied for? Secondly, if the amendment to the Summary Offences Act will restrict people from drinking within 2 km of a licensed outlet and thus solve the problem concerning the activities and behaviour of people in that area, why is it necessary to reduce the hours during which liquor can be purchased from take-away outlets?

Mr B. COLLINS (Opposition Leader): Mr Speaker, the wide-ranging speech of the member for Port Darwin made me feel that he must have been talking about some other legislation. He went over something that has been gone over again and again in this Assembly. I am not suggesting that it should not be gone over again but the inference obviously was that this legislation would solve the problems that he outlined. Clearly, it will do nothing of the sort.

I am sure the Attorney-General would be the first person to agree that this Assembly should not be in the business of cluttering up the statute books of the Northern Territory with more legislation than is necessary to achieve whatever end we are trying to achieve. As stated by the minister in his second-reading speech, the problem is public drunkenness. At least one of these bills seems to be directed to that end. I agree with the member for Fannie Bay: I do not see why these 2 bills are being taken as cognate bills.

I want to briefly go over the arguments again so far as the legislation is concerned before I talk about what I think needs to be done by the government. The member for Port Darwin in his discussion on the amendments to the Liquor Act summed it up very accurately. He said that it would inconvenience people but not greatly. He said: 'Reducing it by 2 hours is not really going to inconvenience people'. I could not agree with him more. Among the people it will not inconvenience are the drinkers. I would point that out to the member for Port Darwin.

We are opposed to this cosmetic move by the government. That is all it is. Every bit of available expert opinion and common sense will tell you that not only is it not going to inconvenience greatly the people who want to buy take-away liquor to drink in the privacy of their living rooms, it is also not going to interfere greatly with people who want to buy liquor and consume it in Stuart Park. After a week or 2 of having this legislation on the statute books, they will simply regulate their hours to suit the hours that are provided for in this bill. It is a useless piece of legislation which will accomplish nothing.

Even though we have the Chief Minister on record in 1979 as saying that he finds this abhorrent and the Liquor Commission has been set up to be flexible and able to deal with each licence application when it is made - which is a very good way of doing it - it is even more useless because we take away from it with one hand and we give back to it with the other. There is a clause in this bill which says that, after we draft these regulations - all

the bill provides for is the power to draft regulations - we then give back to the Liquor Commission the flexibility to go outside of those stated hours in its determinations. It seems to be a totally pointless exercise. Even if it did succeed in having the hours restricted, that in itself will not accomplish anything. We all know on a personal level the many people who drink in public places around Darwin. It will not have any effect on their habits at all. We are totally opposed to the restriction of trading hours; it will accomplish nothing. It will not inconvenience anybody.

So far as the Summary Offences Act is concerned, I studied this very carefully as did the honourable member for Fannie Bay. I looked at section 57(1)(e) which is still on the books. What does this bill do? Currently, under the Liquor Act, drinking in a public place is an offence. It has always been an offence under the Liquor Act and a person can be prosecuted for it. The drunks in the parks that the honourable member for Port Darwin talks about can be dealt with now under the Liquor Act. What does this do? It extends the action of the police to include private property, apart from increasing the penalty from $50 to $200. That is all that it does.

In the Summary Offences Act, section 57(1)(n) makes it an offence to be unlawfully on private property whether drinking or not. In fact, the penalties are very heavy: $1000 or 6 months imprisonment. Maybe I should opt to be taken away under this section instead of that one. It is an offence to be on private property without proper authority. I know there has been some confusion in the courts about this. It appears to me that that confusion was resolved in June last year by the Supreme Court of the Northern Territory. In fact, a magistrate dismissed the charge on the ground that the arrest was illegal because the officer had arrested the person concerned, without warrant, on private property. There was an appeal and the appeal was successful.

Section 123 of the Police Administration Act clearly gives police the power to enter and arrest a person if they think he is committing, has committed or is about to commit an offence. If a person is illegally on private property - and the onus of proof is on him to show that he has lawful reason to be there - he is committing an offence. Judging by the penalty, it is a serious offence. If he is doing that, the police can cause him to move on or arrest and charge him. He may then be liable to a penalty of $1000 or 6 months imprisonment. What does this add to that, I ask you?

Here is the judgment of Mr Justice Muirhead. I will give a brief outline of what the case involved to make it clear. This is precisely what the judge talked about. Two police officers went by patrol car to the vicinity of a house property in Alice Springs. A party was apparently in progress and the police alleged they were abused by the defendant who was then on private property close to the footpath. He was standing in the front yard. The charge was dismissed by the magistrate on the ground that the arrest was illegal because the police had no right to go on private property.

In June last year, the judge found the magistrate was in error and his judgment was as follows:

> *Provided a police officer believes on reasonable grounds that a person has committed, is committing, or is about to commit an offence, he has power without warrant to enter private land for the purpose of arresting the person albeit the offence is punishable by a maximum sentence of imprisonment for 6 months or less.*

I am not a lawyer either and I ask the Attorney-General for his guidance on this subject. I note that the working party report was presented in April 1981. This judgment came down 2 months after that. It appears to me that, if there was any confusion about the powers of the police to act under section 123 of this act, that confusion has been removed very clearly by this judgment. If that is correct - and I am quite happy to be told that it is not - I would like to know what we are adding to the books by this bill. The only extension is that drinking in a private place now becomes an offence as well.

The member for Port Darwin talked about the problems. I have a great respect for the member for Port Darwin. I did not say at any stage that the honourable member for Port Darwin did not know what he was talking about; I would not say any such thing. He is quite correct in that I did say that I felt that the offence was already catered for under law. If the law is not being enforced, that is another thing. There may be a good reason why the law is not being enforced. Let us consider that and have a look at this bill.

There is an on-the-spot fine of $200 if a person is caught drinking in a public place. If he does not pay, he goes into the slammer for a month. Whom are we talking about? Again, the member for Port Darwin is absolutely correct. We are talking, in the main, about Aboriginal people. They are the ones who are drinking in public places. In the main, it is Aboriginal people who commit this offence, and the Europeans who commit this offence will not be able to pay $200. There is no doubt about that either. They will go to jail.

Perhaps this is the reason why the Liquor Act has not been enforced. When we start cleaning up the parks and the streets under this new legislation, where are the magistrates to send the people they sentence to jail? The people we are talking about will not have the money to pay the fines. They will go to jail. Which jail? In my electorate - on Groote Eylandt, in Alyangula; and I have written recently to the Chief Minister about this - we have prisoners, in the main Aboriginal prisoners, being confined in intolerable conditions in a set of police cells designed for overnight lock up. Remand prisoners have been detained in very poor conditions indeed - I have seen them myself - for weeks because they are not sending them to Berrimah Prison. We all know the problems with Berrimah Prison. We know of the overcrowding there. What are we going to do? Are we to build more cells at Berrimah Prison or would we be better off directing the money somewhere else for rehabilitation facilities that the Chief Minister himself has talked about since 1975?

I ask the honourable member for Port Darwin to think about this: what are the magistrates to do with the hundreds of people who are drinking on public and private land around Darwin? Which jail will they be sent to? The one we have now is full up. They will not be able to pay the fines, let me assure you of that. We have had long debates on public drunkenness in this Assembly. The opposition and various other sections of the community have attempted to get through to the government the vital necessity to give priority to rehabilitation in its various responses to this problem. I am talking about some realistic proposal that will prevent people being harassed and offended by drunks in public - I am just as offended by that as anyone else in this community - that will solve that problem and, at the same time, try to accomplish the valuable side effect of returning those people to some sort of active role in society.

The opposition is not proposing rehabilitation at the expense of education nor are we suggesting that legal responses have no part to play. What we have said is that education and punitive solutions, without proper rehabilitation programs, are tokenism. That is precisely what this legislation is. To quote the honourable member for Stuart: 'The government is getting tough with the drunks'. I heard him on ABC radio: 'This is a tough bill'. It is nothing of the sort. It is a nonsensical bill. It will accomplish nothing. I would like to see the courts start locking up the drunks around Darwin; they will need a very rapid building program out at Berrimah Prison. Maybe they could put the prisoners who are locked up in the Alyangula police cells at the moment in Berrimah Prison before they start enacting this legislation.

The debate on the 2 bills before us indicates clearly that we, as an opposition, have failed to get our arguments across to the government. There is no doubt about that. The magnitude of the problem which the government is ignoring, despite the lip service that it occasionally pays to the rehabilitation question, was graphically illustrated in the NT News yesterday. I do not have to remind honourable members what the article said. Officially, once again, we are the biggest beer drinkers in the world. When the many non-drinking adults and most of the children are excluded from the Territory population figures, we have a great alcohol problem. We have talked about it at length. It is inescapable that many of our prime alcohol consumers are already at a stage where they require professional help,or are rapidly approaching that stage.

There is plenty of sound scientific evidence - and I am not talking about pie-in-the-sky scientific evidence but about the many reports from people who deal with the problem - that this kind of solution will not succeed. By these 2 bills, we are seeking, in the minister's words, 'to implement some of the final recommendations of the working party appointed in March 1980 under the chairmanship of the Solicitor-General'. The minister stated that the working party was to consider 5 main areas: the cause, education of the public, control of supply, sanctions for abuse of liquor and the rehabilitation of abusers. Each area was reportedly considered in detail. The working party made its report to the government in April last year. I stress again that this judgment from

Muirhead J. came down in June after this but all that the public has been told of the reports and recommendations to the government is contained in 2 brief news releases which, in our view, took as the main thrust the recriminalisation of public drunkenness. Honourable members will recall the courts sending people out of town if they commit 3 offences in 12 months and so on.

The government has now come a full circle. When public drunkenness was decriminalised, the point was made repeatedly that this move must be accompanied by extensive rehabilitation programs if it was to be successful. That point was made by the Chief Minister. The programs have never arrived. Now we are facing wider sanctions and still virtually nothing has been done about rehabilitation. When the government released its proposals for discussion, the opposition put forward a comprehensive submission opposing the major punitive recommendations and proposing areas of rehabilitation which required urgent attention. This submission was circulated widely in the community and most of the responses reflected our views and supported them. The punitive approach was opposed and the need for people to establish and control their own drinking clubs and for detoxification and treatment centres was endorsed. In due course, I circulated copies of these bills to organisations representing the individuals most likely to be affected. Without exception, these bills were soundly condemned by organisations dealing with the problem. They face up to it every single day. They have told us, categorically, these bills will accomplish nothing. They give an appearance that the government is attempting to come to grips with the problem. The government is simply thrashing around in the dark.

I have quotations from people who responded and I am sure that the documents were sent to the government. I will not quote them because I would run out of time. I will read one submission from the Aboriginal Development Foundation in Darwin which has had plenty of experience with public drunks: 'Restricting the sale of liquor to shorter hours would give the indication that people are required to buy a larger quantity in that time and, therefore, they would consume at greater speeds in public places the products which they had bought and therefore create further disturbances. To police the act to ensure that laws are not broken will put greater workloads on police authorities and also legal aid services to which defendants will be going to seek aid'. That is precisely what will happen.

The opposition to the government measures is quite unequivocal. As surely as night follows day, this legislation will not stop drinking in public places which is already an offence under the very recent Northern Territory Liquor Act. It will place heavy pressure on police, courts and prisons and there will be a misdirected drain on public funds. If the act is to work, these people will have to be convicted and sentenced otherwise it is useless legislation. I ask the member for Port Darwin where the courts will send the people? They will not be able to pay the fines and they will have to be jailed. Where?

Mr Perron: They have enough to buy booze.

Mr B. COLLINS: The honourable Treasurer, in one of his absolutely classic interjections, says that they have enough money

to buy booze. This simply indicates again his abysmal ignorance of the situation. Most of the drunks in fact do not have the money to buy booze. There is a practice called sharing which is almost unknown in our society these days. However, Aboriginal people are still well into sharing.

Is the money to be directed towards building more cells at Berrimah? The Minister for Health knows about community groups who are anxious to help. We have talked to them; they will put these programs into effect. Are we going to build more cells at Berrimah or are we going to fund these people in an effort to have a realistic solution to the problem? In consultation with the Drug and Alcohol Bureau, the Liquor Commission and Aboriginal organisations, drinking clubs could be set up. By and large, the ones in Aboriginal communities work. Certainly, I know that the one at Oenpelli does. The clubs could be established under the auspices of the commission and be controlled properly. There are many other alternatives that could be considered.

I have already quoted from the Chief Minister's speech in 1975 when he supported the very proposals we are placing once more in front of the Assembly. He said: 'The Legislative Council in 1974 removed the offence of drunkenness in public places from the statute books without providing any alternative machinery to relieve the general body of society of the nuisance which people drinking in public generally constitute'. He then went on to outline a proposal very similar to the New South Wales Intoxicated Persons Act. We support that initiative of the Chief Minister and we are asking his government to implement it. He said: 'My party is not prepared to sit and talk about detoxification centres any more; we want to see some action and are therefore offering the machinery to the administration to enable them to set up such centres'. In a subsequent sittings, Mr Everingham said: 'I have received no rejections of the legislation from any quarter. I have the favourable reaction of most representative bodies in the Northern Territory'. The same bodies are still favourably inclined towards that view; they are just waiting for the government to implement it.

Let me return to the legislation that operates in New South Wales. If a person is found intoxicated in a public place and is behaving in a disorderly manner or behaving in a manner likely to cause injury to himself or another person or damage to property, that person is able to be detained by a police officer or an authorised person. He is then taken to a proclaimed place and there are 2 proclaimed places in Sydney that handle most of this. If necessary, they are taken to a police cell. Thus, if they are causing too much trouble, they are arrested in the normal way.

The legislation should allow for the release of an intoxicated person into the care of a responsible person if the detained person agrees. If the police officer or authorised person is not of the opinion that the person is sufficiently responsible, then access to a magistrate should be available so the matter can be determined. Records should be kept of each detention and a copy of one's record should be available to the intoxicated person or his agent if required. No action should be possible against any police officer or authorised person who has acted in good faith. To protect the

rights of the detained person, access to a magistrate should be provided when the person feels that he has been wrongfully detained. Proclaimed places in New South Wales are open 24 hours a day, 7 days a week and are served by 2 large pick-up services. Counsel is present at the time that the clients leave and encouragement is given to them to enter more extensive rehabilitation programs. Showers and clean clothes are offered to each individual.

Positive results have been achieved in New South Wales with this approach. Intoxicated people are aware that they are welcome at these centres and, as a result, agencies have been recruiting a higher number of self-referrals which do not require detention. Can I point out to honourable members just why this approach was required in New South Wales. The poverty report presented to the government of New South Wales dealt with statistics on 2 offences: vagrancy and public drunkenness. They discovered that arrests arising out of these 2 offences, mainly public drunkenness, comprised half of all non-traffic, criminal charges brought in New South Wales courts of petty session each year. Secondly, they found that a high proportion of offenders were in prison because they did not have any money. In 1972, figures revealed that 87.5% of convicted persons were in prison and 62% of those were for periods longer than 14 days.

Quite apart from this question of the very big commitment of law enforcement personnel and resources, the poverty report concluded that the police and the court were in any event ill-equipped to deal with the problems raised by the existence of the 2 offences. I am not pretending to say anything that has not been said a dozen times before. None of it is new. It is so obvious that it jumps up and hits you in the eye. What I want to know is why, instead of having these 2 ridiculous pieces of legislation that will accomplish nothing, we do not start doing something.

I will not deal in any more detail with the basis of the New South Wales Intoxicated Persons Act because I will run out of time. The government obviously can avail itself of that particular scheme and have a look at it. For the Chief Minister's benefit, we are not suggesting that the act be applied precisely as it is in New South Wales. We would be happy to supply the Chief Minister with a detailed submission on where we think changes need to be made to it to suit Northern Territory conditions. It would certainly be a far more realistic way of dealing with the problem.

Mr Speaker, we should be giving urgent consideration to the proposals under which accommodation and care would be offered to people rather than the current way in which the government is handling it. Given the course being adopted in these bills before us, it is in the nature of a last-ditch appeal to this government for members opposite to tackle the problems of public drunkenness in a way that is going to work. The opposition hopes the government will enact legislation based on the kind of legislation and the kind of procedures that I have outlined and that the Chief Minister has supported consistently in the past. If this does not occur, then we as an opposition will introduce this legislation ourselves. I would hope that the government will do so because the consistent procedure in relation to opposition bills in this Assembly is to reject them. We hope that the government will enact this legislation. If it does not, we will.

To conclude, when the Chief Minister replies to the comments of all members in this Assembly, I would specifically like him as Attorney-General and minister responsible for police - I notice the Chief Minister pointing to the Minister for Health but I am under no misapprehension as to who owns these bills - in light of the comments that have been made, to explain to us if we are wrong about section 57(1)(n) of the Summary Offences Act, section 123 of the Police Administration Act and the comment of the judge in June last year clearly stating that the police have the powers we have said they have. If the Chief Minister confirms our belief, I would suggest to all members that we are engaged in a totally pointless exercise in passing these bills in this Assembly.

Mrs LAWRIE (Nightcliff): Mr Speaker, these are a couple of very bizarre bills. I do not think that the member for Port Darwin will like them very much once he looks at the schedules of amendments which have been circulated with them. If we are framing laws for the people of the Northern Territory in such a way that they do not need a legal degree to interpret them, we certainly missed out very badly here: the Liquor Act contains references to the repealed act, we have an amending bill and we have an amendment schedule which makes references to the amending bill referring to the repealed act. I can assure members that the sum total of all that is, if we pass all the legislation before us today, it will no longer be an offence to drink in a public place unless that public place is within 2 km of licensed premises.

That puts a completely different outlook on this legislation. It is one which I am inclined to support. I have never found the public upset about drinking in a public place. What people are upset about is the behaviour of any person in a public place whether he be drinking or sober. It is the amount of disruption in the public place caused to one's neighbours who also happen to be in a public place which excites the comments of the community. A quiet drunk may be far more acceptable generally than a vociferous, aggressive, non-drunken person in the same public place.

We are attacking this community problem of unseemly behaviour in the wrong manner. We are saying that, if it is drinking in a public place within 2 km of a licensed premises, then per se it is offensive. That is not necessarily so. I believe that the problems which arise in the community of riotous, unseemly or indecent behaviour are already covered. Simply drinking in a public place should not attract the attention of the law which is what will happen if this bill is passed.

We have amendment schedule 79 which will omit subclause (1) and substitute section 131 of the principal act as repealed. Section 131 of the principal act is the saving clause continuing the offence of drinking in a public place. We are about to repeal the law which says it is an offence to drink in a public place. I approve of that because I have enjoyed having a drink at many a beach barbecue or at the Lions Park at Casuarina often with various sporting bodies and sometimes with other members of this Assembly. To be honest, I have never felt particularly guilty about having done so nor have literally thousands of people who have had a quiet drink in a public place along with me.

I want to make it quite clear that I support repeal of the

offence of simply drinking in a public place. What we are now doing is saying you can go to Lee Point and drink - that is further than 2 km from the nearest licensed outlet - but you cannot drink in front of the Sailing Club. What the hell is the difference? The difference is that one is within 2 km of a licensed premises. The Sailing Club has a licence to sell liquor. I cannot sit on Mindil Beach, Fannie Bay Beach or East Point and have the same quiet glass of wine that I can at Lee Point.

That seems to be demonstrably ridiculous. If I can behave myself with my friends drinking quietly at a more remote beach which is frequented by many people, why should I not be able to do the same in front of the Sailing Club at Vesteys Beach, at East Point, at Fannie Bay beach or at Nightcliff? There are delightful little coves in Nightcliff where people are known to go with the odd glass of Chablis or the odd cold can of Fosters. They often drink with their families and behave themselves very well. This leads me to believe that those having control of these beaches - presumably the Darwin city council - will apply for exemptions in certain places. Let us remember that the Sailing Club, the Trailer Boat Club and the Ski Club do not control those beaches. The Treasurer said at the last sittings that, as long as he was here, they never would. The beaches are open to the public; they are public places indeed. I find it incongruous when we are talking about public places that it will not be an offence, given all the amendment schedules presented, to have a drink in one public place whereas it will in another. The only criterion is not anyone's behaviour or the amount of liquor taken there but whether it is within 2 km of a licensed premise. I find that quite irrational. I am not criticising the efforts of the government to curtail the alcoholism which appears to be rife in our community and the unseemly behaviour which causes offence to so many people.

Having pointed out that incongruity, I also point out what I believe is a defect in the bill. There are 2 places where people can no longer drink: a public place within 2 km of licensed premises or private unoccupied land. The definition of that unoccupied land is found in the bill itself: 'unoccupied private land' means land, other than a public place, the lawful occupier of which is not present at the relevant time. There have been many times when I have not been present on my own lease in Nightcliff and I have allowed the Nightcliff Hockey Club to have a social there. They sit there and drink their own tinnies and their little carafes of wine. Under this act, they will be guilty of an offence because I am not physically present. I think that is ridiculous. I do not think it was the intent of this legislature to have an act which would work in such a way. I ask the sponsor of the bill, who seems to have changed in mid-course, not to process it until he has had time to consider that point at least. Why should the lawful occupier of private land have to be present before anybody else can drink there even with his permission? That is the point I am making.

This bill gives persons who have control of public land the right to apply for an exemption from the Liquor Commission. That has to be advertised and all kinds of other things have to follow. That is fine. However, in looking through the bill, I cannot see

any provision where the owner or occupier of private land - and I think this is a ridiculous extension anyway - can apply for the same exemption. I cannot go to the Liquor Commission and say: 'The Hockey Club is having a social at my place next Sunday. Please do not send in the boys to raid it. Those people have my permission to be there but I will be in Mataranka. I hope no one minds'. That seems to be quite ridiculous. I see that the Chief Minister is muttering away over there and I repeat that the definition of 'unoccupied private land' means land, other than a public place, the lawful occupier of which is not present at the relevant time.

Mr Speaker, I hold the lease of Lot 270 Nightcliff in my own name but, quite often, I am at sittings of the Assembly and friends of my children who are over 18 are there having a drink and so is my fiance. Under this act, they are all guilty of an offence. There is no way I can apply for permission for them to drink there unless I am to be present. As I said, obviously that is not the intent of the legislature. I want that point tidied up quite definitely. This is the Summary Offences Act. We are dealing with offences, not the rights of private property owners - more is the pity, because we seem to be giving the right to every Tom, Dick and Harry to walk on to our private property and have a look at what is going on. It will now not only be a question of whether you have 3 dogs instead of 2 or whether you have a 6' or 5'10" fence around your swimming pool but whether you are there while someone is having a quiet, friendly drink. What an absurd nonsense, Mr Speaker.

To conclude, if the amendments are carried, I congratulate the government on abolishing the offence of drinking in a public place. I cannot understand why it has reinstated it as an offence when that public land is within 2 km of licensed premises. There is no other criterion.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support these 2 bills, I recognise that they are connected despite what honourable members opposite have said to the contrary. I also recognise that there is a serious situation current in the Northern Territory with regard to excessive consumption of alcohol.

Although current legislation exists in the Liquor Act and Summary Offences Act, this amending legislation will reinforce those acts. I think that consideration of these bills together will bring home the seriousness of the situation to the probable offenders against the social norm, and the seriousness with which the government regards that situation. What I now say might be considered as adverse criticism, but I would like to see more thought given to it.

Honourable speakers have not commented on a program that the government has instituted the title of which is 'Boozers are Losers'. Clearly, the intention behind it was good: to bring home to the public the fact that excessive drinking of alcohol is to the drinker's detriment and to the public's detriment because the public has to foot the bill for rehabilitation. However, I do not think the program was directed in a way to do as much good as it could have done in the community. I saw several TV advertise-

ments, read about it in newspapers and saw the posters. People in my electorate have spoken of it to me. It is clear that nobody could associate himself realistically with the people portrayed in the program. If the government is considering a further program on these lines, the honourable minister who has carriage of these bills and who is also concerned with that program should give more thought to presenting situations to which people can relate.

I have no philosophical objections to these 2 pieces of legislation. I do not consider the restriction of trading hours will impinge on personal liberties. Trading hours will be restricted slightly. I do not think that there is any fear of the old Victorian 6 o'clock swill coming back. I do not think people will buy more liquor because restrictions on trading hours are imposed. A point to be borne in mind in relation to the government's current attitude to the dangers of excessive consumption of alcohol is road safety and road deaths related to alcohol. The figures that were presented to us by the police perhaps are not very relevant to the fact that the introduction of the breathalyser has reduced alcohol consumption. Unfortunately, we all know that road deaths have increased in comparison to this time last year. I think that there are other factors to be considered in relation to that. There is no doubt in my mind at all and in the minds of other responsible people in the community that the restrictions the government has imposed already on the public and those it proposes have contributed, perhaps intangibly, to people giving more consideration about excessive alcohol consumption. I think these measures have contributed to reducing the total number of road deaths in the community. God knows what the figures would have been if the government had not been responsible enough to consider the connection between alcohol consumption and road deaths.

One of the honourable members opposite said that people will continue to drink regardless of the legislation that is being introduced by this government. I think that is right, Mr Speaker. One could take it even further and say that, despite legislation that murder is a criminal offence, people will continue to murder other people. I do not think that argument holds at all. As I said earlier, I think this proposed legislation reinforces the Liquor Act and expresses the government's concern in relation to excessive alcohol consumption within the community.

I will deal particularly with clause 5, saving of certain sections of the repealed ordinance. Speakers opposite have not mentioned the particular sections in the old Licensing Ordinance to which this refers. Section 140C referred to drinking in a public place, a municipality, a town, reserve or a mission lease. Section 140E referred to a permit to drink on a mission lease or on a reserve. Section 141 referred to restricted areas on pastoral leases, pastoral homestead leases and on agricultural leases held under Crown land legislation where there was a reservation in favour of the Aboriginals. The Aboriginals or the lessee could request that certain conditions be applied to the drinking of alcohol in those areas. The repeal of section 131 is only highlighting that the current Liquor Act has a more flexible approach to the whole problem of drinking. I think that only about 2 pastoral homestead leases were taken up so the term is not in current use. Instead of talking about reserves and mission leases,

we talk about other areas of land. We talk about Aboriginal towns where the Aboriginal people themselves have the authority to say what shall be done regarding the consumption of alcohol.

Referring to the bill to amend the Summary Offences Act, I had some queries which were answered. I brought to the attention of the minister something which was brought to my attention. I refer to a discrepancy in this legislation which will be righted by an amendment. It relates to establishments known as BYOs. If the bill had gone through as presented, these people would not have been able to continue in operation. No doubt the hoteliers would have been laughing all the way to the bank but there is a definite place for the BYOs in our urban situation. I am very pleased to see a proposed amendment that takes account of these establishments.

I queried proposed section 45D where the penalty is stipulated as $200 yet further on a penalty of $20 is mentioned. I think the Leader of the Opposition was talking about an on-the-spot fine of $200. I think he may be incorrect in that the $200 fine applies to those cases which are heard in court. There is a $20 fine for people who are prepared to pay on the spot.

In relation to proposed section 45G, I would like to think that the same strictures apply to all members of the community. If this legislation is to take effect fairly, it must fall on all members of the community equally. I refer to the person who may be in an objectionable state of intoxication and one who has just opened his first tinny. Both of these people could be dealt with similarly by this legislation. It is obviously not intended to go against the social norm in that sometimes it is quite acceptable to drink in a public place. The only saving that I can see is that the city council would have - and I am referring to beach areas - the power to apply for exemption for certain areas at certain times.

Proposed section 45G also states that a person may be served with a notice if he is doing something that this legislation says he should not do. He has a period of 14 days in which to consider it before it is taken to court. I asked why the period was not 28 days as is the case in relation to traffic offences. It could be that 14 days is considered appropriate because there is a different set of circumstances. Promptitude is perhaps admirable in this case.

I do not know whether this legislation will change the current situation. If a person is found to be objectionably drunk in a public place, is it reasonable or realistic for the police officer to ask him for his name and address? It seems to me that the current situation will still hold. This person will be taken into protective custody to dry out for 6 hours and then set free again. I would like to ensure that this legislation falls equally on all sections of the community.

Mr DOOLAN (Victoria River): Mr Speaker, in Queen Victoria's time, there was a famous lady called Mrs Patrick Campbell who was well known for her remarkable and outrageous sayings. Mrs Campbell went on record as having said something to the effect that it does not matter what you do in the bedroom as long as you do not do it

in the street and frighten the horses. I think that some of the nonsense that is contained in this bill is analagous to Mrs Campbell's remark.

It is quite obvious that the main thrust of the bill is directed primarily at 2 separate groups of unfortunate people who cannot follow Mrs Campbell's suggestion to do it in the house, which would be acceptable to society, because they simply do not have a house. In Darwin, one group which is substantially of European extraction and which lacks a house in which to drink very naturally seeks the most pleasant and shady place which it can find. Unfortunately for the general public, it usually happens to be a park. They certainly do not frighten any horses these days but it appears they upset a very vocal and sometimes slightly hysterical section of the public.

The second of the 2 groups that I think the thrust of this bill is aimed at is the Aboriginal people. Other members have spoken at length about Aborigines and their drinking habits so I will try to confine my remarks to the problem of the European drinkers who congregate in Darwin's parks. I would like to say that, from my observation, the Aboriginal drinkers around Darwin do not really present any terrible threat to society. Usually, the ones I have observed have been quite well behaved. For instance, the ones on the beach out near Lim's pub stay right away from the general public. When they want more alcohol, they send a couple of runners over to the take-away place and bring it back to the park again. They do not appear to interfere with or upset the more proper people who do have a house to drink in even though it is a public house. Aboriginals know very well they are not really accepted in a house even if it is a public house. To avoid any unpleasantness, they prefer to go on an open beach to drink. In all sincerity, I cannot blame them and I do not think many people really could. I am not referring only to Lim's Hotel in relation to non-acceptance of Aborigines in pubs; it applies to most hotels throughout the Territory. I am aware that the consensus of opinion in the general community at the moment seems to be that this bill is aimed primarily at removing Aboriginal drinkers from the public gaze.

Like other members and the general public, I do not find the prospect of sitting in the park with an objectionable group of people who are making a hell of a noise very pleasant either. I agree that sometimes sections of the park are virtually taken over by park habituees engaged in drinking sprees. To a lesser degree, I suppose the same may be said about the groups who congregate on beaches and drink. However, I cannot see how any reasonably intelligent person can imagine that, by making drinking in a public place within 2 km of any premises licensed under the Liquor Act an offence, we will even partly solve this problem.

Whilst the bill will be welcomed by some sections of the public, a considerable number of the public strongly oppose its passage. I have heard talk of sending petitions to the Assembly, particularly by people in the rural areas in Darwin. There are many people who consider it is far too restrictive and inhibiting. I attended a meeting of the Caravan Park Association recently and the proprietors voiced very strong objections to this bill. They

did so on the grounds that a caravan park, according to them anyway, is a public place. Many caravan parks have shady areas with lawns, trees and garden seats and they also have licensed liquor stores. The caravan park people feel that the residents of the parks will be unduly restricted if prevented from drinking in areas set aside for recreation rather than sit inside a little, pokey caravan. Proprietors of these caravan parks also say that, if the proposed law is strictly administered, they feel they will lose business, particularly tourist business which we are trying to promote, because of the narrow-mindedness of a government which proposes such a restrictive piece of legislation as this.

Before going on to what I believe would be a better approach to the nuisance of people drinking in a public place, I would like to mention the matter of the number of policemen who could be employed far more effectively in other ways than arresting people for drinking in public places. The honourable member for Port Darwin said in one of his weekly columns for the Star: 'I have long advocated the reintroduction of regular police foot patrols (the beat) to the central business district. Unfortunately, due to lack of funds available to the police force, only limited foot patrols are able to be carried out at this time'. If police are to run around arresting everybody drinking in a public place, they will be so tied up, not only with arresting the drunks in parks but also in appearing next day in court to give evidence, that the member for Port Darwin will not see any foot patrols around town. There will not be any policemen to undertake them. They will be non-existent rather than restricted. For as long as I can remember, the Northern Territory Police Force has been making requests for additional personnel. We hear continual complaints that the force is undermanned. Why further restrict their more important function of maintaining peace and good order in this community by compelling them to take action on such a trivial thing as drinking in a public place? Many years ago when drunkenness was an offence, I stood outside the magistrate's court with Mr Ron Withnall, a former member for Port Darwin, and we counted the policemen sitting in the court. There were 15 waiting to give evidence and the force was much smaller then. Some of them had finished duty so the force had to pay them overtime to come back in the morning to give evidence in court. It was ridiculous and this legislation will achieve precisely the same thing.

Again, we read that magistrates are overworked. They will have an increasing workload yet they say that they can hardly cope with what they have now. If this legislation is enforced, it will increase dramatically the burden on an already overworked magistrate's court. That does not make sense considering the little that will be achieved by passing the legislation. As other honourable members have mentioned, the machinery is already there to make arrests. If a person has rendered himself incapable through over-indulgence of alcohol, he can be taken into protective custody. If he is making a nuisance of himself, he can be arrested for offensive behaviour. The honourable member for Nightcliff advised the Assembly that drinking in a public place is no longer an offence. It was last Tuesday morning because a fellow was convicted for drinking in a public place. What is the point in enacting further legislation to cover the offence, if it really be an offence at all, which is already covered by 2 pieces of existing

legislation? It seems to be a waste of time for the legislative draftsmen and a waste of time for members when they could be debating more important matters.

Mr Speaker, having said that I believe the bill to be a worthless piece of legislation which will achieve nothing except remove drunks temporarily from public places, which is really similar to an ostrich sticking its head in the sand and hoping that the problem will go away. I would like to mention an alternative measure that I believe would be of greater benefit. The Chief Minister circulated a paper dated 22 May 1981 which contained 3 press releases, 2 of which concerned alcohol abuse and drinking in public places, and the establishment of a bureau and advisory committee on drug and alcohol abuse. The Chief Minister invited comment on this and I regret that I did not comment at the time. The paper mentions many factors applicable to the problem of people drinking in public places some of which are excellent and some of which I personally find abhorrent.

The sections mentioning education and rehabilitation are excellent and there lie the only sensible methods of approaching the problem. They are appropriate to debating this bill that is presently before the Assembly. It seems to me that it is completely futile to impose a fine or imprisonment on sick people. The great majority of derelicts in parks are sick and homeless people. Most of them would be incapable of paying a fine and consequently would be incarcerated thus increasing the number of inmates in jails. They are grossly overcrowded already. It will place a further workload on the already overworked prison officers.

If members wish to dispute the fact that these people are sick, then I suggest that they take issue with the world's top medical authorities and that they consult the United Nations World Health Organisation documents which classify alcoholism as the third greatest killer disease in the world after heart disease and cancer. The true figures on death caused through alcohol will never really be known because the World Health Organisation bases its figures on the death caused directly through malfunctioning of organs. It does not take into account people killed through road accidents after drinking alcohol as drivers, passengers or pedestrians and it does not take into account the kindly family physician who, in deference to the memory of the deceased and the feelings of family and friends, certifies death due to heart failure or kidney malfunction or something else when what he really meant was that the organs had deteriorated as a result of over-indulgence in alcohol.

It is an unfortunate fact that practically every known disease from dandruff to tinea will elicit a little sympathy for the sufferer but apparently not so in the case of addiction to drugs - and alcohol certainly is a drug. Why pick on people addicted to drugs and make them criminals? What about people who are addicted to food? I am not pointing the finger at anybody but there are people who are addicted to overeating and they get a disorder called obesity. They do this in many cases because of anxiety, stress or some other mental condition.

Mr B. Collins: They even do it in public places.

Mr DOOLAN: Yes, they even do it in public places. What about a person suffering from obesity sitting in the park over there scoffing hamburgers-with-the-lot all day? We ought to put him in the slammer for that because he is a compulsive eater.

Mr Everingham: Have you been reading Popeye comics?

Mr DOOLAN: No, I have not. I have been looking across the Assembly at you. He might be offending society because of his repulsive eating habits. Society is still not yet sufficiently enlightened to accept that an addiction which it considers to be an affront to it can in fact be a serious and deadly disease. It is quite prepared to imprison sufferers from diseases of addiction instead of getting to the guts of the matter through education and rehabilitation which offer the only practical solution to people indulging in what might be termed desperation drinking. Most of the people drinking publicly in parks and beaches fall into this category.

Mr Speaker, I consider this bill to be a stupid and totally ineffectual attempt at dealing with a social problem by hiding it away and removing it from the public gaze. To listen to the member for Port Darwin giving forth over there, you would imagine he was talking about eradicating noxious weeds or dogs knocking over rubbish tins. He is talking about human beings. They are sick and homeless human beings and 'a man's a man for all that', as Robbie Burns said. Unfortunately, they are making public places untidy and noisy but they are still not noxious weeds or stray dogs knocking over garbage tins. They may be noisy and they may be unpleasant but what do they do if they are fined or put in prison? They come back into society and they act in precisely the same way as they did before incarceration unless programs of education and rehabilitation and a roof over their heads are provided. Medical treatment will hopefully show some positive results but imprisonment is a totally negative approach which will achieve nothing in the long term.

Consider the extra cost for which this government will be responsible and what will happen if this very negative bill goes through all stages. Important police activities will be curtailed because of the extra duties imposed on them in arresting people drinking in public places, lodging such people at the watchhouse and giving evidence before the courts when the case is heard. Overtime will have to be paid if they are off duty when they have to come back the following morning. The member for Port Darwin suggested that regular foot patrols in the main city area - that was in his newspaper column - and more frequent police vehicle tours of such commercial interests as car-parks during weekends and holidays will help curb crime and vandalism. Where on earth will sufficient police officers come from if they are to be tied up all the time with offenders drinking in public places? If they do their duty and lumber every fellow drinking in a public place, by God they will be busy little policemen.

Overworked courts will be further overworked because of the backlog which will occur if police act according to the letter of

the law and arrest all persons drinking in public places. That would be impossible anyhow. Prison accommodation is already grossly overcrowded. It will be further strained and prison officers overworked. Overtime payment will also be required for them. Add to this the cost of keeping the unfortunate offenders in jail because 99% of people who drink in public places will not be able to pay fines. That is an enormous cost to the taxpayer.

If the problem is to be looked at positively, alcohol education programs and increased rehabilitation facilities offer the only possible means to attack this undoubtedly serious problem. They would cost little more than making it an offence, remembering the obvious cost to the public purse which must result. Even a small success rate with people who want to be rehabilitated would enable some of them to get back into the workforce and, hopefully, make some contribution to the Territory's progress. The opposition does not support this bill. I personally believe it is very much a retrograde step and it is more appropriate to the Middle Ages than 1982.

Briefly, in relation to serial 169 which restricts the days when and the times during which alcohol may be served, I do not think this will have any significant effect at all on the consumption of liquor. People will ensure that they have adequate home supplies if the hours are further restricted. It is a quite unpopular and, I believe, unnecessary piece of legislation. It seems to be aimed at dedicated drinkers and, if that is the case, later opening times and fewer opening days will not prove to be an inhibiting factor. The government would be far better off concerning itself with other things such as education of the public and rehabilitation of abusers which the Minister for Health mentioned in his second-reading speech.

The Liquor Commission seems to be fully occupied already without the flood of applications for extended trading hours which will certainly engulf it after the passage of this bill. I fail to see how the commission could ever be completely satisfied that extended trading hours will not lead to liquor being consumed in a public place and lead to public drunkenness unless it sacks its present staff and recruits a gang of clairvoyants. Why not leave trading days and times as they are and increase public education and rehabilitation for abusers? I fail to see that, in this particular case, prevention by restriction of trading, which will never work in any case, can be better than a possible cure through public education and, most importantly, rehabilitation.

As for regulating hours in which alcohol may be purchased, perhaps by opening a liquor outlet 2 hours later than at present, what difference will it make? The dedicated drinkers will stay sober for 2 hours longer in the morning and then finish drunk 2 hours later at night. I cannot see the purpose; it seems a futile exercise to me. The opposition does not support the bill.

Mr ROBERTSON (Community Development): Mr Speaker, in speaking to the bill, I shall pay some attention to some of the queries raised by the opposition, particularly in relation to the provisions of existing legislation. If laymen can get it wrong, I hope the laymen can get it right.

I might say something on the broader philosophical issue first, Mr Speaker. I listened with interest to what the member for Victoria River said and have no doubt at all that, as he said it, he meant it. Nonetheless, there are 2 unassailable facts in relation to the matter currently before us. The first fact is - and there is no doubt whatsoever in my mind or in my constituents' minds - that the problem of drunkenness in public places, trouble in the streets, crimes of violence resulting from liquor consumption to excess, without any doubt whatsoever, increased very markedly from the very first day that the punitive provisions were removed by now Mr Justice Murphy when he was Attorney-General of the Commonwealth. Immediately that decision was taken, a very sad trend very obviously developed. At that time, we were saying that clearly things had to be done in relation to prevention, education and so on. I will leave the efforts that this government has made to my colleague who has charge of that particular area. If members opposite cannot see and hear that a very significant and genuine effort is being made by this government not only would the words applied by the Leader of the Opposition to the Chief Minister in a previous debate be applicable to them also but I would suggest that they would need an optometrist as well.

The other fact is that the public is fed up with it. It behoves this government and this Assembly to do what they can in the horrible circumstances even though it may not be the absolutely ideal solution. Perhaps in desperation to do something, they can take cognizance of the mood of the people in this Northern Territory in relation to the behaviour which occurs daily.

Mr Speaker, the opposition quoted the Chief Minister's previous statements. We have heard the now Leader of the Opposition say in this place: 'We are entitled to change our minds'. The fact is the Chief Minister, on my recollection, has not changed his mind at all. However, we cannot be held to a philosophical stance forever irrespective of the circumstances with which we are faced. The Chief Minister's attitude from the way in which I have been able to interpret it is very consistent with this government's. Indeed, as recently as 11 February last year, in an address given by the Chief Minister to the Territory Independent Small Traders Association, he demonstrated exactly what I mean in respect of having to adapt a broad philosophy to circumstances which confront us. The Chief Minister said:

> *I find it philosophically offensive to have to regulate the airline industry and even liquor trading hours and I certainly would not if our population could support an aviation free-for-all and we did not have the world's worst liquor problem.*

The fact is that philosophy has to be modified from time to time, perhaps varied a little, as a result of emerging crises or circumstances. I do not accept what the member for Victoria River said that these people are harmless. They are not harmless.

Mr Doolan: Sick!

Mr ROBERTSON: The fact is you used the word 'harmless'. I suggest you have a look at Hansard. The words 'they are harm-

less' were used, Mr Speaker, and that is the very thing that the public of the Northern Territory is telling me, unanimously, that they are not. The incidence of violence as a result of people who consume alcohol in our streets is just unacceptable and it has to be stopped.

The member for Fannie Bay mentioned, firstly, the need to regulate powers in the Liquor Bill, having regard to the fact that we already have regulatory provisions. There was quite some debate on the application of section 57(1)(n) of the Summary Offences Act and, of course, section 123 of the Police Administration Act. It was implied by the opposition that these are sufficient capsules to solve our problem at the moment.

If we have a look at section 57(1)(n) of the Summary Offences Act, we will find that its provisions relate solely to the offence of trespass. In other words, what it does is provide for it to be an offence if a person is found to be on listed premises without lawful excuse. If we are to say that that is sufficient to patch up the difficulties of people drinking in public places and unoccupied private land, then would it also be a sufficient offence not to need the defence of murder in the statute ...

Mr B. Collins: Come on.

Mr ROBERTSON: I listened to you in silence, but then you never extend me that courtesy.

Mr Speaker, the fact of the matter is we are talking about 2 totally separate things. The Summary Offences Act deals with trespass. We are talking about whether or not this Assembly wants to make it an offence to drink on land which is unoccupied private property - a totally different thing - and the 2 do not marry. Where I could not understand what the opposition was getting at was the reference to section 123 of the Police Administration Act. What that section actually says is:

> *A member of the police force may without warrant arrest and take into custody any person where he believes on reasonable grounds that the person has committed or is committing or is about to commit an offence.*

At the moment, there is no such thing as an offence of drinking on unoccupied private property. The member referred to a decision of one of the justices. In fact, it concerned the question of whether or not the arrest was valid because the person was on private property. That is quite a different thing. We are talking about the creation, if it is the will of this place, of an offence to which that section can only apply if it is an offence. In other words, the section talks about a person committing or about to commit an offence. At the moment, there is no offence of consuming liquor on unoccupied private land.

The member for Fannie Bay said that we already have in the Liquor Act the offence of drinking in a public place. That is not true. In fact, that provision was in the old Licensing Act and it is preserved by saving clauses in the present Liquor Act. Rather than have scattered legislation like that, it is far more

sensible not only to restate it in a current piece of legislation but to put it in legislation which is far more appropriate than the Liquor Act. That of course is the explanation for that.

The member for Nightcliff mentioned the definition of 'unoccupied private land' and how it would affect her if she was absent from her property. Certainly, if her interpretation is true or if there is a reasonable suspicion of her interpretation being true - I will leave that to the person who has the carriage of the legislation - I would certainly want to see that cleared up beyond doubt. It is quite obvious what it is there for. It is mainly to remove any confusion as to what is private land. If we are to try to discourage by law people from drinking in places where it is highly undesirable to do so from an aesthetic point of view and to remove any annoyance to the public, a very good example is Araluen where there is a cottage at one end of the property and acres of land out the front. That would certainly be described as private land and should come within the ambit of this legislation. It is necessary to work out if the definition is necessary and, if so, to make sure that it does not impinge on the rights of the member for Nightcliff. I dare say that that can be looked at further.

When it comes down to arguments defence counsel put up in court - for instance, Raintree Park is land vested in a corporation, albeit a corporation established pursuant to an act of parliament, and it is arguable that it is private - if they succeed, we will be back here saying: 'Oh dear me, we cannot stop people consuming alcohol and making nuisances of themselves in parks'. I know courts have held it to be public land before but that is the type of problem that this legislation seeks to overcome.

Mr Speaker, I support the legislation. This government has done all it believes is presently within its capacity to improve education and to set about the very difficult and expensive process of making available rehabilitative counselling and rehabilitation in a practical sense. When we talk about Aboriginal people, if the Commonwealth had not flatly dismissed this government's 5-year plan for social and health development of Aboriginal communities around the Northern Territory, then perhaps there would be a little less reason for their having to come into town. The Commonwealth has indicated to us that that is a Northern Territory government initiative and we should pay for it. It knows that it is absolutely beyond us. We say that there are many reasons for Aboriginal people coming into fringe camps. Perhaps the shocking state of the environmental conditions out in their home areas is one of them.

This government wants to do something about all of these problems, including the abuse of alcohol and the criminal activities and social behaviour which go with excessive use of alcohol. We want to do something about those people who, because of their circumstances, are prone to drink in what might be called the public eye.

Mr BELL (MacDonnell): Mr Speaker, I thought I would give the member for Port Darwin a bit of a rest because he was first cab off the rank and seems to have been copping it a fair bit in this debate.

Unlike the member for Tiwi, I do have philosophical objections to these liquor bills. I think they are both illogical and unnecessary. I think a number of speakers on this side have already presented a fairly convincing case about why they are illogical. I hope to be able to extend that case and hopefully persuade the government to withdraw this legislation. However, let me say at the outset, because in opposing this I will be left open to the criticism of defending drunks, that as much as anybody in Central Australia I would be inconvenienced in my day-to-day work by drunks. It is a source of annoyance. It is something that makes for great difficulty in representing the people whom I attempt to represent.

Turning to the contribution made by the Leader of the House, I think that there are a number of things that need to be said. Firstly, he sees a clear, logical connection between drinking in a public place and crimes of violence and crimes against property. I suggest that he has his variables a bit mixed up. Drunkenness may lead to those crimes of violence and crimes against property. I do not think that it is at all reasonable to make any connection between drinking in a public place per se and those crimes of violence against people or property.

The Leader of the House went on to say that there was no offence for being on private land. As both the Leader of the Opposition and the member for Fannie Bay have said, this comes within the law of trespass. I hope to establish further that the legislation is already there and available to us. The Leader of the House also said that there was no legislation against drinking in a public place. Further on in my speech this afternoon, I would like to demonstrate that there very clearly is legislation against drinking in a public place. In case I should appear to be too negative in criticising the contribution of the Leader of the House, may I extend him my congratulations for making some attempt to look at things from the point of view of Aboriginal people. I am not sure that he is quite correct when he says that Aboriginal people are becoming fringe dwellers perhaps because of bad environmental conditions and health problems in isolated communities. I am not sure that that is correct. At least, he should be congratulated for attempting, unlike any of the speakers who face me, to view the situation from an Aboriginal point of view.

Mr Speaker, you may remember that, in introducing this bill, there was a note of levity in the tone of the minister. He quoted a nice little anecdote about the members of the First Fleet who celebrated at some period of their sojourn in this country with excess rum and that ended in 'debauchery and riot'. I suggest that the light tone that he adopted is perhaps symbolic of the seriousness with which the government has introduced this legislation. I believe that it is in fact a public relations exercise; the laws are there already and they should be withdrawn.

However, to return to his statement about debauchery and riot, I would like at this point in the debate to introduce a somewhat serious tone. 'Debauchery and riot' sounds very much like a wild party and, in Central Australia, certainly in Alice Springs, too

many of those wild parties are ending in death. The member for Stuart and I spent some time on talkback radio discussing the pros and cons of this bill. During that talkback radio session, I mentioned one horrific recent death in Alice Springs. It was the subject of some very bad reporting in the press.

In case members are under any illusion or are likely to accuse me of grandstanding or of exaggeration when I suggest that it is a matter of great concern and a cause of great sadness that so much debauchery and riot ends in death in Central Australia, let me back that up with some figures. In fact, I put a question on notice that members may have seen about age-specific mortality rates. The Department of Health referred me to the Australian Bureau of Statistics. I would like to thank them very much for quoting me particular publications from the Australian Bureau of Statistics that provide that sort of information.

The information that I want to mention today is the age-specific mortality rate for those people between 20 and 50. Why do I choose those figures? They cut out infant mortalities. That 20-to-50 age group is hopefully the fittest, healthiest, least subject to death section of the population. The mortality rate throughout Australia for people between the ages of 20 and 50, the rate per 10,000, has been falling over the last 10 years. It has fallen from about 20 deaths per 10,000 to about 16 deaths per 10,000. The Aboriginal mortality rate between the ages of 20 and 50 is consistently 5 times higher than that figure. It is not changing. It is not falling. It is staying the same. I would suggest that the crimes of violence that have been referred to are to a large extent being suffered by the people who are supposed to be perpetrating the offence for which we are enacting this legislation. I suggest this Assembly should adopt a somewhat more thoughtful attitude rather than indulge in some of the emotional outpouring that we have had hitherto.

As far as I can see, the government has not come to grips with the complexities of this issue, but has focused only on one of the regrettable aspects of alcohol abuse. The issue of public drinking cannot be looked at to the exclusion of cultural dislocation of many Aboriginal people and the lack of job opportunities for the young and the not so young which leads to a very high rate of unemployment in all communities. If the honourable leader is interested in the cause and effect of people moving into fringe camps - and I congratulate him, he obviously is - I suggest that he not only look at environmental health problems but also at problems of unemployment. There are amazingly high unemployment figures in those communities. I also suggest he look at the high proportion of Aboriginal offenders in the Territory jails which, as the honourable Leader of the Opposition has indicated, will no doubt increase if this bill is enacted. I suggest also that the majority of Aboriginal offenders in Territory jails are there as a result of alcohol-related crimes. This cosmetic legislation, as it has been termed by the Leader of the Opposition, will not solve that problem.

While I am on the series of causes that are behind alcohol abuse amongst Aboriginal people, let me point out one other one: the steady opposition the Country Liberal Party in the Northern

Territory has mounted against Aboriginal land rights. I refuse to believe that the pressure that is being put on Aboriginal people in this regard is unrelated to people turning to alcohol abuse.

I think we have established that the government has failed to come to grips with the complexities of the problem of alcohol abuse and is choosing to concentrate on one area only. It is a confidence trick and a PR exercise and does the government no credit whatsoever. We have already shown that the act of drinking in a public place is illegal. There exists an amazing situation of the government making a great hue and cry over doing something about drinking in a public place. Wonderful stuff! The law is already there. It gives something with its left hand and takes something away with its right hand. I would like to read into Hansard what is being taken away with the right hand. It is the repealed section 140C: 'Any person who is found drinking liquor in a public place within the boundaries of any town shall be guilty of an offence, penalty $5'. Subsection (2) says: 'For the purpose of the last preceding subsection, "public place" means any place which the public are entitled to use or which is open to or used by the public and includes any street, road, lane, thoroughfare, footpath or place open to or used by the public'. I suggest that both Raintree Park and the Araluen block that the Leader of the House referred to would well and truly come within the ambit of that particular section.

The member for Nightcliff said that these liquor bills in fact weaken - and I think that needs to be stressed - the law in terms of being able to move against people who are guilty of drinking in a public place. That must be as amazing to you, Mr Speaker, as it is to me.

Let us think a bit more about why the government is pursuing this course. Why is it hell-bent on carrying on this confidence trick against the people of the Northern Territory? I suggest that it is a huge PR exercise to cover neglect in many other areas. The Leader of the Opposition has given a fairly clear and concise description of those areas in terms of rehabilitation that the government has room to move in and has refused to move in. The PR exercise is backed up by the quotes we heard on After 8 from the member for Stuart. Fortunately, I was sitting right next to him at the time and have been able to enjoy them not once but twice. The member for Stuart said: 'This is tough legislation'. He also said that society has been too soft for too long - great stuff for the troops but not terribly constructive at all.

During the course of that particular talkback program, the member for Stuart made a quite interesting distinction between drunks and alcoholics and, since he has not spoken on this bill yet, I would be very appreciative if he would like to explain to us the psychological, physiological differentiation which enables him, obviously quite easily, to make this distinction. I do not think it is quite as easy as he suggests. I think that in fact he is consciously carrying out this PR exercise because he reckons there are a few votes in it. In case anybody in the Assembly thinks that I am the first to make the accusation of vote-catching in this debate, we will come to the Treasurer a bit later.

I congratulated the Leader of the House for attempting to take a societal view, if you like, of the problem of drinking in a public place. He looked at the problem of alcohol abuse in a slightly wider context than do many of his colleagues. The Country Liberal Party has shown itself not to be very good at that and, therefore, the minister's contribution is to be even more heartily congratulated. For example, one CLP luminary in Central Australia, who shall remain nameless, thought so hard about the bill that he considered it to be a good thing because it would do something about litter. That is treating people as things, Mr Speaker, and I think you would find that as abhorrent as I would. I do not think that it is a contribution to solving the problem.

On that tack for a minute, I have said I do not condone the destruction of people's daily lives. There is no way that I believe that it is right that anybody going about his daily business should be subject to having his daily work stopped or curtailed in any way. If people think that it is bad that their lives are disrupted, I suggest that it is a much deeper problem if people are killed and maimed and if people's lives are wasted because we are constructing in the Northern Territory a society that has no meaning for them. I would also throw out a challenge to the people opposite me. If they believe that the people they are accusing of drinking in a public place do so entirely through their own fault, I challenge them to stand up and say so in this debate. I would be very interested to hear the reaction.

We propose solutions. We are not proposing a PR exercise, Mr Speaker. Our contribution has been constructive; that of the government has been much less so. What we are doing that the government is not doing is asking the fundamental question: why are people drinking where they are? The simple answer - at least in Alice Springs - is that they have nowhere else to go.

I mention parenthetically that the Urban Lands Unit in Darwin has obviously made some contribution in this area. I wish to extend my thanks to the officers of that unit for spending some time explaining its operation to me yesterday. If the facts are as they have been presented, members of this Assembly should pay close attention to the work that unit is doing in providing people who are drinking in public places with information about where they can go. It is doing that without any help from legislation. The Urban Lands Unit does not need new laws like this. It is doing that job now and I suggest that that is something members should take on board.

I suggested that facilities need to be made available for people in Alice Springs. The Tangentyere Council has been looking at ways of doing that and I suggest that it needs the support of the government. I said this very early on in the public debate on this legislation and the Treasurer took me to task solidly on that issue. I propose to quote a couple of little gems that he has contributed. For example, he says: 'The member for MacDonnell, Neil Bell, is again attempting to polarise the community and set up racial tension'. At no stage does he substantiate that accusation and I bitterly resent being accused of attempting to stir up racial tension. I do not believe that

my physical actions or my contribution to public debate have done that. What I have sought to do, in my time in this Assembly, has been to shed light on what every speaker has said today is a difficult problem. I further quote from the Treasurer: 'It would pay Mr Bell to remember that all Australians have to conform to dress standards and that such an attempt to single out the Aboriginal people is merely an attempt at gaining cheap votes from an electorate already burdened with enough problems'. I suppose we can thank heaven he is no longer Minister for Community Development, and that that responsibility has gone back to the member for Gillen.

The Treasurer then went on to say: 'It is naive of the member for MacDonnell to suggest that Aboriginals must have somewhere to drink and the government should be looking to provide such a facility'. That was a fairly amazing statement. I even wonder whether the Treasurer knows what 'naive' means because it certainly does not make sense in that context. In fact, he was picked up by his federal colleague, the member for the Northern Territory in the House of Representatives. Mr Tambling was not so worried about the accusations of 'apartheid'. That is a quote from the Treasurer and it does him no credit to introduce a term like that into public debate in the Northern Territory and then accuse me of exciting racial tensions. It is sad. Mr Tambling, in his press release on this matter, said: 'Urban Aboriginal groups in the Northern Territory should consider establishing social and recreation clubs with membership open to any Territorian but without any special government assistance'. He obviously was not worried about its being apartheid. I did say that the government should be looking to provide facilities and I suggest that this is a matter for consultation rather than a matter of outright financial aid. To that extent at least, the Treasurer was right about what I actually did say and is to be congratulated for that.

In conclusion, I think that the opposition has made a pretty solid case for the government to withdraw this legislation. Any legislation that is needed to solve this problem is already on the statute books. Therefore, this is not necessary. It is in the Summary Offences Act and in the Police Administration Act. It is even in the act that it seeks to amend. Can we please ask the government to be reasonable and withdraw this legislation?

Mr PERRON (Treasurer): Mr Speaker, I wish to touch on a couple of points which were raised today in this debate. The first is the point relating to restricted hours. Not all members touched on it but a couple did. The general view was summed up by the Leader of the Opposition. He said it was simply a cosmetic move and that reducing the hours during which take-away sales of alcohol are available would not have one iota of effect. I have to disagree very strongly with that. If the availability of alcohol was not related to consumption, why are there any restrictions at all? Why cannot all shops sell liquor 24 hours a day every day of the year? Does any member of the Assembly really think that, if that happened, the consumption of alcohol would not increase? Obviously it would. There are quite a number of experts who advocate very strongly, and I certainly accept the point, that availability is related to consumption.

Certainly, the world-wide strategies of the Coca-Cola marketing organisation works on the principle that availability affects consumption. Any reduction in the time during which take-away sales of alcohol are available in shops in the Northern Territory or any reduction in the number of outlets through which alcohol is available will affect consumption. If we are proposing to reduce consumption marginally in particular areas or on a wide-spread basis, that is certainly an avenue which should be addressed. It has been and will be addressed under regulations proposed here.

The member for Nightcliff felt that the problem of people in parks should not really be regarded in terms of whether they are drunk or not drunk. She felt that there could be people in parks who were just as big a menace sober as drunk. She may be right but I doubt that the 2 could be related on the scale that we are facing in the Territory today. No doubt, there is the odd person who is not drunk but just rude who perhaps makes a nuisance of himself. However, these people do not seem to be in any number and it seems to me that even a rude, sober person has some shadow of respect for his situation. He might be rude but he is rarely grossly obnoxious as some drunks are.

The member for Victoria River did not see any problem in people drinking in parks. I can assure him that the people in my electorate have for a couple of years put up with an outrageous situation. I have described it that way many times and taken all possible steps that I could as the local member to bring it to the attention of various people and departments. All sorts of people have been involved over the years in trying to prevent some of the activities that have gone on within metres of homes and regularly in front of children. I speak primarily of an area where there are many children who used to frequent a park that has been largely taken over by a group of people. Unfortunately, they are Aborigines. They are usually drunk and their behaviour is nothing short of outrageous. My constituents in this area have had absolutely enough and I do not blame them.

There is a need for rehabilitation and education. Certainly, the government is moving in those areas. There is also a need for the heavy hand of the law as far as I am concerned. One could describe ...

Mr DOOLAN: A point of order, Mr Speaker! I have been misrepresented. I did not say that did not constitute a problem. What I said was that the Aboriginals on the beach opposite Lim's Hotel presented no great threat to society.

Mr ROBERTSON: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr ROBERTSON: There is a matter before the Chair. That matter can be taken up when there is no matter before the Chair.

Mr PERRON: Mr Speaker, I guess one could describe the proposals before the Assembly as an attempt to create some dry areas within the urban environment. If some of the dry areas in

remote areas of the Northern Territory have been successful, why shouldn't we try such measures in towns. It seems to me that there is no reason whatsoever why we should ignore that aspect of the control of social behaviour. From what I hear, dry areas in quite a number of communities have been very successful. They were brought in to control a situation quite unacceptable to local residents - that is why they voted for dry areas. Why shouldn't the urban communities in the Territory take similar steps to solve similar problems. I support the bill.

Mr DOOLAN (Victoria River): Mr Speaker, I claim that I have been misrepresented.

Mr SPEAKER: Would the honourable member for Victoria River read Hansard tomorrow. If he still thinks he has been misrepresented, he may bring it to my notice. I will expect an apology from the member.

Mr DOOLAN: I doubt if I will have to make it, Mr Speaker.

Mr VALE (Stuart): Mr Speaker, I support the amendments to the Liquor Act and to the Summary Offences Act. Both amendments are long overdue and vitally necessary if we are going to come to grips with the ever-increasing problem of public drinking and the hooligan behaviour and crime associated with alcoholic abuse in the Territory towns generally, and in Alice Springs particularly. For far too long alcoholics and drunks have been banded together. The community and legislators have taken a soft option in attempting to solve the problem of alcohol consumption. The present protective custody legislation has proved to be a dismal failure with police officers virtually becoming chauffeurs to every public drunk in every Territory town.

There is a need to distinguish between drunks and alcoholics and the 3 main points contained in this legislation are designed to deal with the problem concerning public drunkenness. The ban on drinking within town areas, restriction of trading hours for take-away sales of alcohol and giving the police the power to empty containers belonging to people caught drinking in public places will have a dramatic and far-reaching effect if rigidly policed without fear or favour, particularly the proposal to empty containers belonging to people caught drinking in a public place.

Mr Speaker, this proposed legislation has received widespread community support in central Australia. Despite the outburst from the member for MacDonnell, this support is probably stronger in Aboriginal communities than it is amongst white residents in central Australia. Some of those communities which have expressed support for these amendments are Yuendumu, Napperby, Willowra, Ti Tree, Utopia, Alcoota and Stirling. Despite the comments from the member for MacDonnell, it should be noted that Aboriginal communities in central Australia have shown quite clearly their wish to clean up the problem of alcohol consumption by applying for and having many communities declared dry. This is hardly the action of a group of people disinterested in this legislation or the problems associated with alcohol consumption.

Some of the Aboriginal communities I have spoken to in recent weeks have endorsed these amendments with a number of comments ranging from their belief that the hours should be restricted even further, and a more tragic remark: 'In the past, we did not have alcohol so we had no law to combat it'. I have received letters from a number of Aboriginal communities in central Australia supporting this legislation. From conversations and meetings with these people, I believe that they are in a hurry to see this law passed so that they 'can visit Alice Springs without being troubled by every drunk in town'. I would go so far as to say that the alcohol problem in Aboriginal communities and their desire to see legislation enacted to solve the problem associated with alcohol rates as a high priority equal to the Aboriginal desire to obtain title to land. Since I was first elected in 1974, this topic has been constantly raised in my discussions with Aboriginal communities. The point has been raised that it may well be a minority of the population creating a problem. I would agree with that but it is a minority of the population creating a majority of the problems associated with alcohol consumption.

Another point which has annoyed me over a long time is the constant and almost bravado-like reference to the Northern Territory per capita consumption of alcohol - figures which I believe are quite false. This consumption rate is based on our permanent population and ignores the fact that more than 300,000 people annually visit the Northern Territory. By taking these visitors and their length of stay in the Territory into account, the alcohol consumption rate in the Territory drops dramatically. It may be argued that the other states use their permanent population to calculate their alcohol consumption rate. However, the effect of visitors to states with much larger populations would create a much smaller distortion factor than it does in the Northern Territory which has a small population.

Opponents of this bill have labelled it draconian legislation and it should be remembered that Draco, the Athenian lawmaker, made every violation of law under his code a capital offence so it was said that the code was written in human blood. I submit that the failure to support this bill and its aims would leave us, as legislators, with human blood on our hands because of a refusal to come to grips with a problem that causes misery and possible self-destruction of individuals in our society.

I reiterate that this legislation is long overdue and has wide support in central Australia. To reject it is to disregard the wishes of those electors who look to us for support. The member for MacDonnell has raised a number of points in his speech. For example, he said that there was absolutely no connection between drunkenness and crime.

Mr Bell: Nonsense!

Mr VALE: In the same speech, he did a complete about face and went on to detail a number of alcohol-related crimes that have occurred in central Australia in recent weeks. I think it is interesting that the recently-tabled report of the Police Commissioner says: 'It is obvious that most crimes in the Northern Territory are liquor related'.

The member for MacDonnell also said it is a public relations exercise by the Northern Territory government because there are existing laws to combat the problem. I submit that those laws which are presently on the statute books have proved to be a dismal failure. If they had been effective, we would not be faced with this problem today. For example, going back over quite a period of time, the courts in central Australia have dismissed a number of cases concerning drinking in a public place. That was one of the main weaknesses of the legislation. I believe the other one is this continued drinking around town and the many crimes associated with it. I believe that giving the police the ability to empty the containers in the possession of people caught drinking in the town area will have a tremendously beneficial effect, provided it is policed rigidly. I would conclude by asking the Minister for Health how long he thinks it will be before these amendments will become law.

Mr TUXWORTH (Health): Mr Speaker, I thank honourable members for their contribution. There have been so many points covered this afternoon, I doubt if I can cover them all in reply. If there is anything that I leave out that members particularly want me to refer to tomorrow in the committee stage, I shall be more than happy to do that.

I gained the distinct impression from the comments of some honourable members that they believe the government is not interested in alcohol-related programs and is doing nothing in that area. For the benefit of honourable members, I will run over some of the programs that we are involved in. Regrettably, I do not think they are going to bring the fruits of life that we would like to see in our term in the Assembly. Possibly, the people who will sit here in 15 or 20 years' time will be pondering over the same problem. Nevertheless, we believe it is a fair effort.

In the last 12 months, the government has established the Drug and Alcohol Bureau within the department. The new director of this bureau will take up his position in the next couple of weeks. The expenditure in this area is in the order of $200,000 a year. It is a support bureau for many of the agencies working in the field of alcohol-related care.

We have also a very expensive education program on TV and in the press. All members have seen it. Like all advertising and promotional programs, it will be very hard for us to say whether it has been a wise expenditure of money in terms of human satisfaction. Again, it is an honest attempt to try to drive home to the population the very difficult problems that we have. In addition, the Department of Health itself has some educational literature and programs that are circulated throughout the community on the basis of need and request.

We have the rehabilitation unit which has the job of rehabilitating alcoholics who surrender themselves because they realise they have a problem and are ready for treatment. This program was transferred from the Darwin annexe to Darwin Hospital at the Casuarina site. It is in a separate accommodation unit from the rest of the hospital. I invite members to have a good

look at its function and operation. I am sure they would find it interesting. It is an area that is growing slowly as it gains public confidence and acceptance. Whether it will increase from the present 18% or 20% attendance to the hundreds that perhaps should attend it is something that only time will tell.

The government also offers a great deal of financial support to people who are involved in the rehabilitation of alcoholics. I refer particularly to the Salvation Army and its good works in the Northern Territory, and also to St Vincent de Paul. Alcoholics Anonymous is very active in some towns in the Territory and the department is more than happy to offer whatever help it can by provision of money in some cases, meeting rooms, literature or whatever.

Currently, I am involved in discussions with 3 groups for the provision of Sunrise-type centres - I guess you could call them detoxification units - in the smaller towns in the Territory. There are interested groups in Tennant Creek, Katherine and Gove. I am hopeful they will take up our request and make their organisations and their resources available for the work that needs to be done. Failing this, I think one of the options available to us is to fall back on local governments and ask them to become involved with assistance from this government. If ever there was a social need that requires local government involvement, I believe this is it. No one is closer to the front than the local government people.

I would like to go back to the quote in the second-reading speech that was touched on by the member for MacDonnell. He suggested that the whole matter had been treated with a fair degree of levity as a result of this quotation.

> *It is chronicled that 11 days after the First Fleet's arrival, the night they let the women off the ships, sailors asked for and were given rum to make merry. Soon, as the First Fleeter recorded, they began to be elevated and all that night there were scenes of debauchery and riot which beggared a description.*

I went on to say that the very same problem is with us still and causes the community and this government very great concern. My concern is no less today than it has been in the past. I think it is an incredible problem. The best we can do is keep on slamming away at it to try to make some progress. I do not profess to have all the answers and I am happy to listen to any useful suggestions.

The member for MacDonnell raised a couple of points that I shall touch on. The first related to trespass. Several members touched on this point and the technicality of trespass as it relates to private land and sections of the Police Administration Act were referred to. I do not have the answer to that in my head but I will have the matter clarified and we will discuss it tomorrow in the committee stage. Undoubtedly, the fringe camps are a problem in every town in the Territory. I can speak for my own patch particularly where the people in the fringe camps say quite openly that they are there because it gives them access to drink. People in the settlements from which the fringe camps have developed are quite happy to see all those other blokes in the fringe camps in

town so that they do not bring drink back into the settlement. Whether or not we believe that fringe camps are there to harbour and encourage drinkers, the fact is that they are there and are a very real part of life.

The member for MacDonnell also touched on what he sees as the government's attitude in covering up its neglect. He referred particularly to rehabilitation. In the discussions I have had with the sisters operating our alcohol unit, the people who run the Sunrise Centre, Captain White and his brave band of workers and also the people who run St Vincent de Paul, there is one thing that comes through loud and clear: there is a limit to any rehabilitation that can be effected with alcoholics until the alcoholic surrenders himself and says: 'I am here. I need your help and I am happy to enter into your program'. You cannot do anything until he is ready. Therein lies the root of one of our most serious problems.

The honourable member also referred to clubs and so did the Leader of the Opposition. There is a great deal of merit in having clubs established in some of the settlements. Whether we do it in the short term or the long term, it is something that has to come. Perhaps we should start addressing ourselves to this matter.

The member for Victoria River referred to the groups in the parks. He suggested that they present no threat to society. What he says may well be true. The only problem is that society does not believe it and, Mr Speaker, you and members of this Assembly hear people saying that they have a fear of the drunken groups that congregate in parks or at sporting ovals. That is a real concern for these people; they do not know how to handle it. It is not reasonable to dismiss the matter by saying that the drunks are doing their own thing and are really no threat.

The member for Nightcliff raised some valid points relating to the technicality of the law and I am happy to take those up on her behalf. I believe her points were very valid.

The Leader of the Opposition made quite a few statements about rehabilitation. He said that he believed that there was plenty of evidence that rehabilitation is the answer yet rehabilitation programs have never arrived. In view of what is going on in the community in terms of rehabilitation and in view of the fact that there is a limit to the rehabilitation we can undertake - if the people do not wish to undertake the program, we cannot do anything - I think his remarks were a little unfair and reflect rather badly against the people who work long hours in the field for very little reward. It does not reflect against me but I think that they would be pretty disappointed to think that the Assembly members regarded them in that light. The honourable member referred also to the technical problems of the act that the member for Fannie Bay alluded to. I undertake to see that those matters are examined and I will have some answers for the committee stage tomorrow.

The member for Port Darwin raised concerns which are with us all. We are amending legislation to satisfy problems caused by

a minority, in some cases a minority that is suspected by the rest of the community of being rowdy. I guess there is no answer to that except to say that it is probably the truth. Someone has already said in debate today that we have bank robbers yet we make laws against bank robbers. They are only a minority but it is best that we have some way of handling the situation when it occurs.

One of my difficulties in dealing with this legislation is that there are several groups involved. The suppliers of alcohol were incensed at interference with their right to trade in any quantity that they liked at any time they liked and to hell with the consequences. That really gave me the cold pricklies. I felt that we were dealing in some cases with some very unreasonable and narrow-minded people. Mr Speaker, you joined me on one occasion when I met some of these people. Their attitude was: 'We have been doing it for 30 years. If we want to sell at 8 o'clock in the morning, we should be able to. It does not really matter what happens to them once they step out onto the footpath. We hope they are back tomorrow morning'. That is a pretty narrow view to take and I must say I was disappointed with some sections of the community who viewed the whole thing in terms of the bottom line.

The honourable member for Port Darwin also referred to the sit-in areas in his electorate. I would say that they are not peculiar to the electorate of Port Darwin but can be found in every town in the Northern Territory and in many places where there are no towns. While that is quite an acceptable proposition in some cases, there are many other instances where the sit-in arrangement does cause concern and we must have a provision in law to handle it. The honourable member also asked me why we have public hearings for special permits. I undertake to answer that in the committee stage tomorrow.

My view about the bill is that I do not profess to have all the answers. If I thought that money was the answer, I would go to my Cabinet colleagues for buckets of it and solve the problem. History has shown and health authorities can demonstrate that pouring money on top of the problem is not a full answer. There are many other aspects. This legislation is addressed to a part of the problem and I seek the goodwill and cooperation of all members in trying to arrive at something that is reasonable. As I have said in the past, I am prepared to be flexible and I know my colleagues are. It is 2 or 3 years since we went from 10 o'clock trading in stores to allow them to sell at whatever hour. We have proven by the track record that it was probably not the best thing to have done. If evidence is there in 2 years' time to show that we need to amend the act again, then I will be happy to cooperate in that.

I will conclude with a little story that I think is interesting. Recently, in Tennant Creek, we had a day of alcoholic awareness and education run by the bureau. We had cooperation from the police, the Salvation Army, the hospital, the local churches and the council. There were a great number of people offering contributions and educational matter on the problem of alcoholism. On that day, they put 1000 people through the tent area. At 9.30

in the morning, a man voluntarily had a blow in the breathalyser bag that a policeman was operating. He had the full breathalyser kit there and was demonstrating it for anybody who wanted to see how it worked. This man blew in the bag and the reading was 0.437. The policeman said to him, 'How do you feel?' He said, 'Oh, really good'. The policeman said, 'Well, make the most of it because, according to my chart, you should be dead'. If that is the achievement we have made with early hours in the last couple of years - to enable guys to be in that state at that hour of the morning - then I think it is time we took a hard look at the legislation.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADJOURNMENT

Mr ROBERTSON (Education): Mr Speaker, I move that the Assembly do now adjourn.

Mr BELL (MacDonnell): Mr Speaker, I trust that I will not be ruled out of order if I refer to an earlier statement made by the Minister for Health about fringe camps. I do not believe I will be reflecting on an earlier debate. He said that fringe camps are a problem. I think that has to be looked at from a number of points of view and I would like to take a few minutes of the Assembly's time to do that.

I think it is very easy to live in a cream-brick-veneer, air-conditioned house and see fringe camps as a problem. If you look at the issue a little more closely, you will see that it fragments into a number of different questions, some of which relate to the tribal groups involved. More importantly, the fringe campers separate into people who are living permanently on what is often traditional ground and transient campers who come in from the bush to stay for a certain length of time. I think that members should make a clear distinction about what fringe camps are, who is living in them and why they are there.

I have a number of them in my electorate. Every member in central Australia has at least one permanent fringe camp in his electorate. I am sure that they would agree with me that often living in those fringe camps are some very good people. That fact is overlooked in public debate and in the press because of the stark contrast in physical conditions that characterises the so-called fringe camps. I therefore press on members that they take a little bit of thought in distinguishing who the people are who are involved in fringe camps and why they are there.

In that context and with that in mind, when I returned from holidays in late January and read through a few past copies of the Centralian Advocate, I was horrified to see a particular headline. I am sure the honourable member for Alice Springs will not be too happy to hear me quote this in the Assembly. However, I intend to do so because it is disgraceful. The heading is 'Blacks Told to Seek Pity - Collins'. 'Collins' of course in this case is not the honourable Leader of the Opposition but the honourable member for Alice Springs. The article read: 'The head of a

major black organisation has been accused of encouraging Aborigines to "keep under the nose of tourists and seek their sympathy". The allegation was made by the MLA for Alice Springs Denis Collins who said Tangentyere Council Director, Geoff Shaw, had made the appeal at a meeting at Amoonguna recently'. The article continued: 'Mr Collins said he had not attended the meeting but he had received a report on it from people he trusted completely'. That is fairly amazing. We have the honourable member leaping into print with amazing public allegations of this sort yet he had no evidence for them whatsoever. I challenge the honourable member to table statutory declarations or whatever evidence he may be able to muster. I think he will find it a bit tough.

The article continued: '"Mr Shaw told the meeting that Aborigines should claim land in their own areas under the land rights laws but, at the same time, they should come in and camp around the town', Mr Collins said. "They should be seen by tourists in Alice Springs who should then take back to their homes interstate impressions of poverty and misery. The implications of Mr Shaw's remarks are that he wants Aborigines to be a source of passive annoyance". Mr Collins said it was clear all this was part of a campaign to get even more town leases around the Alice. An example is the new lease in South Terrace' - and I like this bit - 'The 5 homes are very wide apart'. I cannot imagine what he is implying there. '"Across the road on the banks of the Todd are some illegal and untidy camps. There should be an ablution block on the town lease area and no illegal camping across the road". Mr Collins said it was the function of Tangentyere to provide camping for all major tribal groups around town. "There is plenty of room now", he said'. If the Treasurer is accusing me of stirring up racial tensions, I suggest he take a pretty hard look at the public statements of his colleagues.

I think you will agree with me, Mr Deputy Speaker, that statements of that sort are not in the public good but inflamatory, divisive and, in the final sense, false. I do not believe that the honourable member will be able to bring into this Assembly one shred of evidence to prove his allegation.

If you think that the quote from that particular article in the Centralian Advocate was bad, Mr Deputy Speaker, I would also like to read into Hansard an ABC news item:

> *Senior officials of Aboriginal town camps in Alice Springs have been accused of encouraging tribal people from areas outside the Alice to come into town and confront visitors or tourists. In this way, it is claimed, southern visitors will return home feeling sympathetic to Aborigines. The claim has been made by a CLP member for Alice Springs, Mr Denis Collins. He says such provocative actions had often been suspected and were openly admitted by senior town camp officials at a recent major Aboriginal conference in the town. Mr Collins says managers of the town camps have shown a high degree of non-cooperation by encouraging people from outlying areas to come into town and make a nuisance of themselves by drinking, camping, fornicating or urinating in public places. Mr Collins says many town camp residents enjoy the facilities now made available to them, but this was dampened if other tribal groups were not allowed or are not encouraged to make use of the camp facilities.*

For a member of this Assembly who does have an Aboriginal fringe camp in his electorate, I suggest that the honourable member shows not only an appalling lack of personal taste and tact but also an amazing ignorance of a fair proportion of his own electorate.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I would like to speak on a few matters. The first is a function I attended on Sunday. I attended the grand final of the Nguiu Football League at Bathurst Island. I am not an avid sportswoman. I get all my exercise for good health from ordinary, day-to-day activities. I am not an avid sports follower, but I do have an interest in Australian Rules. Perhaps I am biased, but I think Australian Rules combines such agility with admirable body movement as to make it a sport that you cannot help watching. My belief is reinforced when I consider the grand final that I witnessed on Sunday when 2 completely Aboriginal teams played very skilful football. It was a joy to watch from start to finish. It was one of the fastest games I have seen; it was interest-grabbing in the extreme. The standard of play was mentioned in today's NT News and it deserved to be publicised as much as possible. I always enjoy going to these grand finals. They are always happy social occasions. All sections of the communities of Bathurst and Melville Islands join in on these occasions. Not only the players take part but the spectators also enter into friendly but earnest partisan enjoyment of the game.

The football that we saw on Sunday differs completely from any football seen on the mainland, let alone down south. It is a football game which is in its own league. As I said earlier, it was the fastest game I have seen and it showed their absolute mastery of the sport. I watched these Aboriginal players and their skill in handling the ball. I have never seen it before.

What was of particular note in this grand final and other games that I have watched over at the islands among the Aboriginal players was that there was very little rancour expressed by players to each other. This is not to say that a lot of rancour is shown otherwise in Australian Rules compared to other forms of football. This game was so fast that one became tired watching it. All in all, it was a wonderful occasion and I hope that I have the opportunity in future years to watch further grand finals there.

The Minister for Primary Production replied to my question this morning regarding the government's intended program for artificial insemination. Legislation has been considered to regulate this section of primary industry. It was passed some time earlier. I understand that certain senior members of the Department of Primary Production are very interested in having an active program introduced in the Territory and I was very pleased to hear the minister referring to financial encouragement being extended to primary producers.

I think more interest will be shown in artificial insemination by primary producers because of the closer settlement involving agricultural pursuits which has been encouraged by this government. Closer settlement will bring more intensive husbandry and the economics of artificial insemination will become very important. It has been proved in other places that the economics of artificial insemination far outweigh the maintenance of the establishment

required for breeding. It also gives a greater variety. Semen can be used to upgrade herds and to build up an admirable gene pool in the Territory perhaps from other parts of Australia. If health restrictions are imposed in those areas, we will have that gene pool here from which to draw. With closer settlement, I can see an increase in pedigree-status herds which will in turn increase the standard of excellence of herds kept under extensive conditions. I refer here not only to cattle but also to buffalo and horses. I think cattle are of prime importance but horses and buffalo will be considered.

My one concern is that, as I understand it, there is only one technician employed by the Department of Primary Production who is actively skilled in the process of artificial insemination. There are many veterinary surgeons employed by the department who could take part in this program. There are many private veterinarians who are also skilled. They all must submit their qualifications to a very strict registration standard in the Territory, but nevertheless this artificial insemination requires a skill apart from general surgery practice which I would like to see encouraged here so that the number of technicians with the department can be increased.

Over the weekend, it was said to me that a distinction was made by a certain person in authority between full-time farmers participating in an artificial insemination scheme conducted by the government and part-time farmers who could be called hobby farmers. I feel that, in this instance, while the artificial insemination program is in its infancy, no distinction whatsoever should be made between full-time primary producers and hobby farmers because, whether they are hobby farmers or not, if people are prepared to spend money upgrading their herds of cattle, horses or buffaloes, they are contributing to the development of the Territory and should be encouraged officially by the Department of Primary Production. This situation may not always hold. At the moment, there are not enough private veterinary surgeons skilled in extensive participation in artificial insemination programs so there is no competition between officers of the Department of Primary Production and private veterinarians. This situation may change in the future, as it has changed already with other services extended to people by the Department of Primary Production where private veterinary surgeons can do the job. I look forward to hearing details of this program that the minister mentioned this morning. With the Northern Territory government's active encouragement of primary production in the Northern Territory, it will go hand in hand with the other incentives the government has been putting forward.

The final subject on which I would like to speak this afternoon is a personal observation I made while I stayed for a very short time in Casuarina Hospital. I had heard from other people and from some of my constituents that the care offered by employees of the Department of Health, namely the nursing staff and other people employed in the Darwin Hospital, was not the best. I am a firm believer in taking things as I find them and I cannot speak too highly of the care that was extended to me. It was not so extended to me because I am a member of the Legislative Assembly. I am certain of that because I have several names and in hospital was

called by a name to which I do not usually answer. However, the care and attention that was extended to me was also extended to the lady in the ward with me. I was particularly observant of all facets of my stay in the hospital. I do not want to go into the particularities of why I was in hospital, but I am a female and, when I was brought back to the recovery room, I was put in a ward where I saw a lot of men and they could not have been in for what I was in for. It turned out to be the male orthopaedic ward. The honourable member for Fannie Bay mentioned this morning undesirable grouping in the hospital of people suffering from different ailments. I felt the juxtaposition of these 2 groups of people was rather unusual but rather interesting. Perhaps the juxtaposition of male and female - I saw nothing untoward in it - might have contributed in a small way to the general health and increasing perkiness of the people when they were recuperating from their operations. I would like to reiterate what I said earlier: I cannot speak too highly of the care and attention extended to me in the hospital, and also to the people who were near me.

Mr B. COLLINS (Arnhem): Mr Speaker, recently the Chief Minister accused me quite wrongly of refusing to take a bipartisan approach with the government on the question of domestic violence. The unjustness of this accusation wounded me deeply. I must say that I do find it difficult at times to understand whom I should deal with in the government. Last year, I put a question to the Chief Minister on the matter of domestic violence and he promptly referred me to his colleague, the Treasurer. I responded by writing to the Treasurer outlining my proposals for a domestic violence committee. I received a polite and well-considered reply telling me to go and jump in the lake, and that he would not consider such a matter.

I subsequently received quite a lengthy letter from the Chief Minister on the same subject offering his services and so on. I had that letter for barely 3 weeks and sent the Chief Minister an equally considered reply in which I agreed with the majority of the contents of his letter and, in fact, declined to introduce legislation. It is extremely difficult in this bipartisan business when one puts out a press release which replies to a letter from Mr Perron on the question of a domestic violence committee. If the Chief Minister would like to refer to that lone press release on the subject, he will see that not only is he not mentioned but Mr Perron specifically is mentioned. It is a little difficult to decide who you are supposed to be bipartisan with in this government.

Mr Speaker, I am speaking on a matter this afternoon on which I hope we can adopt a bipartisan approach. I am confused as to whom I should address my remarks: the Minister for Education or the Chief Minister. I will probably have to address my remarks to the honourable the Chief Minister. To the best of my knowledge, at least in the press, the honourable Minister for Education - and I may stand corrected on this - has not issued a public statement on the question of the Northern Territory's university. The Chief Minister certainly has a whole string of them. I assume - and I would like some direction on this - that perhaps the Chief Minister is in fact technically responsible for the university.

When the proposal to the Commonwealth government for support of the university came before this Assembly, it was condemned by the opposition, and that condemnation stands. I considered the report to be a very poor submission indeed, and I still do. The opposition made a written submission to the TEC which I would happily make available to the government although I must say that one could probably substantially read the contents of this submission by simply reading the TEC's report. A comparison of the 2 documents will show that the objections we had to this proposal - not to the university - were reflected in the TEC's report.

I would like to quote from our submission to the TEC: 'We are concerned that proposals put forward by the Northern Territory government will not produce a university of quality. The credibility of the entire university concept will stand or fall on the recommendations contained in the submission'. After all, that is the only thing the federal government had to go on. 'We believe the submission contains a lack of detail and ground work at almost every level. We do not have sufficient time to give a point by point critique of the submission but wish to point out that it has serious deficiencies'.

One of the major objections the opposition had to this submission - and we considered it to be a nonsensical submission that did not deserve to be taken seriously - was that it proposed a quite ludicrous scenario: 6 months after its receipt by the federal government, a university would get off the ground. I will quote from the government submission; these are not my figures. It was proposed to get the university started with 80 academic staff, 700 students, 15 degree and subdegree courses, and so on. It was a ludicrous proposal which richly deserved the treatment it received from the TEC. In the submission that we made to the TEC, we said: 'We find it almost inconceivable that it will be possible to recruit the 80-plus teaching staff which the submission proposed to have assembled by 1 January 1982. (Refer page 11, 5.3.1). We believe that, given the realities of the Northern Territory situation and the contractual obligations of prospective staff, the government cannot possibly continue to insist that teaching at the new university will commence in February 1982 if it wishes its submission to be taken seriously'. We made a number of detailed criticisms of the rest of the government's submission which we thought was an unrealistic proposal for getting the university of the Northern Territory off to a good start.

One of our other criticisms - and again this was reflected in the TEC's report - was that, probably for policy reasons, the tried and tested methods of a university college had been dealt with very sparingly indeed in the submission. The TEC spent some time in its final report pointing out the same thing. I believe that it is time that the opposition indicated to the government that we are looking to it for a proposition for a Northern Territory university which this opposition can support. I would be happy to be in a position of being able to give bipartisan support. We certainly could not have given it to this submission for the proposed university which I considered at the time to be ludicrous and still do. I believe the government should give serious consideration to establishing the Northern Territory's university by establishing a

college of an established university. I also believe - and we took this up in detail with the TEC in our submission - that it should look to establishing specific and special research schools of the university before worrying about having 700 pupils, 15 courses and 80 staff within 6 months at the site down the track.

One of the key areas for the university to get off on the right foot is quality. The best way to ensure that quality is to establish specialist research schools, to provide sufficient money for the research to be carried out and to attract heads of departments who will give the courses the credibility needed and to establish facilities for teaching undergraduates. Various universities establish reputations for expertise in particular areas. People who want to pursue a course in pre-history will go to a particular university because of its reputation. People who wish to study certain courses in medicine will go to another. The reputations that have been developed by those universities depend very largely on the expertise and the standing nationally and internationally of the senior academic staff at those universities.

I believe that the proposal outlined originally by the government in its submission was untenable and received the treatment that it deserved. I would put to the government that, if it were to propose a university based on a careful, progressive development without this wham-bam approach and without unrealistic expectations of recruiting 80 academic staff in 6 months - and the staff that you need would obviously have contractual obligations to the universities in which they are already employed - if it were prepared to consider a reasonable approach, attract finance for specialist research schools, look at establishing a college of an established university and at developing the teaching facilities of the university out of those research schools so that they would be degree courses of national and international standing, then this opposition would be more than prepared to give the proposal the kind of bipartisan support that it would need.

Mr SMITH (Millner): Mr Speaker, I wish to bring to the attention of the Assembly the parlous situation of the Australian Broadcasting Commission in the Northern Territory. Monday 22 February should have been a day for rejoicing in the Northern Territory because on that day the ABC in the NT shook off its South Australian shackles and became a full branch in its own right. On the evening of that day, I was lucky enough to represent the Leader of the Opposition at a function at which the new General Manager of the ABC in the Northern Territory, Ian Hardy, was introduced. Obviously, Ian Hardy is a keen and enthusiastic man who has much to offer the Northern Territory. He comes from Tasmania. In the last few years, he has been program director in Tasmania and one of his major achievements was to increase the amount of local radio time from practically nothing to about 700 hours. He is the type of man we need and I look forward to his contribution to the Northern Territory.

At this historic occasion of the handover, one would have expected the Chief Manager for South Australia to be present. He was not. The reason why he was not present is that the ABC had no money to pay his air fare to come to this important handover. The Northern Territory commissioner on the commission, Val Michell

from Katherine, was there, but she only came out of the goodness of her heart. She had to pay her own way. Perhaps it is just as well for the Chief Manager for South Australia that he was not present because, only a few days before, on 16 February, on behalf of the General Manager of the ABC, he had issued a circular to all ABC staff on expenditure and staff restraints for 1981-82. The federal government has failed to provide extra money to cover salary and wage increases and the ABC has had to make a number of savings Australia-wide. The chief ones are a reduction of $1m in the capital budget by deferring until 1982-83 any further contractual commitments, savings of about $700,000 in the operational budget and a general restraint in expenditure, particularly in travel and overtime.

These savings have a number of implications for the Northern Territory. In the capital area, as part of the move towards full branch status, a contract was due to be let in May to upgrade radio studio facilities in Darwin. This is now being deferred indefinitely. There cannot be any expansion of local radio content until these new facilities are provided. It is most unfortunate that this situation has occurred now that we have a man like Ian Hardy who has the expertise to upgrade local radio because it is obvious to me, and I think to most people, that a major early expansion of the full branch in the Northern Territory would be in radio. Because of the deferral of this contract, nothing can be done in the foreseeable future to increase the number of radio hours coming out locally from the ABC.

A further restraint on overtime and travel will reduce even further the services the ABC can offer. Territory Tracks becomes a misnomer and probably should be renamed Darwin or Alice Springs Tracks because the Territory Tracks team do not have any money to go outside the 2 major centres. The rural reporter finds it difficult to get out of Darwin into the rural area. Occasionally, he is allowed to sneak out with a cassette recorder but, Mr Speaker, you have a better memory than I have if you can remember the last TV rural report from outside Darwin.

TV news teams cannot travel outside Darwin or Alice Springs. Important events like the opening of the Civic Centre in Katherine and the field day that is proposed for the Douglas/Daly farm will not be broadcast on TV. The ABC will not be there. More generally, when is the last time that anyone has seen a TV report from Nhulunbuy, Groote Eylandt or Katherine? With the present restrictions, there is no prospect of a local weekend TV news service or a late evening news service. Our own Nationwide becomes an impossible dream.

These difficulties have been placed on the operations of the ABC by general restrictions placed on it by the federal government which seems intent on disabling the ABC in favour of its commercial mates. Many people have said to me that the only saviour for the ABC will be the election of a Labor government in 1984 at the federal level. I think the plan released last week by the federal Labor spokesman on the media, Senator Button, goes a long way to proving to people in the ABC or with an interest in it that Labor has positive plans for the ABC after its election in 1984. These plans will provide for an overall planning arrangement for

the years after that date. They will provide for a guaranteed funding system.

Apart from these general problems affecting the ABC in the Northern Territory, there are some local problems. The main one is in the engineering section. There are 14 approved engineering positions in Darwin. Two positions are currently unfilled and one other position is used up on recreation leave. A fourth position has been won by an officer in Melbourne but, at first, the ABC refused to pay his removal expenses. After protests, the ABC apparently relented and this officer is expected to arrive shortly. In other words, out of 14 approved positions, only 10 are operational at present. If this situation continues, the effect on existing programs will be catastrophic.

I understand that contingency plans drawn up by the ABC included the following: TV studios would not be available until after 4 pm each day; TV camera crew operations would be restricted by 2.25 hours on 4 days a week and 4.75 hours on Friday; and an operator could not be provided in the radio section between 12.15 pm and 4.30 pm each day. This would have had the following effects: school programs in this time could not have been relayed; sporting results from Gove could not have been taped; the afternoon serial could not have been replayed; and announcers would have had to monitor their own voice levels. It appears that, with the appointment of the officer from Melbourne, these restrictions can be avoided but his appointment will only maintain the status quo. There can be no expansion of activity until all 14 positions are filled.

Mr Speaker, branch status has not brought a challenge but a crisis. The ABC in the Northern Territory has never been less equipped to take on the challenge of full branch status. It has insufficient staff, it is poorly equipped, it has inadequate studio facilities, morale is low and staff turnover is high. I believe the only way out is for the ABC to recognise the special circumstances in the Northern Territory created by the granting of branch status and to grant an exemption from current restrictions to allow the branch to get on its feet. Specifically, it means an immediate go ahead for the upgrading of radio studio facilities, the filling of 2 vacant engineering positions and an immediate investigation into the staffing levels required to upgrade news and current affairs programs. I call on the ABC to show that it is serious about full branch status and to grant these exemptions immediately. I invite the government to use its resources to support this call.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I will not take up much of the Assembly's time this afternoon. I want to dwell on 2 matters that concern Nhulunbuy. I will take the opportunity to ask some questions of the minister. Considering the depleted size of the Notice Paper, I will not have all that much time for questions without notice so I will ask some in the adjournment.

One less parochial matter concerns commercial TV. I wonder if the Minister for Primary Production and Tourism could indicate why it is necessary that the Tourist Commission advertises to Territorians the fact that it exists. It seems a little ridiculous to me but perhaps there is some logical answer. I hope it is not some jingoistic attempt to justify its existence.

The Chief Minister indicated that it was the Labor Party's stirring that lowered the morale in the Health Department. I can assure all members that in Nhulunbuy that is simply not the case. I know quite a number of the staff and I worked very hard to try to reassure people there that the world really is not coming apart. The staff there is increasingly becoming very sure that the world is coming apart. In order to achieve this you-beaut 85% efficiency, Nhulunbuy Hospital has reduced its bed number to 40. In doing so, it closed down one ward which leaves it as a one-ward hospital. I suppose you can close down 2 or 3 wards at Casuarina Hospital and still be able to segregate patients suffering from different types of illnesses. In one ward in Nhulunbuy Hospital, there are young children suffering from anything from diarrhoea to post-natal problems. People are there for minor and major operations and others are suffering from hypertension. They are all jammed into one ward. It is no laughing matter, I can assure you. The plight of some of the patients that come out of that hospital is very real and desperate.

I cannot stress that too strongly to the minister. If it is necessary to maintain the bed capacity of 40 in order to achieve this magical 85%, isn't there some way to increase the number of wards? Perhaps the department could close half of each ward and so allow for some segregation because it is an absolutely impossible situation. The staff are asked to care for those people in Nhulunbuy.

Unfortunately, the Minister for Education has left. I want to put a proposition to him and I hope he reads Hansard. Following a questionnaire circulated to teachers late last year on the operation of Nhulunbuy's new community library at the high school, he initiated a full public discussion on the worth of that library and sought to include as wide a cross-section of opinion as possible: teachers, parents and the public. I have received a staggering number of complaints on this facility from people in the electorate who consider it highly unsuitable.

I make no complaint against the concept of a community library, but this facility was not designed as a community library. One day the Minister for Education sat down with the Minister for Community Development and said: 'How about a community library?'. Unfortunately for the residents of Nhulunbuy and the high school students there, this decision was not made until the high school was half constructed. We now have a community library jammed into a totally unsuitable facility. It is ridiculous. Reading matter is in no way segregated. I do not consider myself a literary prude by any means, but there is unsuitable reading matter which is openly available to students. That is not an exaggeration. It is a pure and simple fact. Teachers conduct classes in the libraries nowadays. It is considered very much part of the students' education. Students in the library are continually interrupted by parents coming in with very young children - as is their right - and certainly I would be disappointed if they did not bring their young children. However, the 2 are incompatible.

I ask the Minister for Education to conduct an inquiry into

the operation of that facility. Last year, when various representatives came over from the library division and the Education Department, they assured the public that, if it did not work, the former situation would be reinstated. I said then what I thought of these assurances. I hate to say I told you so but it certainly looks as though - suitable or unsuitable - that will be the community library. If the Minister for Education wishes to maintain any credibility within that community, he will establish a full public debate so that the community can make the minister very well aware of its opinions on the operation of that facility.

Mr DOOLAN (Victoria River): Mr Speaker, in this evening's adjournment debate, I would like to make some comment on the government's unfortunate decision to shut down East Arm Hospital. This establishment is not just a hospital; it has been a home away from home for long-term sufferers of leprosy for some 27 years now. It was established in August 1955 following the close of Channel Island as a leprosarium.

East Arm Hospital is run by the Department of Health under the Medical Superintendent, Doctor Dyrting, who has been there 9 years. The nursing staff comes from the religious order of the Daughters of Our Lady of the Sacred Heart. Those sisters have looked after leprosy patients for more than 30 years and, if I may quote from a document on leprosy control produced by the Department of Health:

> *They exemplify continuous devoted care of a previously neglected disease. Mr Melville Furness is in charge of physiotherapy and was involved in the pioneering work on tendon transfers in India in the 1950s. Also on the staff are several well-trained nursing assistants and Aboriginal health workers, the most senior of whom is Mr Ronnie Lindsay Gammarang who has wide experience in training health workers from the bush.*
>
> *Functions of East Arm Hospital are to provide care for sick and disabled patients, to repair deformity, to cure infection, to conduct research, to train doctors, nurses and health workers.*

East Arm Hospital provides the ideal setting and environment for sufferers from a notifiable disease such as this, with its spacious surroundings, lawns and shady trees and the availability of open air and sunshine therapy for patients who are required to spend extended periods in a hospital. It is quite isolated which should allay the fears expressed recently by some Europeans that the mere presence of a leper some 150 yards away ensures you contract the dreaded disease. Already I have seen a letter in the Katherine Advertiser, signed by 2 prominent citizens, and I listened to a fairly hysterical and certainly ill-informed talk on After 8 from a prominent female member of the Katherine community. Both this letter and this radio talk made it clear that Katherine people would not welcome patients suffering from Hansen's disease by which name leprosy is usually known in most civilised countries these days.

As well as providing an ideal place for hospitalised people, East Arm has always been favourably known for the very excellent

patient-staff relationship which has existed there. Most of the staff have worked at East Arm for a very lengthy period and have no desire to work elsewhere. There are now hardly more than 20 active Hansen's disease sufferers in the Northern Territory which certainly does not mean that even they are necessarily infectious. I am informed that figures for the Northern Territory are as accurate as any around the world. New active cases average less than 0.4 per thousand and the number of active cases has dropped from 13 per thousand in 1951 to 0.8 per thousand in 1979. As a result of such a significant decrease in the number of active patients, East Arm Hospital has been used for some years mainly to treat secondary ailments which have resulted from the loss of feeling in limb extremities. The disease, even when cured, leaves limbs in which nerves have been destroyed without any feeling. As a result, people have suffered sometimes very severe burns or injuries because they are not aware of a sense of heat or a sense of pain if a limb is injured.

The hospital is equipped with a fully operational operating theatre in which Dr John Hargrave, a world authority on Hansen's disease, has done sinew and nerve transplants to restore feeling and mobility to previously useless limbs. The brilliant work which Dr Hargrave has done in this field has achieved world-wide acclaim because of its innovatory nature and its high degree of success. In 1949, when I was a young patrol officer walking around Arnhem Land, it was a not unusual event to find colonies of people suffering from leprosy. These unfortunate people used to hide themselves away from the main Aboriginal camp. They stayed away from the camps and their fellow tribesmen not because they would not be accepted but because of the fear of being apprehended by police. If they were, they were chained together and brought in most appalling conditions to Channel Island Leprosarium. Once there, these most unfortunate people were virtually under a sentence of death or a sentence of life to be more explicit. They were never allowed to return to their own home country and they spent the rest of whatever life remained to them in a pretty depressed and bewildered state.

With the discovery of sulphones, a dramatic change took place. People who had resigned themselves to incarceration in the leprosarium until they died, suddenly found that they were able to return to their friends and everything they held dear, which must have been to them like a form of ressurrection from the dead. The most important thing resulting from this happy event was a message brought to fellow sufferers as yet undetected. Having seen other tribesmen forcibly taken away from their land and their family never to return, they naturally made every possible attempt to lead a life of hiding from authority. When former sufferers began to return home, many Hansen's disease sufferers realised incarceration did not mean a life sentence any longer, so they voluntarily submitted themselves for treatment. This was a wonderful breakthrough. It was possibly the single most important reason for the dramatic decrease in the incidence of this disease amongst Aboriginal people in the Territory and I believe Dr John Hargrave must be given a great deal of credit for bringing about this attitude in Aboriginal patients.

Aboriginals realise now they must be treated and isolated until cured and most are reasonably contented or as reasonably

contented as a person can be during a long spell in hospital. I must qualify 'hospital' and be more explicit by saying the East Arm Hospital where they had the company of other Aboriginal people and frequently their own tribespeople. It pleases me that the leprosy unit will not be transferred to Darwin Hospital. We could imagine nomadic people, or at least people who live their whole lives out in the open air, being confined in that concrete mausoleum at Casuarina which is totally unsuited to the tropics, and forced to live in an aseptic, air-conditioned, isolation ward. I do not imagine that this would give sick people much of the peace of mind or contentment which is necessary to their recovery.

Katherine Hospital, to which the leprosy unit is to be transferred, is admittedly preferable to Darwin Hospital, but it is nowhere near as suitable as East Arm with its atmosphere of tranquillity and peace and its long and well-established facilities. I do not know whether honourable members are aware that many of the Aboriginal absconders from Casuarina - now Darwin Hospital - eventually find their way to East Arm. Apart from its other attributes, it has become a handy pickup centre for Darwin Hospital absconders. The hospital has a very long tradition and a very strong Aboriginal acceptance. It provides 24 normal ward-type beds and beds for 26 people in motel-type accommodation.

The principal use of the facilities now is for reconstructive surgery. The total cost of running East Arm was $1m for the last financial year. Figures quoted to me for 1981 give an occupancy of 11,097 bed days, which gives a cost per bed per day of $90.02, which is far less than the usual per bed per day cost in other hospitals. This $90.02 covers not only normal health costs, but also the field work, survey, research and microsurgery costs. Considering these factors and the outstanding and unique work done there, East Arm Hospital is run at an almost unbelievably economical cost.

Mr Speaker, following the announcement yesterday that the leprosy unit, including the microsurgery section and the pathology laboratory, is to be moved to Katherine, the Minister for Health is now faced with the task of relocating this long-established unit over 300 km down the track. If ever I heard of false economy, this futile and costly exercise must surely take pride of place. Admittedly, the bed occupancy rate at East Arm is roughly only 60% which means that it does not meet the Commonwealth efficiency rate of an 85% bed occupancy. There are many other factors to consider which offset this. Surely, if approached, Commonwealth authorities could make provision for what may appear to be an excessive cost, but in fact is really a false assessment, and absorb some of the cost in large hospitals running at more than the required 85% efficiency rate. I ask the honourable minister to reconsider the closure of such a valuable medical unit. The staff at East Arm are much saddened at the hospital's proposed closure, and can take consolation only from the fact that, through their dedication, the incidence of active Hansen's disease in the Territory has now been reduced to less than 0.8 per thousand.

Ms D'ROZARIO (Sanderson): Mr Speaker, I too would like to bring to the attention of the relevant ministers 1 or 2 problems that have cropped up in my electorate of recent months. I am sure that all members of this Assembly are confronted from time

to time with electoral problems that have no solution, and there is nothing much that can be done other than to offer the complainant a bit of sympathy. In the case that I would like to speak about, this is not so. Solutions do exist and it remains for those people who have it within their power to implement these solutions to satisfy people who have legitimate complaints about certain elements which are presently missing in Housing Commission houses.

Mr Deputy Speaker, as members of this Assembly would know, and certainly the Minister for Housing would know, the Housing Commission is involved in a quite extensive housing program, largely in the Sanderson electorate. That is its main area of activity within the Darwin area. Of recent months, under recent contracts, it has been decided that houses will no longer be provided with insect-proof doors. Many years ago, when Dr Charles Gurd was head of the Department of Health, that department put a recommendation to the Urban Land Development Unit that certain areas were unsuitable for residential development in view of their proximity to major mosquito breeding areas. The Leanyer Dump, which I have the dubious honour to have in my electorate, was identified as one of the major mosquito breeding grounds in the Darwin area.

Whilst we have seen a number of reports from consultants in the Department of Housing and Construction and, indeed, I think even from the Department of Transport and Works, on what should be done in the way of engineering works at this dump to reduce its attractiveness as a mosquito breeding area, very little has been done. The area continues to be used as a wet dump for the Darwin metropolitan area and no engineering works have taken place in relation to the swamp which would minimise the mosquito breeding problem.

At the time that it was decided that the original recommendation of the Department of Health ought to be abandoned - the recommendation for a 1.6 km distance between mosquito breeding areas and residential areas - it was also decided that there was a severe shortage of land suitable for residential development, and that development ought to proceed. It has proceeded. Although that decision has been made, there are certain things that can be done to reduce not only the annoyance from biting mosquitoes to residents of that part of Sanderson, but also to minimise the health risk.

I have been informed that there are some 400 houses which have been constructed by the Housing Commission, most of them on ground level, which are not fitted with insect doors. I can only assume that this results from this fixture not being included in the specifications. Certainly I am not going over the old ground as to whether those houses should have been built there at all. The fact is they are there. The lack of screen doors is causing people to suffer extreme annoyance during times of high mosquito population and, as the Minister for Health will know, these occur on a regular 8-day cycle, particularly in the wet season. There are times when the mosquito population is very high indeed and the annoyance arising from this factor can be quite severe.

More importantly, it has now been determined by the World Health Organisation that, whereas we have hitherto been led to believe that malaria, like smallpox, was on the way out, in fact malaria is now making a comeback in a number of countries. The World Health Organisation is warning these countries that the strain is much more virulent and resistant to treatment. Not only do we have an upsurge in the incidence of malaria in some countries, but new techniques must be found for dealing with it.

Mr Deputy Speaker, some members may say that nothing prevents these people from fitting doors to their own houses. Of course that is true. A number of people could well go down to Bunnings and buy a couple of doors and fit them. However, the people making representations to me are not in a position to do so. By and large, these people are disadvantaged, a large number of them being single parent families who have been housed by the Housing Commission in this area, in some cases as a matter of priority because of their particular circumstances. They are not in a position simply to purchase the doors themselves and fit them to the door frames.

I am not going to argue about whether the houses should have been built there. What I do say is that some simple mechanisms do exist for making the houses more liveable and the residents a little more comfortable. In this particular case, it is simply a matter of reintroducing in the contract specifications that insect screen doors will be fitted. It might seem quite a simple thing but, as I say, it is related both to a public health problem and a severe nuisance problem in this area. It seems to me that the solution is quite within the means of the Housing Commission. I ask the minister in charge to take this matter up with the commission. I have taken the matter up with the commission, and received a very polite letter to the effect that, if the residents concerned wish to, they may construct and attach their own doors to the houses.

The second matter that I wish to raise also concerns the operation of the Housing Commission. Here again it might seem a simple matter to some but, to certain of my constituents, it seems to be one which reflects the inequities of implementation of some of the excellent schemes the Housing Commission has going. The particular matter to which I refer is the garden subsidy scheme which I heartily commend the commission for introducing. Certainly, the residents of commission houses have availed themselves of the subsidy and the areas look quite attractive. One can only commend the Housing Commission for encouraging residents to take more interest in their gardens.

I am sure that all members would know of this scheme but, briefly, it amounts to an entitlement to claim up to $100 from the commission to offset the cost of establishing gardens. As I say, this scheme is commendable. Unfortunately, certain people have been deprived of this subsidy for no reason that stands up in logic: those who have decided to make application to purchase their houses. The first thing I would like to stress is that these are only applications to purchase at this stage. The residents concerned have not been made an offer and they have not been told the terms of purchase. Where residents have made

applications to purchase the houses, they are being denied the subsidy. On the other hand, people who have been paid the subsidy and then make an application to purchase are allowed to retain the subsidy. It seems to me that the commission has a very good scheme which unnecessarily discriminates between residents. There are some residents who can obtain their subsidy simply by making the application for the subsidy and receiving it and then making their application to purchase the house. In a developing area where we are encouraging beautification by residents, a scheme which has many commendable aspects is being implemented in a manner which has given cause for some complaint by some residents.

The sum involved is small but the people who are trying to avail themselves of it do not have large amounts of money at their disposal. Many people might say, 'What is the price of a couple of doors, and what is $100 in developing a garden?' Those are the sorts of people for whom these small amounts of money are of no consequence. To the families for whom I am bringing this matter to the attention of the Assembly, these are matters of concern. I think that some schemes which are financed from the public purse are not being directed to those most in need. I raise these points for the consideration of the Minister for Housing. In relation to the Leanyer matter, I would also ask the Minister for Transport and Works to inform me what the situation is with respect to engineering works at Leanyer Swamp.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, in Alice Springs, between the BP Gap and the Piggly Wiggly Supermarket, the Housing Commission has constructed 13 units for single officer accommodation. This area has been a source of continual embarrassment to the town. It is a place where people would squat and drink. It is an area where one could never seem to find an unbroken bottle. I could never quite appreciate why every bottle had to be smashed, but that seemed to be the way. It has taken a long time to have this area cleaned up. I have pushed for it ever since I came into the Assembly and no doubt the former member for Alice Springs also pressured the Housing Commission.

One thing that really does please me is that, with the family's permission, the Housing Commission intend to call this the Harold Little Lodge. It runs off the tongue rather well. Many of the people here would have known Harold. He was a man of mixed parentage, Aboriginal and European. He was a man who had a lot of courage and who spoke his own mind. He was not one to pussyfoot around; he said what he believed. He would write to the paper. He was a man whom I considered to be, in the true sense of the word, an 'elder', a man of considerable wisdom. He is a person who spanned 2 races and did it very well indeed. He was Australian and Territorian first. Harold's funeral last year was the largest which Alice Springs has ever seen. Nearly all of Alice Springs attended. A great mixture of Aboriginals, part-Aboriginals and white people were there because they had a great respect for this person. If the southern media people who always seem keen to knock race relations in Alice Springs had been there, they would have seen a different side of the picture. Harold was a man who worked for unity and he was a great Territorian. I consider it an honour and feel very proud and also very humble

that the Housing Commission has asked me to open those units in memory of a great Territorian.

This afternoon, the honourable member for MacDonnell made the statement that there are good people in the camps and he did not believe anybody would deny that. It is most amazing that he should even bother to state that because there is good and bad amongst all people. He then went on to raise the 'Blacks Told to Seek Pity' article printed in the Centralian Advocate. I contributed that after the ABC had had a grand time rolling several stories into one and claiming that I had said that a leader - not 'leaders' as was stated - of the Tangentyere Council had made a whole host of statements about the Aboriginal people. I made that statement to clarify the point because the ABC gentleman was way off beam. He rolled several stories into one. At no stage did I say that to him nor did other people. There were several whom I trust implicitly who came to me independently and mentioned their concern about the statement by one of their leaders from Tangentyere at a meeting which Mr Charlie Perkins held at Amoonguna with some 300 Aboriginal people from various areas. I was not there because I was not invited. I would have loved to have had the opportunity to be there and understand more of these points.

The member suggested that I should obtain statutory declarations on this particular point. I do not believe that, if I had God himself come here and say that something was indeed the case, the member would really believe it. I think he thinks that I made it up.

Mr Bell: Geoff Shaw certainly does.

Mr D.W. COLLINS: He does not. The next day the ABC came out with 3 separate stories rolled into one and made the extraordinary statement as though I had said Mr Shaw had encouraged the people to come in and fornicate. I did not say that and nor was it said to me. It was stated on the radio. Geoff Shaw was upset and I was upset. I went to the ABC on the matter and all I could get was an apology out of them. I was led to believe that Geoff Shaw was going to make a statement attacking me fairly severely but the ABC decided not to print that.

If that seems a little bit odd, I think the member for MacDonnell might remember that, at the time he came back from holidays, there was a patently wrong ABC report on the Aputula Building Society. I wrote a press release because, even though it is not in my electorate, I know a little bit about Aputula. The ABC decided not to print it because they said that Mr Bell had also been upset. It was exactly the same journalist. When somebody starts to roll a few facts around and take a few liberties, one can only learn from it. One thing I have learned is to make my statements in print. I will stand by what I put in print. Mr Shaw himself did not deny the matter and nor did he reply to the article in the Advocate. I was told by several people that the statement was made. In fact, he conceded to the honourable member for the Northern Territory in the federal parliament that there was a grain of truth in it.

Another point raised by the honourable member was the matter of the South Court Tangentyere camp. This is an area in which there are only 5 houses. It is a European area bounded by Giles House. It is an area which, in a European set-up, would have many more houses simply in terms of economy. Opposite is another camp. People are camping illegally in a few humpies. They come and go. I made some approaches to Tangentyere after many elderly people from the South Court had often been upset by some of the people from this outside group showering on their front lawns and doing a few other things which upset them. I asked the Tangentyere Council if it would be possible for it to allow - and this was in the building stage of these houses - the people camped opposite to at least go in and get some water. I received a very negative reply. I welcome the improvements but I claim that there is plenty of room to have ablution blocks for those people who want to camp in a more traditional manner. There is room for them to settle. I would suggest that they pay a small fee. I believe that the people in the houses should pay for their water and electricity. It need not be a large fee because the needs are not large. There is plenty of room there. I gain the impression from Mr Shaw's statement that he wants more people to camp illegally around town so he can apply more pressure on this government and the federal government to try to get more land and more Tangentyere-style camps. One could say that it is power hungry. I am sure that, if Harold Little was around, he would be game enough to say exactly that. I believe that the Tangentyere Council has expansion aims. I believe these must be resisted.

I have a little story regarding the health service. The wife of a well-known Alice Springs identity whose name I will not mention rang me and complained about the long wait they had at the hospital. He is a fairly old, doddering gentleman and that long wait was very tiring for him. I believe that his wife had real grounds for complaint. In discussing the situation with him, I gave the tentative advice that they should try a private doctor. These people had been using hospital doctors for years. The new charges were just something new to them. When I pointed out to him that it really cost the government in the order of $45 per visit and that a private doctor would cost about $12, I got a reasonably negative response. They said it is not really good to make these doctors very rich. I pointed out that, if it saved taxpayers' money, I did not care if the doctors became millionaires. I did not expect to get any real response and I did not think I did much good there.

About a fortnight later, I was delighted to bump into this couple coming past my office. The lady said: 'We took your advice. I have just taken my husband down to one of the new private doctors in town. We got an appointment. We went straight in. We had a short wait and David saw him. He likes him very much. He got the tablets that he needs'. What they were really delighted about was the fact that, when he wants a repeat prescription, all he has to do is ring up, pay $1 and collect the prescription. He was delighted. He had a long-standing habit which many Territorians have. I believe these people have broken it now and they are quite happy.

I would just like to take up a point which the Leader of the Opposition made about his Labor scheme. I can quote him accurately because I took reasonably good notes. Under the Labor scheme, visits to the doctor would occur without cost. Mr Deputy Speaker, that is exactly the situation that England has found itself in. Because people have contributed to the free health service, they are intent on getting their money's worth. The whole thing boils down to extremely high costs to that country. In many ways, it results in a very poor service. If your case is not an emergency, then you must wait indefinitely. As far as I am concerned, you get no points for that.

Mrs LAWRIE (Nightcliff): Mr Speaker, once upon a time we had Medibank which was funded through our taxes. When the scheme was set up, it had inherent difficulties as all new schemes have. When the government was overthrown by the action of the Governor-General, we had a new government elected which had promised to continue Medibank. Of course, the most conservative amongst us will agree that the bewildering changes to Medibank since the first election of the Fraser government really defied description. Doctors could not keep up with the variety of schemes, alternatives and changes which came almost week by week. The end result has been that Medibank, for all intents and purposes, has been killed by the Fraser government.

The member for Alice Springs has been putting forward the proposition this evening that a universal health scheme is a great burden on the taxpayer, it leads people to have unreal expectations of primary health care and it is to be resisted. He wants us all to be steered very quickly to the benevolent private sector which will look after us and wean us from our wicked habit of using public facilities. It is interesting that Medibank was funded by the taxpayer. We all paid for it. Since its dismemberment, there has been no tax relief. We are simply paying again now for private medical funds on top of the same level of taxation which before funded Medibank. To say that there has been a saving to the taxpayer in health care is arrant nonsense.

This morning, I heard the Chief Minister refer to the public use of community health service centres. He made a statement which shows that he is out of touch with the people who look to their centres not only for primary health care but for counselling and support. I agree with him and the Health Minister both of whom have said they recognise the role of the centres and that this government will preserve them one way or another. I understand that, because of the mismanagement of the economy by the ultra-conservative Fraser and his cohorts, we are experiencing in the Territory some severe difficulties with maintaining a reasonable level of health care, education and the other essentials of a reasonable life.

The Chief Minister spoke of shifting community health centres from their present locations to where the people go to do their shopping. I believe this was in the context of the query raised by the honourable member for Fannie Bay regarding the Parap health clinic. May I advise the Chief Minister - I doubt if I have to advise the Minister for Health for even he must be

aware of this - that breast-feeding mothers who go to the community health centres for test weighing, for test feeding, do not really want to go where they are doing their shopping. They want the community health centre where they live, not where they go to shop. Likewise, the pensioners utilising the health facilities provided in community health centres want them close to their homes not where they are supposedly going to do their shopping. To contemplate shifting the Parap community health clinic to the central business district would be disastrous for these 2 groups of people.

Mr Speaker, the community health centres overtook the infant health clinics. The Chief Minister, of course, has never breast-fed a child and he would not know of some of the associated problems particularly for a new mother when she has to learn to regulate the milk supply. This is one of the most common occurrences in breast-feeding which is acknowledged today - as it was years ago - as the most logical and healthy form of nutrition for a young baby. These mothers often need assistance, not simply with an insufficient supply of milk, but quite often - given our good diets and our reasonable standard of living - with an oversupply. If the mother does not recognise the problem, the oversupply of milk causes the child to scream lustily with colic because of congestion. The mother thinking the baby is hungry promptly puts it to the breast again and thereby compounds the problem. The way in which it is overcome is test weighing and test feeding. The mother is taken into a room and in many cases shown how to breast-feed a baby lying down with the baby on top sucking upwards. To the honourable members this might sound a rather strange debate for this Assembly, but I use it as a typical illustration of why community health centres need to be near the residences of the people they serve, and not in the shopping centres which serve a different purpose altogether.

I listened to the debate this morning with a little cynicism, remembering comments made at the time of self-government when I and other members of the Assembly queried the ability of the Northern Territory to maintain health and education services given our large physical area, our small population, the isolation of many communities and the particular problems we all face in giving adequate services. It is recorded in Hansard that the Chief Minister said that the Territory was going to receive special consideration. There were special undertakings with the Prime Minister, Malcolm Fraser. There were no problems. It seems those special considerations are being ignored by Malcolm Fraser. I do not suggest they are being ignored by the local ministers who have to bear the burden of explaining to their constituents why things are retracting and going wrong and that we do not have the same number of specialist teachers, advisers and health workers as we used to.

We all admit that these services are being scaled down, and we admit that we cannot afford to fund them from within the Territory. It is interesting that Queensland for years has had the free hospital system and continues to enjoy that. In the budget debates, we are told time and time again that Queensland has put forward a case which says that there are special circumstances and disadvantaged people in Queensland. We have special

circumstances and we have many disadvantaged people, but we are not doing so well. I suggest that one of the problems is that the Minister for Health is not as deft or as clever or as eloquent as his Queensland counterpart. There has to be some reason for it, and we have not been given the proper reasons either in previous debates today or at any other time.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I cannot let the general comments of the honourable member for Nightcliff go past because the member has said that health and educational services are being scaled down, we are not receiving sufficient money to run these services and specialist teachers are not being appointed in sufficient numbers. I would like to hear from the member for Nightcliff precise particulars of all these matters which she mentioned so that I can ascertain the truth of the wide-ranging allegations that she made and which, I suspect, are considerably lacking in substance. The member for Nightcliff is good at painting a broad-brush scenario. I would like to have a few details from her of some of these brush strokes.

The fact of the matter is that Queensland has a free hospital system and it always has had a free hospital system. I think it might be in its last year of that system and, if the honourable member for Nightcliff would like the Queensland free hospital system transferred to the Northern Territory, I suggest very strongly that, before she states that, she should try the Queensland free hospital system. Certainly, in the very big public wards, you do not pay but you do not have wards such as those in the Northern Territory hospitals where the number is 4 and, at the most, 8. There are army barracks of hospitals in Queensland and a bit of outpatient care for free. That is about all. It is wait, wait, wait for the outpatient care. It is my home state and so I can speak from personal experience.

If the member believes that the Northern Territory is unfairly treated financially, and I am always ready to attempt to extract from the Commonwealth for the Territory the maximum possible number of dollars, then I suggest that she have a look at the finances of the Tasmanian government. I think it is receiving about $10m a year more than the Northern Territory. If that is not a fairly reasonable distribution in favour of the Territory then I do not know what is. I believe that the agreement that we signed in 1978 will hold up over the years. It is impossible to prevent the Commonwealth making drastic changes in various areas such as health which it will do from time to time. The growth of the general revenue of the Northern Territory from Commonwealth sources will continue by reason of the particular beneficial factor that is built in. In my view, the Northern Territory's general revenue will always be adequate to meet its needs. As I said this morning, I firmly advocate that we run a very efficient health system and a very efficient government in this Territory, not one that is a padded operation. It seems to me that, whatever the honourable Leader of the Opposition might say about comparisons, when you look at some of those comparisons, it appears that quite some operation was set up here in the Northern Territory. One only learns these things when one has to take the trouble as a politician, not an administrator, to look into them.

Some honourable members made comments this afternoon which I would like to take up. I am pleased to hear that the honourable Leader of the Opposition is proposing that we be bipartisan along the lines of his proposal. His bipartisanship extends so far as to invite me to support what he says is good for the Northern Territory. I do not have the university proposal in front of me and it is many months since I have read it. The Leader of the Opposition appears to think that there is something magical about the concept of establishing a university college in the Northern Territory as an outpost of some southern university. He wants to treat the university for the Northern Territory as just Australia's 21st university, not as the University for the Northern Territory. I think his argument is tissue thin and spurious. His argument is that we should have a university college to start with rather than a university. It is all in a name. Perhaps for that reason, when I think about it some more, I might even agree to it because all I want for the Northern Territory is a university. I do not want it for myself; I have done my study. I want it for the kids. If I can achieve a degree of unanimity, then usually I am prepared to agree with anything that will eventually achieve the objective. I am a patient man even with people who indulge in spurious arguments.

It was specifically in the Northern Territory proposal to the Tertiary Education Commission that we proposed to ask 3 Australian universities to lend us their assistance and support to help us through the formative years. The 3 that were asked all agreed to do this. The Leader of the Opposition wants to limit us to one university of which we will be a college and be controlled by the body that controls that university in some far away southern city. Really that was not what I thought self-government for the Northern Territory and the establishment of a body politic to build up the social and economic fabric of the Territory's society was all about. Of course we then heard the old argle-bargle that has been trotted out about 80 staff and 700 students within 6 months. The Leader of the Opposition knows as well as I that community college courses were being taken over. He said there would be 700 students milling out around Palmerston somewhere. The Opposition Leader attempts to conjure up this picture of chaos. In fact, I understand that most of these students would have been taken over from the Darwin Community College and most of them would have been part time.

Two research institutes were proposed in our document to the Tertiary Education Commission, not one as the honourable Leader of the Opposition is proposing. We proposed 2 but, of course, his proposal is far superior. By going before the Tertiary Education Commission without any consultation with me, without consultation with the Minister for Education, without any consultation with the Planning Vice-Chancellor, the Leader of the Opposition did his level best to torpedo the Northern Territory university and he will continue to do that if he can have his way. He is a traitor to the Northern Territory. He could have spoken with us, but did he? He slunk off to the TEC and stuck his shafts in behind our backs. That is what he did. He would not come out in the open. Because he now wants a constructive image, he is trying to repair the damage. As I am interested in getting as far as I can with this proposal, I will certainly consider it

seriously but I would not be surprised to see some shifting of ground on this one too.

The honourable member for Victoria River referred to the concrete mausoleum at Casuarina. The Northern Territory government is saddled with the concrete mausoleum at Casuarina like the poor donkey who was forced to cross rivers with sacks of sponges because the government headed by Mr E.G. Whitlam commissioned its construction many years ago. The 'concrete mausoleum', as the honourable member for Victoria River so aptly describes it, is exactly that. It is half empty because half of it is not needed. It is concrete all right and it is a sink down which public funds go.

The honourable member for Millner talked about the ABC. I think the new manager is a nice fellow and I hope he does well. I do not think he has much chance because the ABC has pulled another confidence trick; they have appointed a manager and given him nothing. Within all their resources around Australia, they know that, if they appoint a manager for the Northern Territory, they have to give him something to manage. All he has been given is a room and a desk. The commissioners have written to me and said: 'Now you have a manager, instead of bothering us with all your troubles, you can write to him'. I think that is one of the principal reasons why they have appointed this manager. They have felt that they will get Everingham off their backs by putting a manager in Darwin. Because Everingham is keen on Northern Territory autonomy, he will feel constrained to send all his nasty letters to him. If they stop funding a symphony orchestra in Tasmania, they could give us all the staff that the ABC here says it needs.

Mr B. Collins: I thought you wanted one here.

Mr EVERINGHAM: I do want a symphony orchestra here, Mr Deputy Speaker. The Tasmanian government has one for $50,000 a year. That is what they contribute to the ABC which runs a symphony orchestra in Tasmania. If it is good enough for Tasmania, it is good enough for the Northern Territory. I do not see why the Northern Territory should not have its own symphony orchestra based here. I am prepared to settle for a chamber ensemble to start with. We can build up a level of skill and experience and expand gradually to a chamber orchestra and then to a symphony orchestra. I would like to see something. If it is good enough for Tasmania, it is good enough for the Northern Territory.

The honourable member for Millner said that the government was doing its best to strangle the ABC financially for the benefit of 'its commercial mates' - I think those were his words. All I can say is that Senator John Button has certainly knocked off any chance the ABC had of a fair degree of financial independence. Senator Button is the opposition spokesperson for communications. He announced a couple of weeks ago that the ALP was implacably opposed to the Dix Report recommendation of corporate sponsorship for the ABC. The ABC was very keen to get into corporate sponsorship. I am sure that it would not have detracted from its programs or its independence; in fact, it would have enhanced its independence. If any group in Australia has shafted and

delivered the financial death knell to the ABC in the last few years, it is the ALP by taking that ostrich-like, myopic attitude to the corporate funding proposal for the ABC.

That is not very surprising because we have seen in the paper today what former members of the ALP think about the forward-thinking policies of their party. I quote, from that letter: 'For a while I entertained the possibility that here in the Northern Territory the Labor Party would evolve along quite distinct lines far more attuned to the realities of the Territory. I do not see any signs that this is happening. What I see is a mere prolongation of a few fashionable platitudes built up into an irrelevant platform of policies supported by a few people whose major ambition is a padded seat in the Legislation Assembly'.

Mr TUXWORTH (Health): Mr Deputy Speaker, I will be quite brief. I would like to refer to the comments made by the honourable member for Nightcliff concerning the funding of health in the Northern Territory. It is probably unfair and unreasonable at this stage to forecast the gloom and doom that the honourable member was referring to. I have asked that a draft be circulated showing the expenditure the health field has had in the last 10 years, particularly since self-government. It is taken out of the annual reports. There is nothing fancy about it.

Honourable members will see for themselves that the expenditure in this area has been quite considerable. What we are being asked to do in terms of watching our pennies is no less than any of the 6 states in the Commonwealth have been asked to do. It is also fair to say that our plea for special consideration is still before the Commonwealth and, until such time as the Commonwealth has said that it will not acknowledge our special claim, it is probably a little unreasonable to take the stance that the honourable member has. If the Commonwealth tells us to whistle in the wind, I would be quite happy to put up with the gloating from the honourable member for Nightcliff when the time comes. In the meantime, I think it is not unreasonable that we give the federal government credence at least for what it has done and for what we hope it may do.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

REPORT
Ministerial Mission to South-east Asia

Mr STEELE (Primary Production)(by leave): I present a report of the Northern Territory Ministerial Mission to South-east Asia in October 1981. I move that the Assembly take note of the report and seek leave to continue my remarks at a later hour.

Leave granted.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
Foreshore Areas and Coastal Management

Mr SPEAKER: I have received from the honourable member for Millner a proposal that the following definite matter of public importance be discussed: the government's acknowledged failure to preserve and protect Northern Territory foreshore areas and the urgent need for the government to adopt a detailed coastal management policy under the control of a specialised coastal protection agency. Is the proposal supported? The proposal is supported.

Mr SMITH (Millner)(by leave): Mr Speaker, the pressures being placed on our coastal zone at present mean that the point of no return is rapidly being reached. In the past, inappropriate management decisions have been taken which have resulted in erosion and pollution of foreshore areas. These decisions have detracted from the natural beauty of foreshore areas but have not unalterably changed the character of such areas.

However, today there are new pressures on the coastal zone which threaten to completely change its character. These pressures result from the increased use of foreshore areas. With increases in population, there has been an increase in competition in the different uses for foreshore areas. Specifically, we are seeing a spate of commercial development proposals which, if accepted, will completely change the character of the foreshore area. If approvals are given, there is no going back; the die will have been cast. A landscape that has remained basically unaltered for thousands of years would be changed beyond recognition.

Consideration of such development proposals must be done in the light of the best possible advice and their effects. The Minister for Lands and Housing has quite rightly said that there have been a number of studies on foreshore areas in the Darwin area. Among them has been the Heath Report for the Darwin city council in 1976. Among the latest reports has been the Dwyer Report into the Rapid Creek area in 1980. Prominent among them and between them has been the report by the Commonwealth Department of Construction for the Northern Territory Department of Lands. This report was a detailed study of the Vesteys Beach-Mindil Beach area and the Rapid Creek-Casuarina area. It outlined a sorry history of misuse of the coastal zone, particularly in the Mindil Beach and Vesteys Beach area.

At Vesteys Beach, much of the area immediately behind the beach has been levelled. Extensive club facilities, sealed roads and car-parking bays have been constructed too close to the line of the foreshore. Unfortunately, since these developments have

taken place, research has revealed that the key element in preserving a coastline is preserving the dune system behind the actual beach because it is the dune system that acts as a reservoir in times when the beach is eroded away. It acts as a storage area from which the beach can be replenished. Take away the dune system and you effectively destroy the beach.

It is a sobering thought that what is now an unattractive beach area at Vesteys Beach was once in a similar condition to Casuarina Beach with an extensive sandy beach and a well-developed dune system. All that has been destroyed by planning mistakes. In 1966 at Mindil Beach, a caravan park was built right on top of the sand dune. This, together with increased pedestrian traffic, resulted in the destruction of dune vegetation and in erosion. Thousands of dollars were spent in the late 1960s and early 1970s trying to repair the damage. The 1978 report states: 'If Mindil Beach is to be retained as a recreational resource, no further development should be permitted along or immediately behind the foreshore'. Less than 12 months later, the government approved an even more intensive use for this area - the casino - in direct contradiction to the recommendations of that report.

In the cliff areas of Fannie Bay the report states that unrestricted vehicular traffic has completely removed all vegetation and led to widespread splash and sheet erosion. The same has happened along the Nightcliff cliff area.

However, it must be stated that the picture is not completely one of gloom. The Conservation Commission is obviously doing a good job along the Casuarina foreshore area. It has realised that the key to the preservation of the beach is the protection of the dune system and that is where it is concentrating its efforts. After receipt of the Heath Report the city council has taken steps to control erosion in the cliff areas.

However, it is true that there is no authority in the Northern Territory that is successfully facing up to the problems of the increasing pressures on the coastal zone. The 1978 report said: 'The current situation of continually-increasing pressures for new and extended developments along these foreshore areas potentially increases the seriousness of many of the existing problems'. The problems are not restricted to the Northern Territory; the problems obviously are Australia-wide problems. The problems have also been experienced in other countries.

A study in the United States by Feldman and Hershman indicated that there were a number of organisational problems with coastal zones which resulted in a failure to adequately protect them. They mentioned a number of points. Where coastal areas are not being protected properly, the following organisational problems are evident: there is a lack of co-ordination among public agencies, there is insufficient planning and regulation authority, there is a lack of clearly-stated goals, there is an insufficient data base for decision-making, there is little understanding or knowledge of the coastal ecosystem, there are primitive analytical and predictive methodologies, there is a dominance of short-term management over long-term planning and resource decisions on the future use of beach areas are made predominantly on the basis of economics to the exclusion of ecological considerations.

All of these organisational problems apply partly in the Northern Territory. There is a proliferation of authorities which have some impact on foreshores in the Darwin area: Darwin city council, Conservation Commission, East Point Reserve Trustees, Port Authority, other Northern Territory government departments, Commonwealth government and Planning Authority. None of these bodies has particular and well-developed coastline expertise. As well, there is no compulsion on developers to provide detailed scientific environmental impact studies for foreshore developments; there is no coastal inventory; there is no co-ordinated study; and there has been no public education campaign. At present we simply do not have the body of knowledge available to make long-term planning decisions for the Darwin foreshore area.

It should be remembered that, although Darwin may be the main problem, there are other areas of the Northern Territory which have had or are about to face proposals which may extensively change the foreshore. The most graphic example is, of course, at Nhulunbuy where the operations of the Nabalco organisation have seen the effective ruination of Melville Bay. The Nabalco corporation obviously acted in good faith, but it is quite clear that there was not sufficient expertise available at the time to enable it to make proper planning decisions on the impact that its operations would have on the Melville Bay area.

There is a possibility that there will be a large port development at Borroloola connected with the activities of Mt Isa Mines. At Palmerston, an important part of the plan is to allow residents easy access to East Arm. Of course, with the plan to place a power-station on Channel Island, there are a number of serious environmental issues that must be faced there. Those environmental issues have been faced in all states of Australia. Every state has foreshore protection legislation. Queensland was first in 1968, South Australia in 1972, Western Australia in 1971, Tasmania in 1973, Victoria in 1976 and New South Wales in the last couple of years. Obviously, the powers differ in each state but the following general principles apply: recognition of the need to manage and utilise the coast in the best possible manner for future and present generations - and this involves the setting of goals and the formulation of policies - and the preparation of ongoing management programs which express goals and indicate how policies might be implemented, which involves the development of things like coastal inventory, co-ordinated study and research, public consultation and public education.

In the Northern Territory the way ahead was pointed out in the 1978 report:

> *The welfare of Darwin's beaches would be best served under the control of a single authority with legislative power and annual funding. The authority should be comprised from those government or local authorities directly involved in the coastal zone.*

Yet, 4 years later, this government has done little. The best the government has been able to do is that the Minister for Lands and Housing, 3 or 4 weeks ago, in response to an opposition initiative made a vague statement that he will make a recommendation to Cabinet on some sort of action. He followed this up yesterday with another vague statement about some proposals being placed before the public in the next week or two. It is almost 4 years since the

report recommending a single authority was publicised. What is needed now is not another proposal but legislation. As the Minister for Lands and Housing has said, the reports are all there. What is needed now is an effective and comprehensive piece of legislation to protect our foreshore areas.

The Labor Party has a comprehensive policy which can be put into legislation and which will go a long way toward solving this problem. The details of this policy are as follows. A coastal protection agency should be established with representatives from government departments, local government and coastal management experts. A position of coastal planner with a small staff should be created. The coastal planner and the coastal protection agency should undertake the following tasks - for the Darwin area at first and later for all foreshore areas: the development of a coastal management plan for the Northern Territory which will include a listing of priorities for coastal use, an inventory of coastal resources, definition of the capacity or incapacity of sections of the coast to accommodate various types of use, and details as to the best means of implementing the overall plan; the implementation of preliminary policy guidelines for the coastal zone through existing authorities controlling foreshores; further detailed definition of the coastal zone as necessary and appropriate; development and implementation of more detailed policy guidelines when required in conjunction with full cooperation and collaboration of the appropriate authorities and with participation from the public; determination of areas in which further study and research is needed and recommendations on where and how such work might be carried out - of particular importance is the need for an inventory of the coast's physical resources and much more detailed information on the sociological field concerning people's desires and aspirations for the use and management of the coast; determination of areas where legislative or regulatory control is lacking and recommendations of how these deficiencies could be rectified; and the investigation of and recommendation on the most appropriate methods of financing coastal facilities.

Mr Speaker, this is a comprehensive package to protect effectively the foreshore area for the foreseeable future. The Labor Party is not intent on creating a bureaucratic monster. It is intent on the creation of a small body that has expertise in this area. The main tasks of this small body would be: to build up our sum of knowledge on the question; to involve relevant authorities and the public in the preparation of policies; and to undertake a public education campaign.

In conclusion, the pressures on the coastal zone have increased dramatically. The ad hoc methods of the past will not suffice. We are talking about a natural resource that basically has remained unaltered for thousands of years. Unless we are careful, and plan its future, it could be destroyed.

The House of Representatives Standing Committee on Environment and Conservation stated that the primary aim of coastal management is to provide guidelines for decision-makers on the way in which demands for numerous activities can be met without unreasonably disturbing either the balance of natural systems or the right of all members of the community to use or enjoy the coast. The Labor Party calls on the government to introduce legislation to effect that aim.

Mr EVERINGHAM (Chief Minister): Mr Speaker, the honourable member for Millner has concluded with the usual ALP panacea for all ills: more legislation. Let us have another law for this; it will solve everything. What is not needed at this stage, in my view, is a law. What is needed for the Northern Territory is a more detailed policy. That is apparent, and I think all of us acknowledge it. It is for that reason that the government hopes to consider in Cabinet in Katherine on Friday a policy statement on foreshore management and a statement for implementing the policy. That is what is needed at this time. In 1978, planning legislation was introduced into this Assembly, which we as a government certainly hoped would cover all eventualities, including the question of foreshores.

The member for Millner said there had been a spate of commercial development proposals in respect of the foreshores. I would be interested to hear what that spate amounted to. I think in toto it would amount to 3 such proposals, including a marina. Of course, the marina was not a commercial proposal but a proposal sponsored by the government. A study was carried out by the best and most expensive consultants we could find. They lighted on a particular location. That location naturally did not meet with the approval of the people who live near by. Such proposals never do because it is always in one's interest as a householder to keep the area as quiet as one can. Obviously, having a marina nearby would not enhance the peace of the neighbourhood. But where else can a marina be sited but by the seashore? It has to be sited somewhere along the foreshore of Darwin if there is to be a marina.

Another proposal was one to develop some sort of water slide adjacent to the high school and that proposal met short shrift. It was a curious concept to my mind but, nonetheless, put forward I suppose in all seriousness by the person concerned. The government has announced proposals to extend the botanical gardens and that area is to be upgraded and improved as the third stage of the extended gardens. Then, of course, there is the Mindil Beach hotel casino.

I ask honourable members to consider similar situations; for instance, in Bali. Quite a number of members of this Assembly have been there. Consider the number of hotels on that island that are located on the foreshore. I believe there is no conflict between limited foreshore development and general foreshore preservation and conservation.

The supposed matter of public importance raised this morning by the member for Millner is not a matter of urgent public importance at all. It is something that the honourable Minister for Lands and Housing has spoken of over the last couple of weeks. Yesterday he informed the Assembly of the government's intention in that regard. Obviously this matter of public importance is being used simply as a vehicle to annunciate some vague policy on behalf of the Labor Party. Even costings are not included. The use of matters of public importance as vehicles for policy announcements is to be deprecated by the Assembly. Mr Speaker, I suggest with great respect that you consider very seriously the waste of the time of the Assembly occasioned by policy announcements of this nature every morning of the sittings.

The subject refers to Northern Territory foreshore areas. It will be very difficult for the Northern Territory government to exert influence on more than about 15% of the Northern Territory coastline. The rest, as we know, is Aboriginal land. There is provision, of course, for the closure of seas along about 85% of our coastline to the extent of 2km from the shore. There are specific provisions excluding anyone from entering those seas or upon that land without permission from the relevant land council or the traditional owners. I would say that we are talking at best about 15% of the Northern Territory coastline. It boils down to the fact that the member was really talking about Darwin and what he wants is a specialised coastal protection agency.

He said that the Conservation Commission is doing a good job. Whilst we are only speaking of Darwin, I think we should also consider Nhulunbuy and other areas of coast that we do have some measure of control over - Gunn Point, for instance. Rather than establish a new agency of government, why not use the tried-and-true agency that has been working outstandingly at the Casuarina coastal reserve over many years. That work has continued to be funded by this government. The Conservation Commission could establish, if necessary, advisory committees involving the other authorities concerned. There is absolutely no need whatsoever for the proliferation of further authorities to carry out this work when it is already being satisfactorily carried out by the Conservation Commission which can call on the resources of other government departments such as the Department of Lands for planning.

I would like to instance the projects that have been carried out by this government in the foreshore area since 1978. Much of Darwin's foreshore area is being or is to be developed for recreational use. The Botanical Gardens extension which comprises some 4.2 ha will provide park area right to the sea's edge. More than 80% of the foreshore within Darwin's boundaries is open and accessible to the public. The only major areas not available to the public are the Larrakeyah Base, including the naval facilities, and Kulaluk Aboriginal Reserve. Beautification of the foreshore being carried out by the Conservation Commission includes landscaping at the museum. I would be interested to hear if honourable members were opposed to the siting of the museum. A total of about 600 ha of parklands along the Casuarina Coastal Reserve, including the foreshore reserve, the Lee Point area and the Rapid Creek green belt development has been or is being developed by this commission.

For the water gardens, which form only a small part of that development, basic construction work is complete and grassing and tree planting are under way. The Lee Point area was previously an Aboriginal inland mission children's camp site. Toilet blocks are being installed there. Throughout the entire area, the commission is carrying out extensive tree planting. The Gunn Point recreation area plan is presently being formulated and funds have been or are to be allocated to upgrade roads out to that area. In that area, toilet blocks are to be erected and much of the area presently reserved from access to the public is to be thrown open for recreational use.

A total of 4 boat ramps for the use of the public have been provided around Darwin since 1978. The provision of boat ramps is essential if we are to minimise erosion when people attempt to

launch their boats into the sea, especially in a place like Darwin where the tides are so extreme. The Frances Bay ramp stands on vacant Crown land and the Nightcliff ramp was built by the council. A further ramp is to be built by the Department of Transport and Works at Buffalo Creek.

This government has an excellent record on the provision of recreation and park land areas, and protection of the Darwin foreshore. Since self-government, there has been an increase of 264,800 ha in the area of parks and reserves throughout the Territory.

This government succeeded in keeping the Cobourg Peninsula open for the use of the public as a national park. Had an agreement not been negotiated with the traditional owners, the area very likely would have become closed to the public. As soon as the Commonwealth legislation in relation to the territorial seas is enacted, it is the proposal of the Conservation Commission and the Northern Territory government to declare a marine national park right around the Cobourg Peninsula National Park.

I do not believe that this government has any cause for shame in relation to the protection of Darwin's foreshores. We have been actively engaged on that, have been expending a great deal of money on it and, as a result of experience, we have found that our Planning Act is not catering for the particular problems that arise. We are now developing a policy which we believe will cater for the situation. That policy will be announced in the course of the next couple of weeks. It will be enunciated in great detail and, as the Minister for Lands and Housing has said, that policy will be exposed for public comment and participation.

I totally reject the statement that the government has failed to preserve and protect Northern Territory foreshore areas. We are formulating a detailed coastal management policy and I see absolutely no reason for a specialised coastal protection agency when there is already a tried-and-true agency of government that has been carrying out the task very successfully for the last several years.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the member for Sanderson will participate in this debate shortly and discuss the detailed nature of the proposal. The Chief Minister said that he would be interested to hear the views of other members of the Assembly on this subject during the course of this debate. It is somewhat a contradiction in terms to the way in which he opened the debate. The Chief Minister opened the debate by urging you to reconsider your decision in allowing matters of public importance to come before this Assembly and 'to continue to waste the time of the House on this sort of debate'. He also introduced a new word and I do not know what Standing Order he got it from. The word was 'urgent' in respect of matters of public importance. I would urge the Chief Minister to carefully look at the Hansards of the House of Representatives upon which the Standing Orders of this Assembly are based and to which we refer if there is any dispute about our Standing Orders. There is nothing urgent nor is there the necessity for anything urgent about matters of public importance. The Chief Minister should know this.

Matters of definite public importance are precisely that. They are matters that the opposition can raise in this Assembly because we consider them to be of public importance. We have an acknowledgement from the government that things like health care and foreshore protection are matters of public importance. There is certainly no need for any urgency to be attached to them.

I have agreed with the Chief Minister on previous occasions that there is no point in this Assembly sitting if there is no business before the Assembly. There is no argument from me on that subject. It is acknowledged by everyone in here that we do not sit very often or all that long. After all, parliament, as I understand it, is a forum for debate. That is precisely why we are here. The Chief Minister also made an interesting statement in which he said that, if these matters of public importance are to be used in future for outlining Labor policy, it would be a waste of time and a misuse of the Assembly's time. Mr Speaker, let me assure you the opposition will continue to raise matters of public importance on a regular basis in this Assembly. On every occasion that we do, we will be putting to the government Labor proposals for whatever matters we bring to the attention of the government.

I give the Chief Minister notice that we will continue to do that. I would point out to him that these are a daily occurrence in the federal parliament. The reason for that is that parliaments are for the very purpose of debating issues of public importance. There is no need for their urgency. We have a light Notice Paper - we are likely to finish these sittings tomorrow; in fact, the majority of this Notice Paper will be disposed of this afternoon - and I would like to take the opportunity to state something for the record. The Chief Minister has gone on record urging you, Sir, to abandon your practice of allowing this kind of debate to continue in this Assembly. I would like to say that I strongly object to that. The Assembly is for debating. If the matters are of public importance, they deserve to be debated.

Mr PERRON (Treasurer): Mr Speaker, I am pleased that the Leader of the Opposition has outlined his party's purpose in these debates: primarily to reinforce and grandstand on ALP policy. Its policy in these situations - such as the debate yesterday and the debate today - is to spend months researching and developing the question and then to serve notice on the government about 2 hours before the sittings that the matter will be debated on that day.

Mr Speaker, I have also always understood, perhaps wrongly though I doubt it, that matters of public importance to be debated should be matters of public importance which have only just occurred. The opposition expects all business of the House, irrespective of what it is, to be set aside while the House debates this matter of public importance. It seems that the opposition is telling us that anything that it considers to be of interest to the public can be defined as a matter of public importance. That would cover so many things that it would be impossible to handle them all together.

I expected to hear that somewhere around our foreshores there were erosion problems, how we are falling into the sea and, as a result of government inaction, we had a matter of public importance

that was of such substance that all the matters before the House today and in the future should be set aside. We were supposed to hold our breath waiting to hear the answers to the problems.

Mr Speaker, if the opposition was serious about this so-called matter of public importance, it would at least have waited a few days to hear the government's policy. I announced on 17 February that I was putting to Cabinet a policy on foreshores. Yesterday, in answer to a question, I mentioned that such a document would be available to the public next week for public comment. No doubt the opposition would like to have an input, although we have heard its plans today. Just the same, I would have thought that, if it had felt the matter was that urgent, it would have waited a little while to see what further work may have been done by the government on this subject.

What we have instead are proposals from a 4-year-old report. I will accept that they are 4 years' old and that the Labor Party has only just found them. That is why it has suddenly rushed them into the House to be debated urgently. It has only just found them. They have been there 4 years. It found this report which stated that one of the options to control foreshores is to establish a statutory authority. Of course, that is an option to run any area of public activity.

As the Chief Minister said, the Conservation Commission has primary responsibility in this area, together with the city council and other authorities. No doubt the East Point Reserve Trustees would be involved when we are talking about the problems of preserving open space along the foreshores.

Mr Speaker, I would like to touch on a couple of points which the member for Millner attempted to make. He gave the impression that there was no requirement whatsoever for a proponent who sought approval to develop a foreshore area to put forward an environmental impact statement. I assure him that he is wrong. The act stipulates the requirement for an environmental impact statement for such a development. Another requirement is a development application to the Planning Authority. Where a development application is made to the authority in relation to any development within view of any ocean or waterway or adjacent to any main road, public reserve or land within 01, 02 or 03, the board shall take into consideration the probable aesthetic appearance of the land or of the proposed building or work, as the case may be, when used for the proposed purposes and viewed from the ocean, waterway, road, public reserve or so-zoned land. That is just an example of the sorts of things that are taken into consideration when development applications are made. They are quite different to the considerations which are taken into account when rezoning applications are made. One does not even get to make a rezoning application until such time as he has put forward a proposal - floated it publicly and with the government - to see whether it is supported.

The matter of environmental impact statements is certainly one that the Territory has not missed out on. The sites mentioned by the member for Millner - such as the new powerhouse site, past work in the Port of Darwin, examinations of other port sites such as East Arm etc - have in fact had millions of dollars spent on their environmental impact statements. No doubt the member for Sanderson

would be well aware of the levels of money that have been spent in the past on environmental impact statements to gauge the effects of and the steps that would have to be taken to prevent any serious environmental damage.

The member said that the foreshores around Darwin are under frightful pressure of being alienated. He made scant reference to a couple of proposals and said that, if they were approved, then we would be at the point of no return. The Darwin foreshore virtually from Buffalo Creek to Larrakeyah is zoned either 01, 02, or 03 or S1. The 03 zone, which is principally the coastal reserve at Casuarina, is in fact a flora and fauna sanctuary reserve. Activities can go on in such a reserve which allow public access, car-parking, roads and possibly even boat ramps. Certainly, toilet blocks, rotundas and picnic grounds can be built. I would expect that not too many Darwinites would object to any government developing open space areas in that fashion to facilitate public enjoyment. The 01 zone is a flora and fauna zoning as well. It can include sport and recreation facilities. 02 is organised recreation facilities. Areas such as swimming pools on the foreshore, which are not uncommon around the country, fall into the categories of 02 zoning. All of our coastline is covered by those various zones and reserves.

Apart from the Casuarina Coastal Reserve - action is in hand at the moment to proclaim this; it extends from Buffalo Creek to Rapid Creek - there are also recreation reserves covering Mindil Beach, Vesteys Beach, the Esplanade in Darwin and an educational reserve surrounding the Darwin High School. There are various Port Authority reserves covering the industrial area of the port. East Point is covered by a reserve. That obviously needs to be looked at fairly soon because the land was set aside for certain purposes which I believe the public and the government accepts as no longer valid inasmuch as sites for most of the facilities originally proposed for East Point have now been found. Its future needs to be finally determined.

The cliff tops along Nightcliff between the road and the beaches themselves are in fact a series of public recreation reserves that are vested in the city council. Additionally, in some places, the area between the reserve and the beach itself is not covered by the reserve. An example is the top of the cliff near the Darwin High School where there are a few metres between the reserve and the cliff tops. That area is specifically zoned 01 to ensure that even a narrow strip of land outside a reserve is covered.

There has been a great deal of work done by the Conservation Commission and other authorities on the rehabilitation of sand dunes and in studying generally the ways in which we should preserve the foreshores around Darwin for recreation purposes. Obviously some work can be done. The government proposals which will be announced next week will be looking at those extra steps which can be taken to satisfy the public that areas of coastline are preserved and protected from development pressures. People will be able to rest easy and not have to pore over classified ads to see what sudden proposal might be on the books.

The 21 reports which have been prepared over the years on the

coast around Darwin all made the point that the coast will erode and also build up soils as a natural process. Every member will appreciate that this is the case. There are some very good examples around Darwin of beaches which were once very sandy and are today covered with rocks. In a few years' time, they may well be covered in sand again. It must be borne in mind that this is a natural process. Honourable members need to bear that it mind when they consider that, because there are some stones exposed on the beach somewhere, we should establish statutory authorities and engage an army of consultants with a view to doing something about it.

Darwin's foreshore is quite adequately covered by a range of zones and procedures under the Planning Act and the Darwin Town Plan which protects the coastline from will-nilly development. In planning anywhere, there is usually a procedure whereby the status of land can be changed. The Territory is no different to anywhere else in Australia in that regard. Areas which are not developed at present may be developed in 50 years' time. It depends on what the community wishes are and what the government of the day decides should be done. I do not think that the ALP's proposal for a high-flying statutory authority with very few staff that will simply farm out all its high-flying decisions to other bureaucracies would be any answer whatsoever.

I suggest that the opposition wait to examine the government's proposals and offer possible improvements before they are finally taken back to Cabinet for adoption.

CRIMINAL LAW CONSOLIDATION AMENDMENT BILL
(Serial 188)

Bill presented and read a first time.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I move that the bill be now read a second time.

This bill will close a gap that has been disclosed in the criminal law. The offence created will eventually be absorbed into the Criminal Code but it is desirable that the behaviour in question be made statutorily criminal in the interim. The bill creates an offence of abduction of a child under 16 years. In a recent case in Alice Springs, the Supreme Court held that there was no criminal offence in the Territory that covered the actions of a person enticing a child for immoral purposes where the actions involved did not constitute an attempt within the legal meaning of that term. Therefore, this offence is designed to cover situations where only the earlier stages of attempted carnal knowledge or indecent assault have occurred but the actions and intent of the accused are clear.

Debate adjourned.

CHILD WELFARE AMENDMENT BILL
(Serial 187)

Bill presented and read a first time.

Mr ROBERTSON (Community Development): Mr Speaker, I move that the bill be now read a second time.

Members will recall the article on the front page of the Northern Territory News on Wednesday 27 January 1982 concerning an internal police report which, inter alia, commented on the lack of effective legislation to deal with child abuse. I quote from the article: 'The medical profession, for reasons known only to itself, does not record instances of child abuse even though it has the first contact with the child'. I might say more on that in a moment.

The report went on to state that the average citizen also does not want to be involved. So vulnerable is the position of children in our community and indeed all others, that this government firmly believes, as I am sure do all right-thinking members of the community, that a responsibility lies on each and every person to be a party to the prevention of child abuse. As the law now stands, there is a common law obligation to report felonies - that is, serious offences which do not include assault - and anyone failing to perform this obligation may be guilty of an offence.

This common law obligation is not sufficient to prevent child abuse for 2 reasons: firstly, it only applies to serious offences and does not cover assaults upon a child - good heavens, Mr Speaker, if the assault on a child is not a serious offence, I would like to know what is - and, secondly, it is subject to a public interest reason for the non-disclosure because of the relationship of medical practitioner to patient. It could give rise to the public interest defence that it could be argued by practitioners that, if it were known that they were obliged to report suspected child abuse, people may be dissuaded from seeking medical help and this would not be in the public interest.

Of course, the medical profession is no doubt going to comment at length on this bill and I dare say all members in this Assembly will take a great deal of interest in it. This bill firmly places an obligation upon each member of the community to report instances of child abuse.

Turning to the bill itself, it inserts a new section in the Child Welfare Act: section 70A. This section requires any person who has reasonable grounds for believing that an offence referred to in section 70(1) and (2) of the Child Welfare Act - that is, an offence of assaulting, ill-treating, exposing or causing or procuring a child to be ill-treated or exposed - is committed to report all material facts in his knowledge being grounds for his belief to the Director of Child Welfare, a welfare officer or police officer.

Section 70A(2) prevents any civil or criminal action lying against a person who in good faith makes a report under section 70A(1). Obviously, section 70A(2) will prevent a defamation action lying against a person who in good faith but mistakenly reports his suspicion that another person has been abusing a child.

I believe that no step to protect a child from child abuse is too short a step to take and this is a long step in the right direction. I commend the bill to honourable members.

Debate adjourned.

PUBLIC HOLIDAYS AMENDMENT BILL
(Serial 178)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

Honourable members will recall that the Public Holidays Act 1981 passed by this House last August was assented to on 18 September last year. Section 11 of the act prescribes payment for employees who are required to work on a public holiday subject to certain conditions. One of those conditions means that an employee is paid for so working if his ordinary pay is defined as less than $300 a week. As honourable members will realise, wherever monetary amounts are specified, such amounts usually need adjustment from time to time to maintain their parity. I might add that, in this case, wage rises across the nation, particularly in recent times, will doubtless render the specified $300 amount meaningless in a short period. We are thus faced with amending the act periodically or, as this bill proposes, adjusting the amount from time to time by regulation.

The formula to be used for any adjustment to the amount is yet to be decided upon. This matter is the subject of ongoing discussions in the Territory with industrial relations consultative counsel and I hope to be able to inform the Assembly of the results of these discussions in due course. I commend the bill to honourable members.

Debate adjourned.

CLASSIFICATION OF PUBLICATIONS AMENDMENT BILL
(Serial 173)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

The Classification of Publications Act commenced on 14 November 1981 and provides in part that a person who objects to a determination of a classifying authority may, within 14 days of the determination coming into effect, apply to the Publications Classification Board if the classifying authority is a classifying officer or, if the classifying authority is a board, apply to a magistrate sitting as a local court for a review of the classification of any particular publication.

The 14-day limit for objections to determinations of classifications has presented serious practical difficulties. As honourable members may be aware, the Territory does not have its own classifying officer and relies on the services and determinations of Commonwealth officials. Months may elapse between classification and gazettal of the publication and its arrival on the bookshelves of a Northern Territory bookseller. Experience has shown that, in a great majority of cases, the opportunity for objection to the classification of the particular publication in review by the Territory's Publications Classification Board is illusory. The 14-day period will almost always have expired be-

fore the publication is available in the Territory. Further, the 14-day period also presents difficulties with respect to possible objections being pursued in the local court.

As I have mentioned, the act provides that, if the classification authority is the board, objection may be made to a magistrate sitting as a local court. However, such objections are again required to be made within 14 days of the determination coming into effect. Thus, even if an objector managed to make his application to the board within time, if the board decided against reclassification, it could be confidently predicted that there is no real possibility of the board disposing of an objection in sufficient time to allow further objections of the local court envisaged by the act within the 14-day period. It is difficult to see what practical purpose any time limit serves in the circumstances.

I now turn to the bill itself. Clause 4 amends section 25 of the principal act. This amendment will remove the requirement that an objection must be lodged within 14 days of the determintion coming into effect. The result of this will enable objections to a classification to be lodged with the board or the local court, as the case may be, at any time.

Clause 5 of the bill makes it clear that this amendment does not apply to a determination of the classifying authority in the Gazette before the commencement of this act. I commend the bill to honourable members.

Debate adjourned.

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL (Serial 172)

Bill presented and read a first time.

Mr PERRON (Treasurer): Mr Speaker, I move that the bill be now read a second time.

The Financial Administration and Audit Act in divisions 1 and 2 of part IV makes provisions governing the financial administration and prescribed statutory corporations. These standard provisions obviate the need to insert in legislation establishing statutory bodies matters relating to accounting, audit etc.

Prescribed statutory corporations are exempted from the other provisions of the act, the Treasury Regulations and the Treasurer's Directions, which apply to departments and statutory corporations which are not prescribed. The act, when it was drafted, envisaged that prescribed statutory corporations would have a degree of financial autonomy commensurate with that of a business undertaking such as an incorporated company. Accordingly, section 66 of the act provides that a prescribed statutory corporation shall keep accounts in accordance with the accounting principles generally applied in commercial practice. Such principles involve accrual accounting, the depreciation of assets and the creation of provisions for deferred liabilities, culminating in the production of conventional trading and profit and loss accounts and balance sheet.

Since the legislation was enacted, prescribed statutory corporations have been created whose functions and activities are not commercial in nature and the corporations have little or nothing in common with the business undertaking. In these circumstances, to require such corporations to adopt accounting principles designed to measure trading results is meaningless and superfluous. It is also expensive in terms of the use of personnel resources.

This amendment, which adds a subsection to section 66, is designed to provide the Treasurer with the discretion to specify the application of accounting principles appropriate to the nature and functions of particular prescribed statutory operations which are not business undertakings. I emphasise that, in determining that a particular prescribed statutory corporation will not be required to prepare financial statements based on commercial accounting principles, no reduction in the accountability of the corporation is involved. It is merely a case of eliminating the production of figures which have no real significance in relation to the activities of that corporation.

I commend the bill.

Debate adjourned.

EVIDENCE AMENDMENT BILL
(Serial 179)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

I hope these sittings will last into next week, contrary to the suppositions and prognostications and assumptions of the honourable Leader of the Opposition.

Mr B. Collins: Get on with the job, will you.

Mr EVERINGHAM: I will be moving the suspension of Standing Orders to enable the passage of this bill through all stages at this sittings.

Mr B. Collins: Thanks for the notice.

Mr EVERINGHAM: Mr Speaker, the same notice, no less, than the opposition gives us.

Mr Speaker, this bill attempts to balance 2 important principles of law and government: first, there is the principle that, in the interest of good government, certain matters cannot be subject to public scrutiny and, secondly, in the interest of the administration of justice, courts should have access to all relevant evidence.

In the past, the law in this area has been common law. The courts have attempted to reconcile these 2 principles under the doctrine of Crown privilege. The rules were that, if the minister furnished the court with a certificate claiming that a document was privileged, that was accepted by the court. In the last 15 or so

years, the law on this point in England and Australia has become unclear because of the number of court decisions. This bill seeks to replace this common law uncertainty with the certainty of statute law.

Efficient and good government depends on ministers being able to discuss and advise on matters without fear that their advice and deliberation may, in every case, be laid open to public scrutiny. Government involves making decisions and if the discussions behind the more controversial decisions are open to scrutiny, these decisions may not get the full and free discussion and advice that they require. This would prejudice good government because administration is not about avoiding difficult choices.

Paradoxically, the public interest sometimes requires that the public not have complete access to government discussions. On the other hand, courts cannot be run efficiently and justly if evidence is not available.

A litigant or jurist should be entitled to the best evidence available. It is clear then that these 2 principles can conflict. A litigant's interest in obtaining evidence may clash with government interest in keeping certain evidence from becoming public. Traditionally, in most circumstances, the courts have accepted government's claim of privilege. Recently, however, in the well-known case of Sankey v Whitlam and Others, the High Court seriously altered this accepted principle. The New South Wales Attorney-General, Mr Frank Walker QC, stated:

> *The implications for all Australian governments are clear. No longer can one rely on the discretion of the Australian courts to treat with delicacy the claims for Crown privilege. The ministerial certificate has finally been exposed as a convention without legal authority to back it up.*

To cover this inability to rely on the courts, the New South Wales Labor government introduced in 1978 an amendment to the New South Wales Evidence Act. However, the subsequent New South Wales act is much wider in scope than the bill now before this Assembly. The New South Wales act extends protection to the formulation of government policy and, I quote the words, 'government administration at senior level'. I think the New South Wales act is vague in the extreme and does not achieve an adequate balance of the 2 principles. It goes too far in protecting information and severely limits the rights of the citizen.

This bill limits potential claims of privilege to documents at the highest level; that is, those involving ministers, Cabinet or Executive Council. It also covers communications between Commonwealth and state ministers. The bill allows the Attorney-General, if he considers that, in the public interest, certain documents or communications should not be disclosed, to make a claim of privilege. If such a claim is made, the court cannot admit those documents or communications in evidence.

It could be asked why the Attorney-General instead of the courts should decide if a document should be privileged. The answer is that the Attorney-General, as a member of the Executive, has far greater knowledge of the contents of the document in question and

its ramifications for the public interest than does a judge.

As stated by Lord Wilberforce in the House of Lords decision in Gorriot v Union of Post Office Workers and Others in 1977:

> *The decisions to be made as to the public interest are not such as courts are fitted or equipped to make. The very fact that decisions are of the type to attract political criticism and controversy shows that they are outside the range of discretionary problems which the courts can resolve. Judges are equipped to find legal rights and administer, on well-known principles, discretionary remedies.*

Perhaps it is a shame that our own High Court justices have not taken this more to heart. Unfortunately, it seems the courts are now, to some extent at any event, intent on ranging over political decisions and problems as well.

Finally, I would like to quote from the New South Wales Attorney-General's speech and, in the context of the much more restricted bill before this Assembly, adopt his comments as my own. The New South Wales Attorney-General said:

> *This government would acknowledge the case of proponents of open government and would wish to be seen as a government which reflects community standards and strives for community participation in the framing of policy. There are, nevertheless, certain communications which should not be aired about and it is those communications to which this bill is directed. Because of my position as First Law Officer of the Crown and of my traditional role as 'representative' of the 'public' interest, I now attempt to discharge my functions under the amendments with due regard to the proper and full administration of justice. I will attempt to limit as much as possible the occasions upon which recourse may have to be had to the act and will do my best to ensure that the new procedure is not the subject of abuse.*

Mr Speaker, I consider that this bill achieves a sensible balance of 2 important principles and I commend it to honourable members.

Debate adjourned.

NORTHERN TERRITORY DISASTERS AMENDMENT BILL
(Serial 168)

Continued from 1 December 1981.

Mr SMITH (Millner): Mr Speaker, the opposition supports this bill.

It is clear that the Northern Territory Emergency Service has built up a level of expertise in disaster situations. It is common sense that, when such a situation occurs and it is the judgment of the authorities concerned that emergency services are required, the offices of the Emergency Serivce should be available.

I have one question that the minister may choose to answer. It is unclear to me whose responsibility it is to call out the Northern Territory Emergency Service.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, when the Chief Minister introduced this legislation, he gave very comprehensive reasons for its introduction. He said that there was no legal authority now for the operation of Emergency Service in situations where everybody would agree they would be of use. Today the thinking is that people must have legal authority for doing things. With the best will in the world, when somebody does something for somebody else, there could be a slip or a mistake and the first person could be held legally liable or responsible. So these days everything seems to require an unarguable legal base from the point of view of incorporating risk considerations.

From personal knowledge, I can only speak in the highest terms of the Emergency Service and the people who run it and what it offers to the community. I do not know whether you could say it has been forced on them. I do not think it comes within the gambit of their work. I would not like to think that the amendment introduced to the bill will further widen the responsibility; that is, it has been drawn to my attention that the Emergency Service has been called on to supply welfare services. I say with the best will in the world that this is an abuse of the services offered by Emergency Service because there are other facilities in the community that could do that. I know for a fact that needy people have applied to Emergency Service for accommodation, say in caravans. They have applied to Emergency Service for the use of tarpaulins. People have been sent to Emergency Service by officers from the Housing Commission.

To use emergency services like that is draining away the very resources which we may need in an emergency. None of us know when any emergency is going to happen. I think it completely nullifies the operation of Emergency Service by having it as a standby welfare service when there is no emergency or disaster.

I would like to see this legislation lend more legality to the current official situation. I would hate to see the Emergency Service continue to be used as a welfare service when there are other government organisations willing and able to take over those responsibilities.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr EVERINGHAM: I move amendment 80.1.

I am indebted to the member for Tiwi for raising the various points with me that she raised in her second-reading speech. I did not reply to them because I thought this could be better dealt with in committee. There is one that I take quite seriously. I should like to delete from the amendment as circulated the words 'or distress to a person' in the fourth last line of the proposed amendment. The amendment would then read:

(p) to provide, whether or not a state of emergency or state of

disaster has been declared, such assistance as is necessary to obviate or alleviate an actual or imminent occurrence that causes or may cause loss of life or injury or danger to the safety of the public or any part of the public, or destruction of or damage to property.

I think there is something in what the member for Tiwi says in relation to the phrase 'or distress to a person' because I believe that the emergency services should only be called into operation when there is something more involved to the public or to part of the public.

I believe that other points are worrying unnecessarily and I would not really be prepared to accede to her suggestion in that regard.

The reasons for amendment 80.1 are that there could be some conflict of interpretation with subparagraph (p) as proposed in the bill because there is an interpretation section in the act which defines the disaster and we might find ourselves legislating ourselves back into the situation that we are trying to get out of.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Clause 2, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

SMALL CLAIMS AMENDMENT BILL
(Serial 158)

Continued from 1 December 1981.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this bill amends the Small Claims Act in a number of ways. Firstly, it removes the court forms which are currently included in the act as a schedule. These forms have been found difficult for the public to follow. Since the intention of the act is to allow members of the public access to redress without the expense of legal procedures, it is essential for them to be clear and simple. As a result of amendments in the bill before us, the forms will now be prescribed by regulation. Secondly, the bill removes the prohibition on the court from hearing claims to property or the possession of goods under the Small Claims Act. Apparently the interpretation of this matter has caused some problems for court staff, and it certainly appears to serve no useful purpose. It is suitable, in my opinion, that it should be removed.

Thirdly, it will allow evidence to be taken on oath. I understand that on occasion magistrates have found that the inability to take evidence on oath has caused problems in more complex, disputed cases. On at least one occasion, a matter has been transferred to the local court. This has caused strong concern in the Consumer Affairs Council as claimants have then become liable for considerable costs. If, therefore, magistrates are able on occasion to

take evidence on oath, under the Small Claims Act, the occasions when they feel they need to refer matters to the local court might arise less frequently. It is of course to be hoped that the informal nature of proceedings under the Small Claims Act can be retained on most occasions.

Fourthly, the amendments overcome particular problems arising from the fact that a combination of sections 25 and 45 of the principal act is ambiguous as to the nature of enforcement proceedings. Within the limitations of the nature of the principal act, the opposition supports the proposed amendments outlined above. However, it is our view that the whole process of dealing with small consumer claims in this manner has become increasingly inadequate. The limit of $1000, which was set in 1974, is out of date bearing in mind the effect of inflation on the value of that sum over the last 8 years. It is our view that the limit should be increased to $3000 which is still a conservative increase bearing in mind the effect of inflation. Though it might be said that $1000 is a common upper limit in southern jurisdictions, it must be remembered that our costs are higher here when dealing with the sorts of matters and goods that are considered under the Small Claims Act. Costs are higher. I also refer honourable members to the fact that we increased the local courts' jurisdiction not long ago to $10,000. Therefore, to increase the limit under the Small Claims Act to $3000 would not be inconsistent with the view that the Assembly took at that time. I have circulated to members amendments to that effect.

There is one other matter which I wish to raise and that is the limitation on the nature of the proceedings under the Small Claims Act. There is ample evidence, Mr Speaker, that going to court is something which causes ordinary citizens a great deal of concern regardless of the capacity in which they appear. They become very nervous of it, and rightly so. There is also ample evidence that the magistrates feel very uncomfortable in dealing informally in matters before a court, which they are obliged to do under the Small Claims Act.

In a number of states and in New Zealand this problem has been overcome by the establishment of small claims tribunals or consumer claims tribunals. In Victoria there is the Small Claims Tribunal Act; in New South Wales, a Consumer Claims Tribunal Act; in Queensland, a Small Claims Tribunal Act; and in Western Australia, a Small Claims Tribunal Act. In South Australia and the ACT, I believe that the proceedings are similar to our own. Matters are simply heard as a division of the local court. Nevertheless, during the 1970s, in the majority of Australian states the tribunals were established in order to overcome this fear which claimants have of the courts. They also overcome the problem of trying to conduct the court in an informal way.

I would like to emphasise that I am not proposing that we have a consumer claims tribunal simply because I think all small claims could be well dealt with in that way. I understand that the New Zealand act, which is the Small Claims Tribunal Act, overcomes the problem which exists in other states of limiting actions which may not be of a consumer-versus-trader nature. I would commend that suggestion to the government and to all members. I think that little would be lost by proceeding in this way and certainly it

would be of benefit to people with small claims who would welcome being able to proceed in the least formal manner possible.

Mr DONDAS (Transport and Works): Mr Speaker, I rise to support the bill.

In his second-reading speech the Chief Minister outlined all the technical changes to the principal act. I would like to make comment regarding the extension of the jurisdiction of the court to hear claims concerning property. That particular change should be welcomed by the public because it is consumer legislation. The amendment giving the magistrate power to take evidence on oath will help in settling disputes and, at the same time, maintain the informal value of the inquiry. The important point that the honourable member for Fannie Bay made was that the informal part of the inquiry puts people at ease in taking a claim to court. They know that they will not be involved in heavy court costs or procedures.

The amendments result from a review that was held by the Law Department a couple of years ago. As the Chief Minister said, it is an updating of the act. With regard to the amendment circulated by the honourable member for Fannie Bay, I cannot justify that it be changed from $1000 to $3000. I believe that the Chief Minister will be making an amendment to her proposal. If you make it $3000, it will take the impetus away from the local court. I think $3000 is too much. I commend the bill.

Mr VALE (Stuart): Mr Speaker, I support the bill which will streamline existing practices and ease the way for laymen seeking to recover small claims and costs through the court. Clause 4 seeks to repeal section 3 of the principal act to replace existing court forms with forms more easily understood by the public. That is commendable in itself. Clauses 5 and 7 propose amendments that will expand the authority of the court and overcome existing problems involving claims to property or possession of goods and enforcement of a judgment. The bill also proposes to give a magistrate power to take evidence under oath which will strengthen the role of the court. The fact that 2074 claims were made to the court in 1980 shows that there are a large number of relatively minor disputes that probably would have been ignored in the main by aggrieved parties because they could not afford the time or the money to seek a ruling in a higher court. The amendments would make it simple to pursue satisfactory judgment and also ease growing pressure on the court itself. I support the bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, firstly I would like to thank the 3 honourable members for their scintillating speeches. The Small Claims Act is not one that lends itself to a great deal of verbal hyperbole but I would like to take up a couple of the matters raised. At the outset, it was quite clear that all honourable members are concerned that the little person should have recourse to a place, court or tribunal. It does not worry me what we call it. Regrettably, I do not agree with the honourable member for Fannie Bay about changing the name from court to something else because it will remove tension for the litigant. What will remove tension for the litigant is obtaining judgment in his favour. He knows that he is going to the court, tribunal or whatever it is called to do battle about a sum of money that is important to him. Naturally, it causes him to be uptight. I do not think that chang-

ing the name will change anything. However, I am susceptible to any suggestion in that regard and will instruct the officers of the Department of Law to do anything they can to alleviate the feelings of people involved.

All 3 honourable members who spoke in the debate want to give the little person a go, and so do I. That is the reason for the original legislation. Even today, there is argument for keeping the limit of the small claims court down to $1000 rather than raising it to $3000. I would not agree to its being increased to $3000. Cabinet recently took a decision to increase it to $2000. I did not oppose the Cabinet decision, but I put forward arguments against it. This is what will happen: the small claims court will immediately become a government-funded debt collection agency for the big people, not the small people. It will afford no protection for the small people. It will be a government machine that collects debts from little people. It will not be a machine that little people can use to collect their small debts because little people do not have that many small debts. It will be a machine that debt collecting agencies will feed letters into to get the court to do their work for them. I would ask honourable members to think about that. I believe that, rather than debt collecting agencies being allowed to use the facilities of government in this way, they should take the matter to the local court where it should be in the first place. In the interests of small people who might have problems, I was prepared to compromise and agree to the proposal to increase the jurisdiction to $2000.

I advise the member for Fannie Bay that, if she would give me an indication that she is prepared to amend her amendment to $2000 from $3000, we will not have to adjourn the committee stage. I know that her intentions are very well meant. I appreciate them but I know that they will be used by the smart operators against the little people and I want to see the little people looked after.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5 negatived.

New clause 5:

Mrs O'NEIL: I move amendment 75.1.

This changes the upper limit under which matters can be considered under this act. It also incorporates matters from that clause in the bill before us. I appreciate the point just made by the Chief Minister that we do not want the Small Claims Court, as it is called, to become a debt-collecting agency. There is some risk that it could. Certainly, it is of concern to the Consumer Affairs Tribunal. Perhaps the Chief Minister might like to consider a consumer claims tribunal rather than a small claims court so that only consumer matters could be considered. Nevertheless, I require members' support for these amendments before us.

Mr EVERINGHAM: In response to what the honourable member has

said, I am very pleased to see the repeal of section 5(3). I must confess that I have not read her proposed amendments carefully enough. It is there in her proposed subclause 5(b). Obviously it was quite in order to defeat clause 5 of my bill.

I think the suggestion that she made about a consumer affairs tribunal will have to be looked at carefully. There is no reason why this court or tribunal should not do that job. In fact, it is doing that job. What I am concerned about is that it is being used by large corporations and professional debt collectors to do their job for them. I suppose that fits within the area of small claims, but I think generally we connote from the term 'small claims' that it will only be small people making small claims, but such is not the case. It may be that we will need to examine the question of who should have access to this particular court or tribunal. I think that is really the nub of the whole thing. Of the $2000 limit of jurisdiction that we are now giving the Small Claims Tribunal, I would say that, when I started in legal practice in the Northern Territory in 1966, that was the total limit of jurisdiction of the local court itself.

Mrs O'NEIL: I move an amendment to the amendment to omit '$3000' and insert '$2000' in its place.

Amendment to the amendment agreed to.

New clause, as amended, agreed to.

New clause 5A:

Mrs O'NEIL: I move amendment 75.2.

This amendment simply follows on the previous change to section 5 of the principal act regarding the increased amount from $1000 to $2000. I will read the proposed new clause for the benefit of honourable members so that they know what it is: 'A person who has a cause of action for an amount in excess of $3000 may, by his claim, abandon the excess and recover an amount not exceeding $3000'.

I wish to move an amendment to proposed new clause 5A. I move that '$3000' be omitted and '$2000' be inserted in its place.

Amendment to the amendment agreed to.

New clause 5A, as amended, agreed to.

Clause 6 agreed to.

New clause 6A:

Mrs O'NEIL: I move amendment 75.3.

This is designed to amend the section of the principal act relating to counter claims and is in accordance with previous amendments. I wish to move an amendment to the proposed new clause. I move that '$1000' be omitted and '$2000' be inserted in its place.

Amendment to the amendment agreed to.

New clause 6A, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

STOCK ROUTES AND TRAVELLING STOCK AMENDMENT BILL (Serial 154)

Continued from 25 November 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this is a good piece of legislation which will tighten the passage of travelling stock in the Northern Territory. The bill abolishes the need to get a permit to move stock and replaces the permit system by a way-bill system. Way-bills will be issued by the owner of the stock in a way-bill book. The owner will keep one copy, one copy will be delivered to the consignee, and the third copy will be given to the Chief Inspector within 28 days of issue. This way-bill must be carried by the driver of the stock and it can be asked for by the Chief Inspector at any time or by the landholder of the land through which the stock is travelling. It will be necessary for the owner to apply to a permit officer or inspector before moving the stock.

Other provisions of the legislation will remain unaltered. There will still be a need to give between 2 and 10 days' notice to the landowners of intention to move through their land and the basis of payment of fee for the movement of stock will remain the same. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this legislation, I will say at the outset that I hope it does improve the current situation but I have grave reservations. I do agree with the intent of the bill but I have grave reservations that the situation will be improved. The present situation leaves much to be desired in respect of travelling stock on highways, stock routes and reserves.

The first thing that I would like to comment on is the definition of 'buffalo'. I commented on this to officers of the Department of Primary Production. It has already come up in regulation 34 of 1979. Admittedly, I could not find any mention of it in legislation so I am not clear in my own mind whether it is making clear in legislation that buffalo are stock or whether it is reiterating what is already currently being used.

I do agree with the intention of introducing a way-bill as against a permit system. But I have my doubts as to whether it will do what it is intended to do. I have suggested to Department of Primary Production officers that I would like to see even more tightening up. I would like to see a mention in the legislation that the brands of stock travelling in a consignment must be included on the way-bill. I understand that is the case with the permit system. This has not always been done in the past and I cannot see it being done in the future.

I know that the owner, his agent or his representative makes out the way-bill and it is given to the consignee who is then

supposed to check it. But who checks the consignee? I know that the Chief Inspector has power to check the consignee, but he had that power under the current legislation. You know as well as I do, Mr Speaker, that a lot of cleanskins slip through and a lot of strangers slip through.

My suggestion is that it be obligatory for the owner or his agent to specify all the brands of the travelling stock and that a copy of the way-bill not only be sent to the Department of Primary Production but also to the neighbouring stations or properties which own any of the stranger stock. There is no obligation on the part of the Primary Production Department officers to do this now. That is a loophole that could have been covered by this legislation.

My next query that perhaps the minister in his reply could answer relates to section 21 of the current legislation: duties of owner. Clause 6, which is the amendment relating to section 21, says: 'An owner of stock shall make 3 copies of each original way-bill'. Perhaps my arithmetic is faulty but, to my way of thinking, an original and 3 copies means 4 pieces of paper. If we are passing strict legislation, I think we should get our sums right. The first copy is given to the drover by the owner, his agent or representative, the second copy goes to the Chief Inspector, the third copy is kept by the owner, but what happens to the fourth copy of the way-bill? A more exact description of this particular operation would be: 'An owner of stock shall make 2 copies of each original way-bill'. There is a compulsion in this legislation under clause 10 which relates to section 38B that the consignee, who is the person purchasing or receiving this stock, shall make sure that the stock that that particular person accepts is correctly described. There is a compulsion on him to do that but in this legislation there does not seem to be a requirement on the person moving the stock to make sure that the stock is correctly described.

The next subclause on which I would like to speak relates to section 57 of the principal act: clause 14, powers of inspector. As the act now stands, the inspector may direct that carcasses from a mob be destroyed in a certain way and within a certain time. Proposed section 57(e) reads: 'order the person in charge of travelling stock to slaughter any maimed or injured stock and dispose of the carcass'. I have been told that that refers to stock travelling by road transports on highways away from stock routes, reserves and public roads. I think that is a very good point because, in the past, only stock routes were used for travelling stock. For some time now, public highways have also been used for the transport of stock.

As the situation is at present, the Chief Inspector and the inspector may destroy stock only if they are diseased or are suspected of being diseased. This is covered by the Stock Diseases Act. If a person is in charge of a mob of cattle in transit on a highway and there are injured beasts, that person can be ordered to slaughter those animals if they are maimed or injured. Under section 228, if he refuses, the inspector can destroy the animals.

In conclusion, whilst I support the spirit of the legislation I only hope that it will remedy the deficiencies in the current situation regarding travelling stock.

Mr VALE (Stuart): Mr Speaker, this bill has no impact on urban dwellers but it will certainly reduce the administrative and bureaucratic problems which could be faced by the Northern Territory pastoral industry. The bill is in answer to requests from the Cattlemen's Association of North Australia, the Beef Industry Consultative Committee and the Northern Farmers Association to introduce a more efficient and practical system for the control of travelling stock. The increasing complexity and the development of a rapid system of moving stock has reduced the effectiveness of the first permit system introduced in 1956. The control of travelling stock in 1956 was more leisurely and mostly by hoof. A method that was in keeping with the permit system was then introduced. Rapid transport has now made it difficult for all parties to comply with the 1956 requirements.

This amending legislation proposes to modernise those requirements and provide protection for all parties involved in the cattle industry which is a major component of the Territory's social and financial life.

Mr STEELE (Primary Production): Mr Speaker, I was interested in the remark of the member for Stuart that this legislation has no impact on urban dwellers. What about the minister? I am sorry that the member for Tiwi has such grave reservations about the new legislation. Certainly it has been an attempt to rectify problems existing in the old legislation which became outdated as a result of modern methods of movement of stock. I have looked at some of her concerns and I think that they are being adequately covered by this new legislation. The people who write out the way-bills are supposed to identify the numbers of the stock and the brands on the stock. Cleanskins cannot travel if they are under 10 months old. That is under the old act. If an inspector pulled up a vehicle and the descriptions did not fit the way-bill, the person would be liable. That is what the legislation is all about.

The penalties have been more than doubled from $400 to $1000 for the main penalties. There will be people who will transgress the act. If someone wants to break the law, I am sure he will do so. All we can attempt to do is to try to meet the demands of the industry in respect of the movement of stock. I am sure there are adequate powers available under the Stock Diseases Act, the Travelling Stock Act and the Brands Act.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

PAROLE OF PRISONERS AMENDMENT BILL
(Serial 159)

Continued from 1 December 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this small bill corrects a fault in the Northern Territory law. It will remedy the faults in the law by giving Northern Territory courts the power to issue warrants for the extradition of parolees and also to make arrangements for the sentencing involved to be accumulative. The opposition supports the bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, the Leader of the Opposition very succintly stated why the amendments are proposed. There are 2 deficiencies: firstly, the lack of extradition powers for a parolee who may abscond from the Territory and, secondly, the accumulative sentencing. If the parolee commits an offence, all the court can do is give him a sentence for that offence. No account is taken of the fact that he was out on trust. These amendments are designed to address those particular problems.

If a parolee commits an offence or is believed to have committed an offence in the Northern Territory, he can be arrested without warrant. If he goes interstate, procedures are somewhat more difficult. The Crown Solicitor must apply to the court for a warrant. The warrant will be issued to a named constable who then goes interstate to arrest that parolee. I do not think it is right that a parolee in the Territory should be able to go interstate and we cannot touch him. That is totally unacceptable. This bill allows the courts to impose sentences for crimes committed by a parolee and also to consider whether it should make him serve his remaining sentence.

Motion agreed to; bill read a second time.

In committee:

Mr ROBERTSON: Before the committee proceeds, Mr Chairman, may I have the committee's leave to take over carriage of the legislation?

Leave granted.

Clauses 1 to 3 agreed to.

New clause 3A:

Mr ROBERTSON: I move amendment 81.1.

There are 2 purposes in the amendment. One is to give the court the normal course of discretion in relation to arrest pursuant to section 5(9) of the act. As it stands, the mandatory 'shall' would prevent any discretion of the court as to its disposition of offenders who have breached parole. Quite clearly, this may not be in the best interests of justice. It would of course make it mandatory upon the court to impose a sentence which would otherwise be a sentence dealing with a rather minor offence. The section part of that amendment is to remove an inaccuracy in the legislation. Section 10(9)(b) should read section 5(9)(b).

New clause 3A agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

CONSTRUCTION SAFETY AMENDMENT BILL
(Serial 160)

Continued from 25 November 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports

this bill. It has quite a number of effects which are all commendable.

Perhaps the main effect is to make it more generally applicable to construction work. The original Construction Safety Act did not include road construction which, in retrospect, I find somewhat surprising, and it did not cover rail construction, probably because at the time there was no such activity in the Territory.

This bill, Mr Speaker, seeks to rectify those exclusions by amendments to section 4 and it also adds another category of works to which this act applies and that is earthworks. I find some difficulty with that last one because earthworks are not defined anywhere in this bill. Although I accept that there is a generally-recognised category of work which in a civil engineering area would be seen as earthworks, I think that that is a shorthand expression rather than an exhaustive definition of what is to be included. Therefore, I would like to ask the minister whether, some time in the future, a definition may be included.

Mr Speaker, the second thing of importance that this bill tries to do is provide for the appointment of a deputy chief inspector of construction safety. I can heartily commend this particular provision because I think the minister and other members would be aware that I have taken up the matter of staffing in the safety section of the Department of Mines and Energy on at least 2 occasions before in this Assembly. Basically, it amounts to the fact that staff resources are quite limited and in some cases this has prevented the full implementation. I think that the appointment of a deputy chief inspector, who would have the powers and functions of the chief inspector, is commendable, but I suggest that it needs to be accompanied also by an increase in the inspectorial staff in general. As I have mentioned before in this Assembly and indeed, as the Secretary of this department noted in his last 2 annual reports, the staff resources are stretched beyond their limits and a number of inspections which should have been carried out have not been carried out and therefore something of a backlog has accrued.

There is a further provision in this which, in the absence of amendment, I take it will be as it stands: the provision of extended amenities on sites where more than 10 workers are employed. In his second-reading speech the minister said that his department was consulting with industry on this matter and that, if this figure of 10 were to be amended, he would provide an amendment schedule in the committee stage.

The current provision is that sites which employ more than 20 workers should be furnished with these extra facilities. For the benefit of members, the extra facilities are outlined in subclauses 9(d) to (f) of the bill. They are: drinking water, washing facilities and accommodation for meals, clothing and tools. I commend that particular provision. It will assist in the improvement of on-site working conditions for construction workers and from that point of view it is very desirable. Of course, all sites which come under the purview of this act must provide basic facilities such as sanitary convenience, first-aid equipment and fire prevention equipment.

The next significant amendment which is sought by this bill is in relation to the notification of accidents and the preparation of accident reports. In the proposed new section 22 as appears in clause 11 of the bill, the types of accidents which must be reported are shown. They are accidents which cause loss of life or seriously incapacitate a person, involve a person in electric shock or overwhelming exposure to gas vapour or fumes, involve the breakage of equipment or the failure of certain fixing devices. It is required that such an accident be reported within 24 hours in writing to the chief inspector and that, at the same time, a report be prepared upon any person who suffered injury or death as a result of the accident.

I would make 1 or 2 comments, particularly upon the content of reports that must be supplied under proposed new section 23. In proposed new section 23, we have a provision that, within 24 hours of the accident, the constructor responsible must supply to the chief inspector a report in respect of an accident. Of course, that is not something that I criticise because I think that prompt reporting of accidents is a desirable thing. What does cause me some concern is the extent of the inquiry that must be conducted by the constructor in order to make out his report.

If we look at paragraph 23(1)(a), we find that the constructor must include in his report the cause of death, the cause and nature and extent of the injuries sustained, the cause and effect of the electric shock or escape of gas vapour or fumes, the cause of the breakage, distortion or damage of the power-driven equipment, load bearing part of scaffolding gear, hoisting applicance, shoring, formwork or falsework, or the cause of the failure of the stud, pin, dowel, screw, rivet etc. The name and address of any person killed or injured must also be notified. I think it would be quite difficult to comply with that particular section within a period of 24 hours. From the point of view of the nature and extent of injuries suffered or cause of death, it requires medical knowledge probably beyond the extent we can reasonably expect from construction supervisors. Let us not forget that many of these incidents become the subject of coronial inquiry, where it is the duty of the examining coroner to notify a cause of death. Here we ask a constructor within a period of 24 hours to come to a conclusion that would normally be subjected to considerable scrutiny in a coroner's inquiry.

With respect to the failure of equipment and fixing devices, depending upon the actual circumstances in which it occurs, quite detailed engineering examination could be involved. Again, perhaps that provision is far too stringent as it requires a constructor to come up with a report within 24 hours.

Mr Speaker, I have asked myself the purpose of these provisions. I believe that it is desirable to have prompt reporting. However, let us have prompt reporting which makes some sense to the Department of Mines and Energy, which will be administering this act, and also to future inquests and coronial inquiries which may result. I think it would be quite sufficient to notify the name and address of a person killed with a brief outline of the circumstances in which the accident occurred. I do not consider it necessary for the constructor to come to a conclusion as to the cause, nature and extent of injuries sustained. I think, in some cases, it would be quite impossible for a person to determine these things.

Therefore, 1 or 2 things must happen. Either the period within which this person has to make out his report must be lengthened or else we have to make the provisions less onerous. I do not want to be misunderstood in this respect, Mr Speaker. Certainly, I am not calling for a reduction in the standard of reporting. Accidents must be reported. I am merely asking that the provisions be more realistic.

As I have mentioned in this Assembly before, there is a large degree of activity in the construction sector and I think that this legislature should do all it can to ensure the safety of workers in that area. With those few comments, I support this bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, my remarks in support of this legislation will be brief. In his second-reading speech, the minister stated very comprehensive reasons for the introduction of this bill. I will just comment on the clauses as they took my attention.

The first clause on which I would like to speak is clause 4. This expands the definition of 'construction work' to include roads, railways and earthworks and, like the honourable member for Sanderson, I felt that there should be a definition of 'earthworks'. We all know what earthworks are but a definition should be included in this legislation. It would be to the advantage of this legislation because earthworks could be rock-filled dams, embankments, construction of groynes such as are being built at the patrol boat base or any other similar form of construction.

In regard to the definition of 'construction' which is included in this bill, it is not clear to me if the definition now includes a person who does his own construction work on his own property. If that is the case, the amendment is too far-reaching in that every do-it-yourself person would be subject to the act, even to the extent of the Darwin home gardener digging his plot of ground or the person on his block in the rural area carrying out earthworks. I do not think it is the intention of this legislation to go as far as that. However, as there is no definition of 'earthworks', it could be unclear.

I am pleased to see a definition of 'public stand' included in clause 4(j). There have been many tragic accidents in the world when public stands have collapsed. They usually occur on a festive occasion involving large displays or sporting activities. It not only brings tragedy but must be considered from the point of view of public safety.

I would like to know the reasoning behind clause 4(m) reducing the 7 days a person needs to be off work to be classified as having serious bodily injury to 5 days. This seems to be splitting hairs. I would like to know who decided that 5 was more appropriate than 7? Why not 10? It is most appropriate that clause 4(p) includes subcontractors as many jobs are now farmed out to them.

I am not sure if clause 5 is a way of increasing staff or upgrading a position because I cannot see why an inspector cannot be acting during absences from the Territory. I can only assume that

it is another way of empire building and that it will give greater flexibility to the inspectorial functions associated with this legislation.

Clause 6 clarifies the position for small works and allows the exemption of fees for inspection. Clause 7 is written in to overcome legal problems of enforcement. Clause 8 makes a requirement for notice in writing and tightens up the provisions.

Clause 9 is very logical. Matters essential to health and safety will now be required at all construction sites. Only where the number of workers exceeds 10 is there a requirement for amenities such as meal rooms and washing facilities. I know common sense has to come into it but it seems to me that, if it is necessary to have washing facilities for 11, it should be just as essential to have washing facilities for 9. Whilst I agree that these amenities are necessary for the safety of the workers and create good relationships between employer and employees, good employers provide these facilities anyway without needing legislation to do it. I would like common sense to prevail when any changes are considered in the future. We should not go overboard with other social amenities such as pool tables, dart boards etc. Whilst they may make for happier working conditions, nevertheless, it is an extra expense for the employers, which is always passed on to the people who are buying the employer's product.

In relation to clause 10, it is rather surprising that the term 'rigger' is not already used in the act,as it is already contained in the definition. Clause 11 expands the types of accidents that need to be notified. Included now are accidents that need not necessarily involve injury or death but could have the potential for doing so in similar circumstances at another time. This will therefore make conditions safer for both workers and other persons in the vicinity of a particular job.

Clause 12 will tighten up reporting and investigatory procedures and will improve overall construction safety. Proposed section 25A will legalise the availability of reports to persons who have an interest in an accident and will take much of the onus off the public service to decide whether or not to release them. I wholeheartedly support this legislation.

Mrs LAWRIE (Nightcliff): Mr Speaker, I promise you and this Assembly that this indeed will be a short speech.

In supporting the bill and the principal act, I have one query of the sponsor of the bill. In adding to construction safety in the industry, could he indicate to this Assembly why it is that apparently an instruction has issued from his department that safety inspectors cannot travel more than 20 kms in the performance of their duty, which would leave them in a strange predicament should an accident occur from without the 20 km limit? Could he also indicate why these inspectors, who are called upon at any time of day, are not provided with a government vehicle to attend such calls?

Having put those 2 questions to the minister, I must say I have questions on notice concerning what I allege to be the misuse of vehicles by NTEC which appears to hand them out like lollies to

its employees. My reasons for asking these questions is to bring them to the attention of the minister and to assure him that I feel that taxpayers would support their dollars being spent in enabling safety inspectors to attend sites of accidents as soon as possible, and not at their own expense.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I see this bill as being part of the ongoing process of improvement of legislation. The act is being reviewed. There have been some deficiencies noted and action is being proposed in this bill to remedy the situation.

It need not be said really that construction safety is a very important thing. Nobody can estimate the cost of death and injury to industry, both financially and personally. No insurance cover can ever pay those things. Education awareness is an important part of construction safety. I commend the efforts that have been made in this regard.

In improving this act, we are trying to give guidance to those wise people who welcome safety and also put some pressure on those who are not so wise and who would like to dodge the safety angle. There are certain gaps in the act. The definition of 'construction work' now includes construction and maintenance of roads, railways and earthworks. The member for Tiwi suggested that maybe there would be some problems with the earthworks part of the definition. It is not really spelt out. Maybe that could be covered by stipulating earthworks relating to construction work.

The bill proposes that there be a chief inspector of construction safety and a deputy chief inspector and also, at the minister's discretion, other inspectors. Those people have an important role to play. The deputy has the fill-in job when the chief inspector is away from duty. These are obvious improvements and should lead to extra efficiency.

Clause 12 makes it an offence to withhold information relating to an accident or to attempt to cover-up. This helps fill in a legal loophole and allows for a proper investigation under the act. I commend it.

The first-aid on construction sites and all those extra facilities for construction sites with 10 or more people are no doubt welcome. However, I think I would agree with the member for Tiwi in saying that not all of them really relate to safety. I was a little amused to read that riggers, who are trained people, are not allowed to do rigging work.

On the subject of accident notification, I have a few points to make. The accident is supposed to be reported in writing within 24 hours. There are some situations out bush where getting that notification in writing would be very difficult. I hope common sense will prevail. If people report as quickly as possible by radio or telephone, and then take extra time for a written report, I hope that will be recognised as being all that was reasonably possible.

There is also another point about the notification of an

accident when someone is likely to be off work for 5 days or more. It is a bit difficult to do within 24 hours. It is a subjective judgment because a person is asked to predict the future. I hope a bit of latitude might be taken there. I presume that managers are not medically trained and do not have the expertise to say that a person had better come back to work within 4 days or 5 days.

I welcome this provision for accident notification; it is most essential. I agree with the member for Nightcliff that the inspector should be able to get out there and help compile the report which is required by this bill. I would point out to the member for Sanderson that the clause relating to the report that has to be made by the constructor has the rider 'as far as is known'. That should allay many of the fears which she has.

Clause 12 allows for flexible investigation procedures. It is most important that an accident be investigated, the cause be identified and the experience noted and passed on to other people in similar industries so that people can learn from accidents that occurred elsewhere. The Department of Transport puts out a bulletin which gives its investigations of various aircraft accidents. The pilots receive this and learn a considerable amount from other people's accidents.

Our aim is to enhance construction, not to hinder it. If accidents are prevented, it will allow construction to continue whereas injury or death has a hindering effect. I do commend inspectors to take this principle to heart. Their job is to enhance construction. They have an important role to see that safety procedures are followed. Their attitude is very important indeed. People have reported that some inspectors become a little power drunk. They may allow a wrong process to continue so far and only then say that that cannot be done. Time, money, energy and materials would be wasted. I support these improvements to the Construction Safety Act.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank honourable members for their support. I would like to touch on some of the points raised. Most of them were very valid and will be covered in committee.

The honourable member for Sanderson raised the need for an increase in staff. One of our difficulties which this amendment intends to correct is that a great deal of our inspectorial resource is used unproductively because the act requires many inspectors to do things on a certain day every year or every 3 months. There is a need for us to put our inspectors to work in the most productive manner. That is one of the things that I see resulting from this bill. At this stage resources are stretched.

The member for Sanderson also commented on the amenities on site. The provision of first-aid kits, fire extinguishers and water provides a problem when you come down to defining a site. For example, Karama has several contractors working on a site which really comprises 15 or 20 different sites. During a meeting that I held last week with the departmental office, the Chief Inspector of Machinery, the Master Builders Association and other people involved, it was agreed that there is a desperate need for us to have a better form of words to cover the provision of these

services on sites such as that. The problem can be extended to very large project sites such as Ranger and the imminent Pancontinental site where there will be facilities at a central point and people working well away from these areas. The management, employees and the department acknowledge the practical difficulty and are prepared to work towards a resolution of the problem.

The honourable member also raised the problem of requiring people to report within 24 hours. That is a very easy thing for us to write into law but a very difficult thing to put into practice in the countryside. Within the town areas, reporting within 24 hours or 1 hour is a pretty simple exercise. Some places just do not have communications. You could classify the McArthur River project as one of those. There are times in the day when it is almost impossible to get communications in or out. Keeping within the letter of the law may be very difficult. The Master Builders Association and the department have agreed to look at that particular problem together because the points that the honourable member for Sanderson raised are very valid. It is important they be covered in practical terms as well as in legal terms.

The members for Sanderson and Tiwi raised the point of the amount of lost time that constitutes a serious accident which must be reported. This has been a contentious issue among all the people involved.

Should there be 3 days, 7 days, 5 days or 14 days lost time before you acknowledge that you have a serious accident on your hands? From the point of view of the statistician, the period is not the ideal way to assess the seriousness of an accident. A man might have an injured back and be given 5 or 7 days off by his doctor but that may not constitute a serious accident in terms of the statistics we are collecting. On the other hand, a man might have 1 day off as a result of a very near miss that nearly cost him his life. That is shown as a lost time accident but not as a serious one. These are the practical difficulties that the inspectors in the industry and the employee groups will have to thrash out. I hope that we can get a better system of measuring a serious lost-time accident from our own point of view which will have more impact on the provision of safety for employees right throughout the Territory than we have at the moment.

If this working party can come up with something during this year and have legislation ready by the end of this year, I would be very pleased about it. I can accept the premise that measuring the seriousness of an accident by the number of days lost is not really to our advantage.

The member for Nightcliff raised the issue of the 20 km travel. If there is a directive of that nature, I will have to take it up with the secretary. I cannot recall any discussion with him on the matter.

As for the provision of government vehicles after hours for inspectors, I am aware of many inspectors who do have vehicles. Whether we are talking about having enough vehicles for every inspector or whether only some inspectors get them because they live in a certain place or they hold a certain position, I do not

know. I will take that up with the department. If it is a case of not having enough vehicles for every inspector, I cannot see any problem with the concept of an inspector claiming for expenses for using his own vehicle for an after-hours call.

Several members raised the matter of earthworks and the need for definition. I promise to address that matter in committee. I thank the members for raising it with me.

In relation to the comments about the deputy chief inspector, there is a very real need for this position in the department. There are matters that need to be authorised by the chief inspector. In his absence, things stop. It is important that we have a fall-back position in the event of the chief inspector being a thousand miles away.

I thank members for their comments on the bill. I hope that my explanations have been satisfactory. If not, I am prepared to obtain additional information for members.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

INSPECTION OF MACHINERY AMENDMENT BILL
(Serial 161)

Continued from 25 November 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, I am of the opinion that this bill should have been taken together with the Construction Safety Amendment Bill. Many of its provisions are parallel to those about which we have been talking. If the 2 bills had been taken together, it might have saved some confusion in the mind of the minister.

Again, we are dealing with manpower deficiencies in the inspectorial areas of the Department of Mines and Energy. Certainly, I would be first to say that some of this work is very unproductive. It is required by the act that pieces of machinery be examined every year to determine whether or not they are in a safe condition. The minister proposes to amend the Inspection of Machinery Act so that machinery is inspected when necessary rather than once every year. In view of the unproductive inspections that take place and the work backlog that is growing in the Department of Mines and Energy, which I read about in its 2 annual reports, I must support that particular provision.

I hope the result of this is not seen by the industry as a reduction in safety standards. Industry itself must see that it has some part to play and that there should also be internal inspections undertaken by firms themselves on a regular basis. Industry should see that it has some part to play in the reduction of accidents. As I mentioned, there are a number of provisions here which are parallel to some which we have just read in the Construction Safety Amendment Bill. These relate again to the appointment of a deputy chief inspector and to the notification and reporting of accidents.

I will not go through the comments I made in respect of the second reading of the Construction Safety Amendment Bill, Mr Speaker. I accept the minister's assurances that his department is consulting with industry on these matters and hopes to make many of the provisions much more realistic and practical.

There is a provision here which was not dealt with in the Construction Safety Amendment Act. It is the provision relating to the issue of certificates of competency and the suspension or cancellation of those certificates. I do not see that as merely an administrative matter except in so far as the right to cancel or suspend rests with the chief inspector instead of the minister. I think that a certificate of competency is a very effective device for ensuring machinery is used by qualified operators. This is a mechanism for reducing the incidence of accidents which occur as a result either of failure of the machinery or failure of the operator. Although some people say this is just an administrative exercise by the Department of Mines and Energy, I see it as a very effective means of giving some teeth to safety measures in industry.

The bill has another interesting clause which I heartily commend. It is the creation of an offence which is provided by proposed new section 74A. It shall be an offence for a person to sell or hire or offer for sale a piece of machinery which is not guarded in accordance with the provisions of this act. Again, with the level of activity in this area, and also the number of firms which specialise in the hire of equipment, this clause is quite timely. If a piece of machinery which failed were on hire and not owned by the user company, then, in the absence of this clause, that piece of machinery would not come within the purview of this act. It is not just a consumer-oriented approach; we are talking about industrial accidents in which lives are lost. I think that closing that small loophole and making hire firms responsible for the condition of their equipment is to be commended.

I support these 2 bills. I hope that the amendments will meet with acceptance and cooperation from industry because none of these things is effective unless it can be implemented. I think the minister knows as well as any member in this Assembly that the responsibility for implementation is not just a question of departmental inspectors. Unless industry cooperates, there is not much point to any of the initiatives that are taken in this Assembly.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this bill, I would like to comment on an omission from this amending legislation which can alter agricultural practice in the Northern Territory.

I will start off by commenting on clauses 4 and 5 of this legislation. Clause 4 defines 'deputy chief inspector'. Definitions are necessary in any legislation. Clause 5 creates a deputy chief inspector. In his second-reading speech the minister indicated that this would not be the final legislation on this particular subject. When time and resources permit, further and more thorough legislation will be considered.

My main concern with this legislation lies with clause 6. To

me, clause 6 effects a major change to the current act. I noted that the minister said in his second-reading speech that it is designed to relieve the workload of the inspectors. If anything, it will have entirely the opposite effect and increase that workload. Under the old legislation, agricultural machinery was excluded but, with this amendment, it is not. To my way of thinking, agricultural machinery is included for consideration by this legislation. Under clause 6, as a result of the omission of a few words, thousands of different pieces of agricultural machinery will now be subject to inspection at the whim of an inspector. I am aware that the Territory does not have a very large cropping industry at the moment but it is growing.

I am sure that, if this amendment goes through, hundreds of farmers will be up in arms at the thought of government inspectors coming onto their properties to check their tractors, balers and harvesters. I shall go through a list of ordinary equipment which is used on an ordinary farm growing hay and perhaps some seed. This list will show that the work of inspectors will be increased a thousandfold. On an ordinary farm, it is not unusual to find a tractor, hay-mower, hay-rake, hay-baler, hay-loader, stacker, disc plough, cultivators, disc harrows, egg-tooth harrows, chisel ploughs, stick rakes, rotary hoes, seed harvesters, forage harvesters, grain headers, slashers, chain-saws, mechanical scythes and tractor pack welders. All that machinery is commonly found on a farm.

To carry it further, machinery not only includes agricultural machinery on an agricultural property but also the common lawnmower which, to my way of thinking, is a piece of agricultural machinery. I know that was not the intention of this legislation and I have spoken to the minister because I consider it to be a gross omission from this legislation. As it stands, every lawnmower in every urban settlement in the Territory comes under this legislation.

The machinery inspector will have to inspect not only machinery that he is used to but also farm machinery. I agree that safety on the farm is very necessary because most of the accidents which cause serious damage to the workforce occur on farms. They are pretty dangerous places to live. Nevertheless, much of the repairs carried out to farm machinery by farmers may not meet the rigid standards of inspection but need not necessarily be unsafe. We all know that a bit of fencing wire can come in handy. It may not meet the rigid standards of inspection yet still be quite safe. If farm machinery is included in this legislation, what standards is the inspector going to uphold? Is he going to uphold common sense or is he going to uphold rigid standards necessitating great expense to the farmer who will have to employ a fitter or a welder to mend his machinery when he could do it quite adequately and safely himself.

I note that clauses 7, 8 and 9 give more flexibility and could provide for greater safety. By clause 10, notification is mainly required when there is loss of life or serious injury. I would have thought that it would provide for greater safety if serious accidents that did not result in injury or loss of life were also to be notified. This would enable the situation to be assessed and possibly help prevent future accidents.

I am not happy with the wide discretion given to the chief inspector by clause 11. I ask the minister what sort of misconduct is being referred to in paragraphs (1)(b) and (1)(c). Surely a medical certificate should be required to indicate whether a person is unfit or a test be carried out to indicate incompetence. Although there is provision for appeal, a person should not be placed in such an invidious position as this clause would place him. In relation to clause 12, I agree that there is a requirement to provide for the sale of safe machinery.

In conclusion, I would like the minister to tell me whether farm machinery is covered by this legislation or not. If it is, I hope consideration has been given to the full ramifications of its inclusion.

Mrs LAWRIE (Nightcliff): Mr Speaker, again I will be charmingly brief. I support the legislation. In his second-reading speech, the minister spoke about removing the necessity for annual inspection. He said: 'It will enable the resources of the department in the area of machinery inspection to be more effectively utilised'. I have no problem with that. I would like to know if the Department of Mines and Energy has a computer system which will record which machines have been inspected and avoid the problem of the odd machine not being inspected for an inordinately long time. That could happen if it is left to human chance, particularly when inspectors or chief inspectors leave. I would not like it to be left to physical record or memory. A computerised system would allay the small fear I have.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, as the minister indicated in his address to the Assembly, the act needs to be totally revised. It was enacted in 1941 when things were rather different from what they are today. A total revision is promised, but these matters before us are of some urgency.

I agree with the minister that the chief inspector should be able to determine the time between inspections for various types of machinery. A longer time can be given for machinery which is inherently safe and a shorter time for more dangerous equipment. That should result in improved safety.

The deputy chief inspector will keep things moving when the chief inspector is called out of the office. That will increase efficiency.

I support the idea of the chief inspector being able to suspend or cancel a licence to operate a particular machine. If the chief inspector is of the opinion that someone operating a potentially dangerous machine may not be medically fit or may be an alcoholic, I believe he should be able to suspend that person's licence. The person can appeal against the suspension and then the medical people can be brought in to check the matter. In the interests of safety, it is an important move. The minister is not directly involved. It is important that the chief inspector can cancel the licence. In the past, procedures have been so long and drawn out that damage could have been done before action was taken.

Recently a gentleman came to see me. He had been charged for

not obeying the letter of the law in relation to machinery. He claimed that he was under considerable duress. He had brought to his employer's attention deficiencies in the machinery, but to no avail. He felt that his job was likely to be on the line if he kept pushing. He has been charged and he fears the loss of his licence if he does not defend against that charge. He decided to do so because he felt that his employer would allow him to take the rap. It is a difficult position. I do not know what the answer is.

Another point is that a machine is only as good as its operator and only as safe as its operator. What guarantee is there that there has been practical training with some of this complicated and fairly dangerous equipment? I know that there are checks on the theory. People often have to do written examinations on machinery operation. Recently, I was told about a certain employee who had gained a licence to operate cranes up to 60 t. Apparently, it had been granted on the word of the employee that he had experience. It was alleged that that person, although he had excellent results in his theory training, had only operated much smaller cranes than the 60 t licence would allow him to operate. Also, he was prone to lapses of concentration. Inexperienced operation of a crane can result in a person being knocked from a high building. There should be some guarantee that sufficient practical training is given and experience gained by people operating pieces of equipment which can be dangerous.

Mr TUXWORTH (Mines and Energy): Mr Speaker, again I thank members for their support of this bill. The thought that was driven home to me during members' speeches was very simply the fact that a machine is only as safe as its operator and the places in which we work are only as safe as the people who work in them.

Mr Speaker, as the member for Sanderson said, safety is a frame of mind. All the words we write here do not mean a thing if the people outside are not interested in safety. What we are trying to do is to set the parameters for safe working practices.

The member for Tiwi raised her concern with me earlier about farm machines and the possibility of armies of bureaucrats storming across farms inspecting machines whether necessary or not. I accept her concern as real although I must say that some of the machines I have seen in some remote areas could well have done with an inspection from time to time. However, I am not advocating that inspectors harass people and make their lives difficult.

The member for Nightcliff also commented on the inspectorial routine and the possibility of keeping a computer bank of machines that require inspection. That matter is being addressed by the department and was discussed at a meeting the other day. One of the practical difficulties is that machines, whether they are front-end loaders, cranes, bulldozers, lathes or grinding wheels, are all fairly mobile. They are traded and carted around the countryside; businesses shift premises etc. The general consensus was that it would be more practical to inspect premise by premise rather than machine by machine. I will advise of that intention in committee.

The honourable member for Tiwi raised the matter of cancellation

of licences. I understand what she is saying. However, I have seen people driving winders who should have been suspended from the job because they had disabilities that could have led to accidents. For that reason, I do not quite share her sympathy for the problem.

The member also raised the possibility of training on these machines and it seems to me that the Northern Territory is already developing a great deal more sophistication in that area. You and I know, Mr Speaker, that years ago people were just pulled off the road and put in the seat of a truck or on the back of a bulldozer and given a job because they provided a pair of arms or legs. Today there are heavy-lift cranes, forklifts, graders and heavy machines that cost hundreds of thousands of dollars. Companies such as the Caterpillar company have training programs for staff who wish to use machines of a certain nature. Companies are generally more cautious about who they put on machines because when damage is incurred as a result of incompetent or inexperienced operators, the costs to the company are generally incredible. The cost of repairing these machines is very high. There is a double front operating here. There is a concentration by the department on fulfilling a greater inspectorial and supervisory role over the standard of operators but there is also the watchful eye of the company which has a vested interest in keeping its machines going as long as it can.

The member for Alice Springs mentioned his concern about a certain crane driver. I would be happy to receive private correspondence from him on that matter if he felt that it was worth while - I do appreciate that, from time to time, there will be employers, employees and, occasionally, wayward inspectors who do not really give their job their all. For the main part, though, I am happy to say that I believe the inspectorial staff in the machinery area of the Department of Mines and Energy are very competent people who take their jobs very seriously. They try to get on with people as best they can and make everybody's lives as easy as possible whilst still achieving the maximum level of safety in the work place.

Mr Speaker, I commend the bill to honourable members.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

LIQUOR AMENDMENT BILL
(Serial 169)

SUMMARY OFFENCES AMENDMENT BILL
(Serial 170)

Continued from 9 March 1982.

In committee:

LIQUOR AMENDMENT BILL
(Serial 169)

Clauses 1 to 4 agreed to.

Clause 5:

Mr TUXWORTH: I move amendment 79.1.

The amendment proposes the omission of subclause (1) and repeal of section 131 of the principal act.

Mrs LAWRIE: Mr Speaker, I think we should accept this amendment and all go home forthwith without dealing with the Summary Offences Act. That will mean that there is no longer any offence of drinking in a public place in the Northern Territory. Notwithstanding that, the amendment has my support. Again I point out how inscrutable the passage of this legislation must be to someone who is not fully conversant with the procedures. The amendment to the bill refers to the principal act, and section 131 refers to a section of a previous ordinance which was repealed. With hindsight, I think it would have been preferable to reprint the offence of public drunkenness without reference to a formerly repealed act, which for the public at large is extremely hard to follow.

Mr B. COLLINS: For the record, I would like to ask the sponsor of this bill whether it is the government's clear intention that drinking outside of this 2 km area not be an offence. The reason I ask is that, in the work that I have done on this bill and looking at legislative controls of this kind of offence around Australia - and I have some detail on it here - it appears that there are very few places where drinking in a public place is an offence. In fact, in some of the legislation from around Australia, the only offence I could find that related to this was a reference - and I have it here - to drinking within a certain limit of a dance hall. It appears that it is not a particularly common offence at all in Australia. I would just like to know if that is in fact the intent of this amendment.

Mr TUXWORTH: The answer is yes.

Amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

SUMMARY OFFENCES AMENDMENT BILL
(Serial 170)

Clause 1 agreed to.

New clause 1A:

Mr TUXWORTH: I move amendment 82.1.

This amendment inserts a commencement clause into the bill. The reason for this amendment is that it may be desirable to allow some time between the date of assent to the act and the date the act comes into operation to enable interested parties to apply for certificates of exemption.

Mrs LAWRIE: Mr Chairman, in that case I have a question to ask the minister. If this is to allow for the application for certificates of exemption before the act has actually commenced, will the procedures for application apply? The procedures are spelt out in the bill and it states quite clearly that the commission may require an applicant under subsection (1) 'to cause to be published in such newspaper or newspapers as it nominates a notice', and then gives the details. I am concerned that, if commencement of the act is formally delayed until applications have been made, that section will not apply and the public need not necessarily know of any applications for exemption.

Mr TUXWORTH: Mr Chairman, I believe that that would be a matter for the commission to make a judgment on. In any event, if it is deemed necessary, and I am advised that the commencement date should be set back, I would be prepared to consider that. However, that is what the commencement clause provides for.

Mr B. COLLINS: Mr Chairman, I have one question on the application of these certificates of exemption. When certificates of exemption come into effect, I would like to know how in fact the police will operate under this act. Is each police car to carry a cartographer in the car with a filing cabinet full of maps? I ask the question quite seriously. If these exempted places become numerous, particularly in an area like Darwin, how is it intended to enable the officers in the cars to know exactly whether an offence is being committed or whether the place is an officially exempted place? They will have to carry a lot of paperwork.

Mr TUXWORTH: Mr Chairman, the commission already publishes a list of licensed premises and this particular exercise would be treated in the same manner. Whether people carry it in their back pocket, in their car or refer to it by telephone is a matter for themselves.

Mr BELL: It is a matter of concern to me. I did not bring it up in the debate yesterday but I have been known to indulge in a quiet can of beer after a game of cricket on a Saturday afternoon. Being an office bearer in the club I belong to, I feel some responsibility to find out from the horse's mouth, as it were, how the application for certificates of exemption would operate in practice.

Mr TUXWORTH: Mr Chairman, I am not quite aware of the circumstances under which the member plays but, assuming that he plays at Traeger Park and the Trustees of Traeger Park have had the area declared as an area where one can consume alcohol - it has a certificate of exemption - then that is fine. On the other hand, if one plays on the high school oval, and the high school does not permit the consumption of alcohol, well then one has a problem. Every case would need to be considered separately.

New clause 1A agreed to.

Clause 2:

Mr TUXWORTH: I move amendment 82.2.

This amendment to the definition of 'unoccupied private land'

removes any doubt that premises as well as vacant land may be included. I think this and the subsequent amendment may satisfy the concerns expressed by the member for Nightcliff yesterday.

Amendment agreed to.

Mr TUXWORTH: I move amendment 82.3.

This replaces the proposed section 45D. The effect of the change is that it will not be an offence to drink in a public place or unoccupied land where the express permission of the owner of that place or land has been given and not withdrawn. Thus liquor could be consumed with permission in a BYO restaurant and a caravan park which are, by definition, public places and could also be consumed on unoccupied private land with the consent of the owner whether he was present or not. Also, a council or trustee could give express consent for the consumption of liquor on a reserve.

I hope, Mr Chairman, that that particular wording satisfies the concerns that the member for Nightcliff expressed yesterday. I did not get a chance to discuss it with her over lunch. I hope that solves her problem.

Mrs LAWRIE: It certainly appears to deal with the fear I had of occupants needing to be physically present to express permission for people to be able to drink on private property. I am trying to read these amendments quickly now. Given the amendment to the definition of 'unoccupied private land', should section 45D read 'public places or unoccupied private land or premises' just to be consistent or is the definition adequate to cover that?

Mr TUXWORTH: A meeting was held on that this morning and the legal people believe that the wording that we have will suffice to overcome the problem. I would give an undertaking to the member that, in trying to achieve something here in practical terms, if we put a foot astray, I am happy to make an amendment to the act at a later date.

Mr BELL: Proposed section 45D refers to 3 restrictions: in a public place, on unoccupied private land being a public place or unoccupied private land. Section 45C defines 'unoccupied private land' to mean land other than a public place. I cannot square that with unoccupied private land being a public place.

Mr TUXWORTH: I am not trying to be facetious but I lost the honourable member. Can I go through section 45D as it stands in the new schedule:

> *(1) Subject to sections 45E and 45F, a person shall not drink liquor in a public place or on unoccupied private land, being a public place or unoccupied private land within the 2 km of any premises licensed under the Liquor Act for the sale of liquor, unless the owner or lawful occupier of that place or land has given the person express permission, which has not been withdrawn, to do so.*

Mr EVERINGHAM: Could I ask if I heard the member for MacDonnell correctly. I am trying to seriously answer his query. Perhaps he would repeat what he said.

Mr BELL: The query I have is what does the phrase 'unoccupied

private land, being a public place' mean and how does that differ from 'unoccupied private land'? There are now 3 classes of land referred to in that particular section.

Mr B. COLLINS: I would just like to say, as the Leader of the House said yesterday, that this is a very difficult area in law. I was reading some cases yesterday from New South Wales. One decision by the Court of Appeal on this very matter was that private land was in fact a public place if the public could actually get physical access to it. It was a very interesting determination. In fact, the judgment was that it did not matter if it were lawful or unlawful access.

Mr EVERINGHAM: Proposed section 45D in the amendment schedule reads:

> *Subject to sections 45E and 45F, a person shall not drink liquor in a public place or on unoccupied private land, being a public place or unoccupied private land within the 2 km ...*

The 'unoccupied private land' stands alone. It has no relationship to the 'public place' if you just insert a comma in the third line after the word 'land' and read it that way.

Amendment agreed to.

Mr TUXWORTH: I move amendment 82.4.

Amendment agreed to.

Mr TUXWORTH: I move amendment 82.5.

This amendment in effect simply permits the police to aver that a public place was not at the specified time the subject of the certificate of exemption issued under proposed section 45E. This averment is in addition to the 2 other averments already in proposed section 45J.

Mrs LAWRIE: Earlier today, I spoke privately with the sponsor of the bill and I do thank him for the courtesy and attention he showed to a variety of problems I had with the bill, most of which I expressed publicly yesterday. I am now looking for the amendment which I am sure he showed me which specified that the 2 km of land did not refer to salt water. I put it to him that it would prohibit the consumption of liquor within 2 km of a licensed premise. A radius of 2 km could include the seafront and people fishing all along Fannie Bay beach who take their 6-packs in their dinghies. There would be great community resistance to that principle. I wanted it to be quite clear that below low tide mark was not to be considered 'within 2 km' for the purposes of the act.

Mr TUXWORTH: The answer to the honourable member's point is in the last paragraph on the front page of the amendment schedule. It says: 'a specified place or land was, at the specified time, within a radius of 2 km of premises ...'. I believe that will satisfy the member's concerns about whether the high tide marks are really relevant.

Mrs LAWRIE: I thank the sponsor. I would like him to state

whether the government intends that salt water would be included. He has indicated that it did not but I want that specified so that the Liquor Commission knows.

I have another query. I would like the minister to say whether or not we could consider an amendment so that the 2 km prohibition only relates to premises which are licensed to sell liquor. Stores are not allowed to sell liquor on a Sunday. It seemed to me to be slightly unreasonable to have the prohibition applying within 2 km of the store when it was not allowed to trade at all on that day.

The other query I had - and the minister spoke with me privately about it - was where prohibition came about as a result of the licence being held by a licensed club. It was put to me fairly forcibly last night that licensed clubs have restricted trading anyway. Their trading is restricted to members and signed-in guests. Therefore a licensed club with restricted trading should not be considered for the purposes of the act in the same way as a more public liquor outlet.

Mr TUXWORTH: In relation to the first point, it is not the intention of the government that this legislation apply to sea water within a 2 km radius of a licensed premise. The member gave the instance of a store. I think Berry Springs was the example that she raised.

I take the point to a degree but, in most circumstances, the Berry Springs Reserve would probably have a certificate of exemption which would enable people to have a beer out of an esky on a Sunday. I do not think her point about licensed clubs has any bearing on what the government is trying to achieve.

Amendment agreed to.

Clause 2, as amended, agreed to.

Title agreed to.

In Assembly:

Bills reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, on speaking to the third reading, I have 2 requests of the honourable minister. Firstly, when we receive maps of the liquor outlets in the greater Darwin area and the diagram of the prohibited areas, could these also be supplied to the press? Secondly, would he note my concern - and pass it to the Liquor Commission - that exemptions sought and granted should receive a reasonable degree of publicity. Anybody wishing to object to an application for exemption must have the right to do so and the public should know where it can drink and where it cannot drink.

The honourable Leader of the Opposition raised the point that it will be difficult enough for the police. They receive daily instructions. It will be very much more difficult for members of the public once the exemptions start to come into force. If it is a total prohibition, it is reasonably well understood. As soon as we start getting the exemptions, which I am sure many authorities

will be seeking, it will be less easy for the general public to follow. I do not accept that it is a reasonable proposition for these only to be published in an obscure journal such as the Government Gazette which members receive but which is not generally available to the public. I would hope that a reasonable amount of publicity be given so that people do not break the law from ignorance which, of course, is no defence.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I have one final comment to make on this legislation. I feel constrained to make it because of the weight of submissions that I have received - and which the government has also received - on this legislation. I indicated to the Chief Minister the experience in New South Wales, Australia's most populous state, with this crime of public drunkenness. It was the experience in that state that well over half of all non-traffic arrests related to this kind of offence. The majority of those people so charged did not have any money and had to be jailed. In fact, a substantial majority spent 14 days or more in prison.

One of the major reasons why we suggested that an alternative approach should be adopted is that, quite apart from the fact that every expert group that has dealt with the problem is opposed to this kind of legislation, once more the police are getting the rough end of the stick and are becoming the vacuum cleaners of our society. It is an unfair impost upon the police. The agencies which operate these pick-up services - St Vincent de Paul, the Salvation Army and so on - have very special people working for them, people who have a deep ideological commitment to what they are doing. The poverty report in New South Wales said quite categorically: 'The police force is ill-equipped to deal with this kind of offence'. I am suggesting that, for the better efficiency of the police force as much as for anything else, another approach to this problem would be better: the use of proclaimed places and authorised people, people who have a genuine commitment and dedication to trying to solve this problem. It should not be regarded as a matter of cleaning up litter. That is precisely the spirit in which this legislation will operate. I do not say that in respect of the sponsor of the bill or in respect of some other members of the front-bench but it is certainly the spirit in which some members of the government have interpreted this legislation - an exercise to clean up the streets.

It has been established again and again that the police are ill-equipped to deal with this problem. There are sections of this bill that will be controversial. There is not the slightest doubt that, once it comes into force, it will be very interesting to see how it operates. The Chief Minister knows full well that, although many of the submissions from Aboriginal organisations differed on many points, there was one point they all concentrated on: proposed section 45H which provides for the policy to empty containers etc. It is a fact that relations between urban Aboriginal people particularly and the police force are strained. No one is suggesting that that is the fault of the police force. They have a difficult job to do. As has been pointed out in every submission I received, this section has the capacity, if it is implemented without some degree of care or if it is abused, to further exacerbate an already difficult situation. There has to be some degree of restraint and thought applied to how that particular section will be implemented. I agree with the findings else-

where. From memory, I believe there are written submissions from the Liquor Commission itself in the Northern Territory that the police are not the people to deal with this problem. The proposals that we have would be a far more effective approach to the problem and would relieve a lot of the unnecessary burden that will be placed on both the police and the courts of the Northern Territory.

Mr BELL (MacDonnell): Mr Speaker, I do not rise today to repeat any of the points I raised yesterday. I do not think it is necessary to say any more along that line. The only reason I rise is to support the Leader of the Opposition in requesting the government to do something about clause 2 of the Summary Offences Amendment Bill which will insert section 45H to increase the powers of police officers in this regard. Perhaps I have been somewhat remiss in not presenting an amendment to that effect but I quite understand the effect the government is seeking to produce. It has been debated well and truly. This particular section stands out from all the others as being singularly provocative. As the Leader of the Opposition has said, it will be singularly productive of considerably worse relations between police and Aboriginal people, certainly in Alice Springs. I would like to request the government to entertain the possibility of withdrawing this section. The confiscation of opened liquor containers would be preferable to emptying them. I think that that one small concession might be within the realms of possibility.

Mr EVERINGHAM (Chief Minister): Firstly, what the Leader of the Opposition says about the New South Wales situation is tosh. The New South Wales Police Force is totally opposed to what has been done in relation to street offences, and drunkenness in New South Wales is one of those. The police force in New South Wales is at such arms length from the government that it is taking full page ads to inform the public of what it thinks the government is doing that is wrong. It is bringing about a breakdown of law and order in that state.

Secondly, the Police Commissioner here has asked for this legislation. In fact, he would like stronger legislation. Thirdly, the Leader of the Opposition seems to be trying to make the point that all the submissions received were not supportive - in fact, that they were opposed to the legislation.

Mr B. Collins: I said Aboriginals seem to be.

Mr EVERINGHAM: Whether they are Aboriginal or not, that is quite untrue. There is support from Aboriginal communities in central Australia for the legislation. The honourable member for Stuart has letters which he has shown to me. I know that the Alice Springs Town Council welfare sub-committee - I think it is called - sought the views of Aboriginals in Alice Springs and found that the legislation was supported. I have seen an article to that effect in the Centralian Advocate. The Leader of the Opposition, Mr Speaker, is out of touch with what the people of the Northern Territory think in this matter. All reasonable Aboriginal people want to see this sorry situation brought to an end.

Bill read a third time.

ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly do now adjourn. In speaking to the adjournment, I must say that I have to agree totally with a letter which appeared in yesterday's media from a former member of the Australian Labor Party which indicates that nothing has changed within the ranks and attitudes of that party.

Last night, we heard the Leader of the Opposition not only renew his attack on the concept of a university for the Northern Territory but he also admitted to this Assembly and through it to the Northern Territory public that he was part of the mechanism which was set up to torpedo that university before it got off the ground. He told us that a submission was put in by the Australian Labor Party opposing the establishment of a university. When we couple that with what he and his colleagues said in the university report debate in this place, no conclusion can be arrived at except that the Australian Labor Party set out consciously from the very early days to torpedo any possibility that the Northern Territory might have to bring the Northern Territory public up to the level of the states and to enjoy those things which citizens of other states have enjoyed for a long time.

We heard yesterday words from the Leader of the Opposition which were quite unbelievable; that is, if he did his homework which he claims to be such an expert at. I quote his comment on the government's submission to the Tertiary Education Commission: 'It proposed a quite ludicrous scenario'. I quote further: 'It has serious deficiencies ... It was an unrealistic proposal for getting the university of the Northern Territory off to a good start'.

If the Leader of the Opposition has that view and the Australian Labor Party has that view, then their view differs markedly from that of a wide range of distinguished practitioners in the field. The Northern Territory government's proposal to the Tertiary Education Commission for the university was not done in isolation. Three vice-chancellors of universities of this country plus Australia's most distinguished academics went through the draft proposals with the University Planning Authority in detail. It was their suggestions on minor amendments which constituted the body of the application which went to the Tertiary Education Commission. After the Tertiary Education Commission had the document, the University Planning Authority further referred it to 2 other vice-chancellors within Australia, the most distinguished that we could find. In addition to that, it was referred to the Vice-Chancellor of the University of the South Pacific. Unlike the Leader of the Opposition, who used to chase rats around, those distinguished people had no difficulty with 'the lack of detail and groundwork put into the submission'.

In his further attack on the university for the Northern Territory the Leader of the Opposition gave great play to the option of a university college. Good heavens, does he really believe that the Planning Vice-Chancellor, Dr Eedle, and all the people who work with him and all of his advisers - and I will not name the Australian ones; I will mention the international ones in a moment - did not seriously consider in depth the option of a university college? A

great deal of background work went behind the submission of the Northern Territory government to the Tertiary Education Commission before we seriously questioned the option of a university college for the Northern Territory.

We noted the comments of Sir James Mountford, Vice-Chancellor of the University of Liverpool, that after the multiple sponsorship appeal - and, incidentally, he was its founding vice-chancellor in 1949 - no university college of the older type could have been founded. That was the advice we received from him. We took the advice of Sir Christopher Cox under whose guidance 7 overseas university colleges were established by way of a special relationship with a London university. He was adamant that the university college concept was now an anachronism. He pointed out that only 7 of 35 universities set up in the 1950s and 1960s started as colleges. Times have changed and more appropriate systems have evolved. We discussed the university college with Sir Hugh Springer of Barbados, a member of the committee which set up the university college of the West Indies. He was its first registrar. As Secretary-General of the Association of Commonwealth Universities, he is responsible generally for cooperation amongst about 250 universities in more than 40 countries. He advised this government and our Planning Authority most strongly against the college concept, as did the most prominent academic whom I referred to earlier without naming for obvious reasons.

We talked with academics and administrators who have been involved in the 7 university colleges in Australia - James Cook, Newcastle, Wollongong, New England, Canberra, Flinders and Mildura. All of them advised unequivocally against a repetition of their own experience for very sound reasons based on the recruitment of top quality staff, the attraction of students and the development of academic structures. No university college has been established in Australia since James Cook and Wollongong in 1961 although the following 4 have been founded between 1962 and 1974 as full universities from the outset: Deakin, Griffith, Macquarie and Murdoch.

Mr B. COLLINS (Opposition Leader): Mr Speaker, less than an hour ago, I had the pleasure of speaking with the Planning Vice-Chancellor of the university, Dr Eedle, on these premises. I now understand why he was here. I would like to thank Dr Eedle for the excellent speech he wrote that has just been read to us by the Minister for Education.

I must say that I am delighted to hear the Minister for Education participating in a debate on the university. I said yesterday - and this has been a matter of some comment in the community - that I assumed that, as Minister for Education, he would and should have the running of this university. But from a casual glance at the minister's press files, of which I assiduously keep a record, the running of this university has clearly been with the Chief Minister. I seriously suggest to the government that it give the running of the university to the minister who is in fact responsible for it. I said that yesterday and in the previous debate in the Assembly, and I say it again this afternoon.

Mr Speaker, in the course of this debate this afternoon, and

because the question of the university has been raised once again, I would like simply to go over the position of the Labor Party on the university. It has been a consistent position. I have our submission in front of me. The Chief Minister made some extraordinary remarks about the circumstances surrounding this submission and I want to get the record straight. The Chief Minister was quite mistaken in the extravagant and intemperate language he used yesterday when he accused me of speaking to the Tertiary Education Commission without any consultation with himself, the Minister for Education or in fact the Planning Vice-Chancellor. I say the Chief Minister is mistaken in that statement.

In fact, I had meetings with the Planning Vice-Chancellor specifically on the submission prior to going to the Tertiary Education Commission. I had explained in some detail the Labor Party's situation to the Planning Vice-Chancellor. I must confess that I went to that gentleman considering that he was the person who was putting it together and therefore was the appropriate person to see. I did not think it was necessary to bother the Chief Minister, who is an extremely busy man, with things of that nature.

The Chief Minister is quite mistaken to say that I did not have discussions. In fact, I had prolonged discussions with the Planning Vice-Chancellor. We agreed to differ on a number of things. I enjoyed the exchanges I had with the Planning Vice-Chancellor, Dr Eedle; I think he is an eminent person, a person of intelligence, wit and culture. I hope that the kind of exchanges I have been able to have with him in the past can continue without the necessity to go through some of the extremely painful procedures involved in getting to public servants who work in other departments. I thank the Minister for Education for the sensible approach he takes to access to the public servants working in the Department of Education. At least, I certainly do not have the same problems there that I have been having lately in talking to members of other departments. It is quite an amazing thing. The Minister for Primary Production should indeed smile! I pick up the phone and ring someone whom I have known for 16 years to ask a completely innocuous question and he says: 'I am sorry but I am not allowed to talk to you any more. You have to ring Mr Steele'. Let me assure members that I now get that from the Department of Primary Production. I thank the Minister for Education for the access that he has always given me to his department. My consultations with the Planning Vice-Chancellor were, in fact, useful and productive. The Chief Minister is quite mistaken in his assertion that no discussion took place.

The other amusing comment that the Chief Minister made related to the back-door approach, the stabbing in the back and so on with the Tertiary Education Commission. As the Chief Minister knows full well, the public were made fully aware of the TEC's presence in Darwin. Not only did we deliver a submission to the TEC but we took the trouble to issue several press releases saying that we had delivered a submission to the TEC and outlining the broad details of our submission. What a nonsensical thing that was for the Chief Minister to say and what intemperate and extravagant language he used to say it.

I am not suggesting either that the university college proposal

is the be-all and end-all of the options that are available to get a university off the ground. I discussed a number of other options. I say again - and it is something I do not resile from - I am not under any misapprehension as to how this university was to be started, contrary to what the Chief Minister thinks. I am well aware that the buildings planned for Palmerston will not be ready for occupation till 1985. I know that it was intended to house the students of this new university in circumstances that have already been acknowledged as being totally inadequate for a community college. I am pleased to see the community college is getting out of the reconverted warehouses and will have its campus unified once again.

If we talk about academic input, let me say that I did my bit of homework too. I rang around Australia about the proposal which was the substantive foundation on which this submission was based: getting 700 students together within 6 or 7 months whether they were students of Darwin Community College or not - co-opting community college staff, getting accreditation in 6 months for the 15 degree and sub-degree courses that were proposed etc. The major objection I had and still have to this submission is the unrealistic expectations of starting a university of quality on that basis. I am not suggesting that the university college approach is the only option open. What I am suggesting to the Chief Minister basically is that he take things one step at a time.

I am reminded of the Douglas-Daly project, Mr Speaker. Have a look at Hansard. The 45 farms that were to grow rice on the Douglas-Daly have been reduced to 4 farms not growing rice at all. Although rice was the sole crop that was going to be grown, later scientific study proved that it simply was not on. I am pleased that there are only 4 farms down there. They have a chance of success.

I am suggesting the same kind of approach be implemented with this university. Certainly, put the land aside at Palmerston for future use; that is sensible. Certainly, try to attract funding to get specialist research schools started and attract the kind of competent and internationally-renowned researchers that are needed. Certainly, go about it that way. I do not think the Taj Mahal approach that was being pushed by the Chief Minister is the appropriate way to go about it. On the basis of that, I reject the concentration that the Minister for Education, who in fact should be responsible for this matter, focussed on colleges this afternoon. I am not saying it is the only way but let us do it one step at a time. The Chief Minister said yesterday that he will be happy to settle for a chamber orchestra instead of a symphony orchestra. I am asking him to approach this university in the same way; that is all I am asking.

The TEC is the body where the majority of the money comes from for universities around Australia. It is sensible in that case to look at TEC recommendations in order to get this university off the ground.

The Labor Party in the Northern Territory would like to see a little more realistic approach. We are in a situation both nationally and Territory-wide of fiscal restraint. The last

quarterly accounts that came down were $7m short of the expected revenue because of a downturn in mining royalties and so on. The situation nationally is one of financial restraint. I think it is about time that the Northern Territory government recognised this. It should proceed with the university but on a more realistic basis. Money is a little tight at the moment. You will not get a 200 ha free-standing university with 700 students in 1982 at Palmerston. It is nonsense to pursue such a goal.

If the Northern Territory government and the Minister for Education started taking the university one step at a time, they would get support from the Labor Party in the Northern Territory.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, recently I asked the Chief Minister to give consideration to a public relations exercise carried out by the Conservation Commission. In a letter to him, I asked that officers of the Conservation Commission consider having a field day in relation to the care and protection of native fauna, having regard to the fact that many people at the moment have a lot of native fauna in their care and protection.

As I have said before, I have a very real and active interest in the conservation of native fauna. Many other people in the community also have an interest. It is apparent to me that, although many people have much goodwill toward the animals they are keeping, they are very ignorant of how to keep them. They want to do the right thing but they do not know how. I receive many telephone calls and personal calls from people who want to know how to care for injured or homeless animals that they have found. I have had orphan dingo pups given to me. I have had damaged birds given to me. These animals are not only given to me but they are also given to other people in the community who have the care of native fauna as one of their major considerations. I am happy to share my knowledge of native fauna with anybody who asks me. I am very happy to exchange experiences that I have had with other people who have also had interesting experiences with native fauna. I have spoken extensively with rangers and with a lot of bush people on this matter. I know that there are people in the community who are not employed professionally in caring for wildlife but who have greater knowledge than I do. At the suggestion of the Chief Minister, I discussed this situation with the Chief Ranger of the Conservation Commission. It was a very interesting and long discussion that we had. He outlined to me the Conservation Commission's views and put its points briefly regarding the care and protection of native fauna. Several ideas were put forward. As I understand it, no set course of action has been decided on yet because it is such a many-faceted interest that everything has to be considered comprehensively first. What he did discuss with me was whether the commission would be concerned only with the care of orphans and damaged native fauna and he asked whether these animals would be kept afterwards or should the Conservation Commission institute a program of encouragement for the general public to salvage these animals and then set them free.

Another point to consider is whether the Conservation Commission would permit trapping of certain species of native fauna for husbandry. Another point to consider is whether the Conservation Commission would permit or encourage trapping of endangered species to make

sure that they did not remain on the endangered species list, that they were encouraged to breed in captivity and were kept in captivity to continue breeding. Should they be set free when the numbers had reached a certain level?

I found all of these points regarding the conservation of native fauna very interesting. I would like to state here that, to my knowledge, the Northern Territory is way ahead of the only state I can speak of with any knowledge: Western Australia. We have Yarrawonga Zoo. In Perth they do not have a similar establishment where people can take animals. We are very fortunate in having a place like Yarrawonga Zoo. We are also very fortunate to have the people who are employed there as rangers because those rangers advise people on what to do with orphaned or injured animals found in the bush. Because of care and advice offered by these rangers, a greater understanding of the native fauna and their care is gained by these people.

There is no comprehensive literature put out by the Conservation Commission regarding the care and protection of native fauna. The literature that the Conservation Commission does put out is of a very high standard and I compliment it. I know it will not rest on its laurels. I know it will continue to issue more literature in the interests of the environment. I believe there is a vast reservoir of goodwill in the community towards native fauna. I feel that it should not be let go to waste. It should be used in education or an appreciation of wildlife. Many people want to know what to do but often do not know where to go for information. It has not been stated clearly to them. They may be lonely people who do not have much to occupy their time. The government is taking over so many social welfare interests these days that the goodwill of the public is going to waste in that there is less social welfare work that people can do for each other. If we can channel people's goodwill into the protection and care of native fauna, it will be to the good.

I have to consult the rangers about this field day but what I have in mind for it would be to outline to the general public the work that is currently being done by the Conservation Commission regarding native fauna and the policies of the Conservation Commission as they relate to the states, to the public, to national parks etc. I would also like the general public to be made aware of the different options that the Conservation Commission is considering for future management of native fauna. More specifically, I would like the Conservation Commission, through its rangers, to detail carefully the care that must be extended for the keeping and rearing of creatures like young reptiles, marsupials, carnivores and birds. The philosophy of keeping wild animals in captivity would also be discussed at such a field day.

Ideally, animals should be let loose in their native habitat but, unfortunately, that is not always possible. Sometimes, because of the environment that the orphaned animal is brought into, it cannot adapt to its native habitat if it is set free. Sometimes an injured animal cannot be rehabilitated sufficiently to be let loose in its native habitat. In those 2 situations, an animal let loose in its native habitat might not survive for long. We must also face the fact that, human nature being what it is, people want

to keep these animals because, after they have had them for some time, they regard them as pets. In many cases, people should be allowed to keep them, provided they know how to rear them and the conditions under which they keep them are to the satisfaction of the rangers in the Conservation Commission. I shall be taking up this matter with rangers of the Conservation Commission because I feel there is a great need in the community for such a public relations exercise.

The next question on which I would like to speak this afternoon is the lack of common sense shown in closing the Howard Springs dump. When I was first elected to this Assembly, I spoke on dumps. They play a very important part in any community. The Howard Springs dump was fenced and a decision was made that it would be closed from 4.30 in the afternoon to 7.30 in the morning. That almost completely negated the purpose for which a dump is established, namely, to dump rubbish. The decision took no regard for the convenience of the people in the rural area. After 4.30 pm, the dump was closed so it was no good racing home from work to change and do a bit of work on your block before taking the rubbish to the dump. After I received complaints from several of my constituents, I made representations to the relevant people. In the rural area, there is no rubbish collection. People do not want it; they are quite happy to take their rubbish to the dump. But they want a fair go and they want to be able to dump rubbish at any time. The dump is now open at all times as it was in the past.

The third subject on which I would like to speak today is something with which I was connected in its early days: the changeover of the Howard Springs police office to the new Fred's Pass police office today. The Howard Springs police office had as its operational focal point the caravan that I had as my electoral office when first I was elected to this Assembly. For the convenience of the police and for the proper running of police activities, I am pleased that they will be more comfortable in the new Fred's Pass police office. It is not often that you can teach the police anything but I was able to tell them how to break into that caravan when they first took up occupancy. I had to show them how to break into the caravan in the first place because I did not have a key at the particular time when it was necessary for them to get in. It is pretty easy to break into a caravan once you know how.

I would like to see the Fred's Pass police office taken out of the limbo in which the Howard Springs police office existed for some time. I do not know whether it will be called a police office. If it is to be a police office, will it operate as a separate entity or as a branch of the Casuarina Police Station which, as I understand it, is where the officers signed on and signed off? That means that, if they commenced duty at 8 am, by the time they arrived at Howard Springs, it was well after 8 am. It will be even later now that they are at Fred's Pass. At the end of the day, the shifts usually finish at about 4 o'clock. If they are to sign off at Casuarina Police Station, they will need to stop work at Fred's Pass much earlier.

While I am talking about this question of whether it will be considered to be a station or an office, a separate entity or an extension of Casuarina Police Station, I would be interested to

find out if the same transport arrangements are going to hold. As I understand it, police officers are ferried out to Howard Springs in the morning and back in the afternoon. Somebody, perhaps more competent than I, has worked out that this is the best way to move the police officers around. It might be related to a shortage of transport but I am not 100% sure of that. The Fred's Pass police station or office operates as from today and I would like to be assured that these transport arrangements will be rationalised.

It was due to be opened in January 1981. I am particularly pleased that it has at last opened. In the police report for 1980-81 that we received the other day, it was stated that a contract was let in January 1981. If my memory serves me correctly, it was due to be opened then. In that report, it said work was due to be completed in October 1981. It is now March 1982. I know that difficulties with contractors caused the delay. Now that the police have taken up occupancy, I hope that the problems I have mentioned will be ironed out and they continue to work in the rural community in the way that they have in the past.

Mrs O'NEIL (Fannie Bay): Yesterday, I asked a question of the Minister for Health regarding a possible decision to close the Parap Community Health Clinic. Unfortunately, he had to leave this afternoon but I dare say he will read about this tomorrow. He informed me that no decision had been reached and he invited me to have discussions with him about it. I will take up that opportunity although, in the past, I have spoken with his ministerial officers on the matter.

I raise it in the Assembly as well because it is a matter of some particular concern to my constituents who increasingly ask me to find out precisely what is happening. Indeed, I understand the Assembly staff had a request today for a copy of my speech on the Parap Community Health Clinic which I had not yet given. That request came from constituents who had not yet spoken to me about it. It is obvious that they keep a pretty close watch on what I do in the Assembly. I am very pleased indeed about that.

That community health clinic has been open since early 1975. It was preceded by an infant health clinic which had been in the area for a very long time indeed. I can remember taking my own babies down there to be weighed and now they are just about as big as I am. It is very much a part of the local community and much depended on by the local people. I think there is a relationship between the people and the clinic, possibly similar to the relationship that would exist in small towns such as Katherine, Tennant Creek or Nhulunbuy. There are, in particular, people in the community who depend very much on the clinic. I refer to the very many pensioners, both aged and invalid pensioners, living in the Housing Commission flats and townhouses in my electorate. There are also very many single mothers who sometimes need a great deal of support which has been very ably provided to them by the clinic staff.

I recall the Chief Minister saying in debate on another matter yesterday - and I am sure he said it genuinely - people go to town or the shopping centre at Casuarina to do their shopping and therefore it makes some sense to put the clinics there. This might

well be true of the Chief Minister's constituents but it is not the case for many of these people. They would very rarely go into town. That would be a very great effort for them. Many of them are physically restricted by age or some disability and certainly the overwhelming majority of them do not have cars and depend on buses. Many require home visits. That of course will continue, but with the added cost to the Department of Health of the time of the sisters and the extra travelling. Some of those cases are marginal. The staff have put some effort in encouraging some people to make the trip to the clinic from time to time to get them out of the flats. Unfortunately, that very good work will not be continued. I fear they will once again become recluses. That is a very great risk with some old people. They sit in those flats and they do not get out at all. Having the sisters, whom they really are very fond of and depend on, just a little way down the road is of great social benefit to them.

There is a problem with this which has been discussed within the department. I am certainly getting the impression that it has been very unsettling for the staff. They do not know whether they are moving today, tomorrow, next week, next month or at all. While I would not suggest to the minister that this decision should be made without adequate consideration - certainly, discussions should take place with the staff - I would point out that, if it does drag on for too long, it will continue to concern them.

Now that the opportunity has arisen and people have found out about it I would hope that the minister would listen to the views of the community because I have been quite amazed at the number of requests I have had from constituents to see what can be done about the matter and to find out indeed what is happening. I will certainly pursue that and bring those requests to the attention of the minister, as I have tried to do in the past. I did try to find out from the department because it was an administrative matter, but it referred me to the minister's office. I rang the minister's office and was told by someone: 'Well, this is an administrative matter. I will have to check up with the department'. For a while there, I felt that I was getting a bit of a runaround. Ultimately, I received the answer that the decision had not been made.

I would urge the minister to give consideration to the views of the people who are concerned with it. I feel that he will eventually make the humane decision to leave the clinic where it is.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I would like to comment on an article which appeared in the Northern Territory News on 2 February 1982. The article is headed: 'What they cost and where it comes from - $2.5m spent last year on land councils' administration and this year it will be $4.5m'. It is in bold type, 15mm high. In part, the article reads:

> *Only $3 458.91 short of $2.5m was spent on the major 2 Aboriginal land councils last financial year and this year it is expected to rise to more than $4.5m. The Northern Land Council's 1981-82 funding of $1,648,130.45 funded by the federal Aboriginal Affairs Department came from the Aboriginal Benefits Trust Account, $1,201,545.45, and appropriation bills, $446,585.00. The Central*

Land Council total of $848,410.74 was made up of $586,995.74 ABTA and $261,415 appropriation.

The article goes on to say:

These figures came to light after Senator Kilgariff asked the Aboriginal Affairs Minister, Senator Baume, on notice on 15 October last year 4 questions about the Northern and Central Land Councils. The amounts listed are government expenditure on the land councils and do not include any money raised from mining royalties. Senator Kilgariff's question with replies given recently by the federal Aboriginal Affairs Department were ...

Mr Deputy Speaker, I am not aware who is responsible for that second last paragraph which states the amounts listed are government expenditure and do not include any money raised from mining royalties. It could only have been 1 of 4 persons: Senator Kilgariff; the original author of the article; a journalist from the NT News; or perhaps the officer from the federal Department for Aboriginal Affairs who supplied the replies given by the federal minister. Whoever is responsible for that particular paragraph is either an ignorant fool or a damned liar.

The very long article continues with detailed explanations itemising expenditure on land councils' administration, staff positions and salaries, even down to couriers and cleaners. It gives most detailed answers from Senator Baume. I think the only person not mentioned is the tea lady.

Senator Kilgariff always pretends to be such a sincere friend and defender of the Aboriginal population, and I have watched his act at various settlements and missions. Yet he goes ahead to bucket the hell out of the Aborigines at every opportunity he gets in Canberra. He obviously asked Dorothy Dixers to discredit the land councils as much as he could. The replies given to the Northern Territory News by the federal Aboriginal Affairs Department must still be the responsibility of the Minister for Aboriginal Affairs and, therefore, he has the ultimate responsibility as the minister for answers which he gave to Senator Kilgariff's Dorothy Dixers.

I have no doubt that these answers have probably had strictly accurate accounting but there is an old adage that a half-truth is often worse than a lie. I believe the Minister for Aboriginal Affairs is perfectly aware of the original source of funding for the administration of land councils. If he is not, then he is a totally incompetent minister and did himself little credit in not stating the source from which the Aboriginal Benefits Trust Account received its funding. As all informed persons would know, that source is wholly and solely from mining royalties. Even the amounts allocated from appropriation bills are in a category of a kind of bridging loan when funds from royalties are low and are strictly on a repay basis and have in fact been repaid up until, I believe, 1981. Neither the government directly, as was implied in this article, nor the Australian taxpayer indirectly pays one cent towards the administration of land councils.

A letter to the Editor of the NT News from Mr Gerry Blitner,

the Chairman of the NLC, was published on 4 April 1982. It gives a full and comprehensive account of where the financing of Aboriginal land councils comes from. I will read an extract from that Mr Deputy Speaker:

> *I consider that, as a result of incomplete explanation of the arrangements for financing the councils, readers would be left with an incorrect impression regarding the source of funds spent on council administration. The monies concerned are royalties arising from mining on Aboriginal land and therefore belong to the Aboriginal people. The federal Aboriginal Affairs Department is the administrative mechanism by which these funds are made available, but the funds are not provided by the taxpayer. The statement in the article that the amounts listed are government expenditure on the land councils and do not include any money raised from mining royalties is therefore incorrect.*
>
> *In fact, as pointed out elsewhere in the article, the payment for land councils' administration arises from the Aboriginal Benefits Trust Account. However, the article does not go on to explain that monies in this account comprise royalties from mining on Aboriginal land in the Northern Territory. The Aboriginal Land Rights (Northern Territory) Act 1976 specifies that royalties are paid out of the trust account for the benefit of Aborigines in the Northern Territory on the following basis:*
>
> 1. *40% to land councils to meet their administrative costs with any surplus being distributed by the council among communities in its area.*
>
> 2. *30% to the land council in whose area the mine is, to be paid to communities affected by the mining operations.*
>
> 3. *30% to benefit Aborigines in the Northern Territory as the minister directs with the advice of an Aboriginal advisory committee - section 64 of the act.*
>
> *It is misconceptions of this nature, particularly as they relate to money, which contribute to friction between Aboriginal people and the broader community.*

I think that explains fairly comprehensively where the ABTA money comes from. I condemn Senator Kilgariff for his obvious attempt to discredit the land councils, which he never ceases to do at every opportunity he gets in Canberra. I condemn Senator Baume for his reluctance and lack of courage in not explaining this source of ABTA funding. I also condemn the ill-informed journalist who is at least guilty of contributing to what Mr Blitner talks about: the friction between Aboriginal people in the NT and the broader community.

Mr STEELE (Primary Production): Mr Deputy Speaker, the honourable member for Victoria River asked me 2 questions this morning. The first question was why will not the NTDC accept a bill of sale rather than land mortgages as security for loans to farmers for purchase of machinery. The reply provided to me is that the mortgage security is not the only acceptable security to the corporation for cash loans. In the past, the corporation has secured some loans to farmers by charges over machinery. A

further loan was approved in its March meeting for a farmer to purchase machinery secured by bill of sale over machinery and equipment.

However, the NTDC, in most loan applications to date, has been asked to provide loans for other property improvements and crop inputs in addition to the purchase of machinery. Accordingly, the corporation seeks to take the most appropriate security available. In such cases, land mortgages have generally been necessary. The NTDC, like other financial institutions, must seek adequate security for the loans it provides to protect the public funds advanced. Financial institutions generally consider bills of sale on machinery to be relatively poor security due to mobility, deterioration in value and, in some cases, obsolescence.

The other question the honourable member asked is why does the NTDC refuse the normal lending procedure of crop liens as a method of securing loans for nurserymen whose assets are in living plants. The reply is that the member's question refers to a legal distinction between nurserymen and farmers. Firstly, plants cultivated by nurserymen for sale are considered to be goods or chattels and cannot be subject to a crop lien as provided under the provisions of the Instruments Act.

In the case of farmers, a lien may be taken over agricultural crops and horticultural produce. The NTDC, like other commercial lending institutions, considers crop liens to be very poor security in view of the risks involved in growing, handling and marketing crops and produce. This is not to say that the corporation would not accept a crop lien as security in appropriate circumstances. The corporation considers each application for assistance on its individual security for any funds advanced.

In the majority of applications to the corporation from farmers, finance is sought for a term longer than the seasonal period involved in the farmer's ownership of the crop. Accordingly, an alternative form of security is required. It is often the case that finance is sought for a number of purposes in the application, in addition to crop inputs, which would require more substantial security. As one means to overcome difficulties experienced by farmers in obtaining seasonal finance for crop growing, the corporation in 1981-82 has provided crop contracts. I might say that the crop contracts scheme has been very successful. It has involved some 846 ha of crops to the extent of a $130,000 subsidy by the NTDC.

The Leader of the Opposition said earlier it was difficult to get information from some departments. He said that a person he had known for some 16 years said: 'Well, to get this information, ring Roger Steele'. I must say to him that there was no direction from me to the department to prevent any member of this Assembly talking to public servants in my portfolio areas. If a public servant chooses to offer an opinion or speculate about some matter and is reported out of context by any member of the Assembly, well, obviously, the consequences must be his. But there is certainly no direction on my part against any facts being discussed with members of the Assembly.

Mr Deputy Speaker, I undertook to make a statement on the

current progress of the brucellosis and tuberculosis control and eradication campaign in the Northern Territory. I must stress that this government is totally committed to playing its part in the national campaign to eradicate brucellosis and tuberculosis from Australian cattle herds by 1992. It is through the dedicated work of officers of the Department of Primary Production that we are on line in establishing and maintaining our objectives.

The campaign is being conducted by involving individual farmers and pastoralists and enlisting their support in entering voluntary approved programs. These programs are designed to achieve cattle control, the application of a regular timetable of testing the controlled herd and the removal of reactors to abattoirs under a compensation agreement. National standards for herd status have been designed under categories ranging from infected, restricted, provisionally clear and, finally, a herd confirmed free of disease.

The government, on the one hand, is resolved to press on with the brucellosis and tuberculosis campaign but it wishes to avoid the imposition of hardship on the industry, so it will continue to be careful to avoid precipitous or unnecessary action without the closest possible consultation with the industry. Industry has been advised of the program and the timetable of the campaign but the industry has responded by advising that the costs are too high for it to bear. Government's reaction has been to assess and determine what is needed to eradicate the diseases in a wide range of subjects extending from the number of needles needed to the number of tonnes of steel required for basic station infrastructure.

Mr Deputy Speaker, to put it simply, until the estimated costs are known no government would arbitrarily impose a control regime on an industry which it has said it cannot afford and without knowing itself what subsidies could be afforded. The current situation of the brucellosis and tuberculosis eradication program is that, in the Alice Springs region, all of the 83 properties have entered into approved programs. On present rates, 291,000 of the total herd of 329,000 cattle in this area will be under tests for TB and 150,000 will be under tests for brucellosis next year. In the Barkly region, 36 of the 42 properties have approved programs and it is hoped that another 3 properties will enter the campaign in 1982.

Progress in the 2 southern regions has been most encouraging. Difficulties still exist in the north and, in the Darwin region, only 16 of the 70 properties as yet have approved programs while, in the Katherine region, 34 properties have been signed up.

Problems to be overcome in the north include the presence of 280,000 buffalo of which it is estimated that 8400 are infected with TB. These 280,000 buffalo will need to be controlled in the next few years. Fortunately, buffalo are free of brucellosis. The second problem is difficult terrain with few or no improvements such as fencing and yards which lead to large numbers of uncontrolled feral cattle. The last problem is low cattle prices and uneconomic properties and, as you are aware Mr Deputy Speaker, prices are beyond our control and costs are unable to be passed on. A bright note, although it typifies the problem under which cattlemen operate, was the news this morning that the United States dollar has strengthened.

The government is addressing itself to each of the 3 categories of major problems in the following ways. Regarding buffalo, the deliberations of the Buffalo Working Party are about to be released but will essentially require control of buffalo herds, domestication and TB testing. The details are being worked out but, meanwhile, the government has established a model domestication program at Beatrice Hill. Regarding the difficult terrain and lack of improvements, the Department of Primary Production has set up a task force which is proceeding with all speed to study each problem station - there are 250 - to see how the program can be applied to that station which may mean complete destocking during the eradication term. Regarding low cattle prices, the government is playing an active role in seeking new markets for meat, cattle and buffalo among our near neighbours to the North. We are also seeking Commonwealth agreement to export beef from domestic abattoirs, stimulating the import of new capital into the Territory and encouraging the industry to cater for a greater share of our home market. Home market needs are at present largely met from outside the Territory and even to some degree from outside Australia.

I wish to stress that the government is gearing up for the brucellosis and tuberculosis eradication campaign, both with regard to personnel and supplies, as fast as we possibly can go, so the level of testing this year and next year may rise. The department is proposing to spend $6.6m on the campaign in 1982-83 subject to Cabinet consideration and federal government approval. That estimated cost includes operational expenditure and compensation. I might point out that department resources are already being worked to their maximum capability. An example of the increased involvement in this campaign lies in the fact that we have risen from a level of 700,000 units to 900,000 last year. The department expects to use 1 million units this year and 1.1 million units next year. That is part of the continuing trend of the increased determination to eradicate these diseases.

This morning I said I was reluctant to introduce a formal policy on destocking. I confirm that some destocking eventually will have to be undertaken but, economically, it is the worst way to approach brucellosis and tuberculosis eradication because of the years of lost production caused by rebuilding herds. There may be some pastoral leaseholders who refuse to join the voluntary program and it is they who ultimately will face the moment of truth. The government has the power to order destocking and I am sure the Leader of the Opposition, with his interest in the topic, has knowledge of that. However, the government is determined to remain flexible and responsible in achieving this program.

Mr Deputy Speaker, peer pressure is an important part of this program and it may well be that the tardy ones will be under pressure from the industry to react in a responsible way. I again emphasise that the government is seeking active and voluntary participation through industry, although industry and government are aware that minimal destocking will be necessary. The program calls for reducing infected animals or herds to a hard core. When an area achieves a basis of being provisionally clear, and the hard core has been established, destocking can then be looked at.

Government regards the residual TB problem in northern Australia from the Kimberleys to Queensland to be not only a problem

for the Territory but for Australia as a whole. The Territory, Queensland and Western Australian governments and appropriate departments are working hand-in-glove every step of the way to get the Commonwealth and Australian beef industry to accept greater financial responsibilities for its eradication. In general, the prevalence rate, which is currently 0.4% in the Northern Territory, involves some 70% of Northern Territory stations. Those properties are classified as infected properties. It may be necessary to apply special provisions to this last bastion of TB in northern Australia if the eradication of bovine brucellosis and tuberculosis is to be achieved on schedule.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, I would just like to make some comments this afternoon on the debate on health that took place yesterday. The member for Fannie Bay made the suggestion that the Health Minister ...

Mrs O'NEIL: A point of order, Mr Deputy Speaker! I know we have some freedom in the adjournment debate but I do believe the member for Alice Springs is about to go beyond the bounds of that freedom in discussing a debate which took place yesterday.

Mr DEPUTY SPEAKER: Order, order! I draw the member for Alice Springs' attention to Standing Order 53.

Mr SMITH (Millner): Mr Deputy Speaker, I rise to bring to the Assembly's attention the concern of the equestrian movement in Darwin at the recent government decision to grant $50,000 to the Darwin North Rotary Club to allow it to establish an equestrian centre. The history of the Darwin North Rotary Club application is that, shortly after the cyclone - I think in 1976 - it saw a need for equestrian facilities in the Darwin area. It contacted equestrian clubs and invited them to comment on a proposal to establish an equestrian centre. The clubs, at that stage, had no facilities as their facilities had been effectively destroyed by the cyclone. At that stage, the clubs indicated to the Rotary Club that they were interested in the Rotary Club proposal.

Unfortunately for the clubs, they heard nothing more for 2 or 3 years. In that time, they of course went ahead and developed their own facilities. By 1978, the Darwin and District Equestrian Association, which the then Minister for Community Development had recognised as the governing body for all equestrian associations in Darwin, quite clearly stated that it was not interested any more in the Darwin North proposal. It quite clearly stated that to the Darwin North Rotary Club in 1978 and that was the last official correspondence that there has been between the Darwin North Rotary Club and the Darwin and Districts Equestrian Association. There were some informal discussions after but there has been no contact of any kind between those 2 organisations since the end of 1979. So for the last 2 years, before the decision was made by the minister to grant the Darwin North Rotary Club $50,000 for its project, there was no liaison between the DDEA and the Darwin North Rotary Club.

There are, at present, sufficient equestrian facilities in the Darwin area. There are 2 very good equestrian areas: the showgrounds and the Fred's Pass area. The showground is used by the Darwin Dressage Club, the Fannie Bay Equestrian Club, the Darwin

Horse and Pony Club, and the Darwin Show Jumping Club, either on a regular or an annual basis. Fred's Pass has 3 polocrosse grounds and is the headquarters for polocrosse plus the Noonamah Horse and Pony Club, and the Darwin Dressage Club. It has recently been granted an additional 180 acres for expansion. As well as that, less than 1 km from the proposed site of this new complex is the Darwin Equestrian Centre which is a private concern conducted by one Graham Shullman who recently has been granted a large sum of money from the NTDC to develop the centre.

In effect, we will have, in 2 or 3 years, 3 major equestrian centres in the Darwin area for what I am told is a maximum of 350 horses. I know there are more horses than that in the Darwin area but a lot of those horses are for casual and recreational use. They are not involved in formal, equestrian-type activities. I am informed by all the equestrian people that there are sufficient grounds at the moment and there is no need for an additional facility.

If we look at the Darwin North application, the following points are relevant. It did not have the support of the Darwin and Districts Equestrian Association which is recognised by the minister as the co-ordinating body for equestrian activities. I am told it did not go through the normal department assessment procedures and that it was a unilateral decision made by the minister without seeking department advice. The only facility that it will provide that is not provided by the other grounds is a rodeo facility. No one is denying that a rodeo facility should be provided but both the showground and Fred's Pass organisations have indicated that they are quite happy, willing and able to provide a rodeo facility. Obviously, they can provide it much cheaper. It duplicates existing, under utilised facilities. From diagrams provided to the Darwin and Districts Equestrian Association, it appears that it has 2 major deficiencies: the show jumping area is too small and the cross-country area is in fact pitiful and goes nowhere near meeting the requirements recognised at a national level. The cross-country course should be at least 2.5 km in length.

The anticipated total cost of the complex is $400,000 to $500,000 of which only $100,000 - $50,000 from the government and $50,000 from Darwin North Rotary Club - has been found and is available at this stage so there is a real prospect that it is going to be another big bucket with a bottom in which government money is going to be spent. There is also the problem of ongoing maintenance costs. A complex of that size will have a large maintenance bill. I cannot put a figure on it but it will be quite significant.

When the decision was announced, after 2½ years of silence and after the equestrian organisations had forgotten about the proposal, a meeting in Berrimah Hotel of the Darwin and District Equestrian Association universally rejected the decision and in fact wrote to the minister asking the minister to change his mind. I have already outlined the reasons why I always try to be constructive and I will end this on a constructive note. I think the minister ought to call together the groups concerned - the Darwin and Districts Equestrian Association, the Rotary Club, the Rodeo Association, the Showgrounds Association and the Fred's Pass organisation - to discuss the issue.

I have no objection to $50,000 of government money going into equestrian-type facilities but I would like to be assured that the money is going to be useful. I would rely for my judgment on that very much on the opinion of the Darwin and Districts Equestrian Association. If it is not happy, I think it behoves the minister to have another look at it. I would firmly suggest that to him. To end on a slightly more frivolous note - and I am indebted to my colleague Mr Bell and Banjo Patterson - it could perhaps be described in the following way: there was movement in the equestrian world for the word had passed around that $50,000 had got away and had joined the Darwin North Rotary Rodeo Show.

Mrs LAWRIE (Nightcliff): There are a couple of matters I want to raise tonight. This morning I gave notice of 2 motions tomorrow. It may be of some use to members to know that, in speaking on the Universal Declaration of Human Rights tomorrow, I shall be paying particular attention to article 16 of that declaration which has been circulated. If members read that article, they will have some idea of what the tenor of my remarks will be.

A problem which the Treasurer is now inheriting - firstly, because he controls the purse strings and, secondly, because he has just been given that squalling brat NTEC - is that of existing high-voltage powerlines which, perhaps because of a lack of forethought by the Planning Authority, are now located very close to high-rise residential buildings. The powerlines certainly existed before the buildings. Nevertheless, in Nightcliff, particularly in the Aralia Street and Casuarina Drive areas, planning approval was given for the construction of multi-storey flats, the balconies of which have ended up in fairly close proximity to the high-voltage lines which pass through the area.

I have spoken to senior officers of NTEC and brought the problem to their attention. I am aware that, at the moment, there is no plan to underground those high-voltage powerlines for the safety of people now residing in the area and who, I understand, have actually bought premises under strata title. I informed the NTEC officials that I would raise this matter officially in the Assembly to enable them to do whatever was necessary to advise the minister on the background to the problem which I have just outlined. I ask the Treasurer if it is at all possible to make money available in the fairly foreseeable future for the undergrounding of those high-voltage lines because of the danger to residents in the area. I raise it also so that the minister responsible for the Town Planning Unit can bring the matter to its attention so that the same problem can be avoided in the future. I believe its rectification will result in the spending of taxpayers' money when perhaps a little more planning and alteration to the design of buildings might have avoided the need for that expenditure.

The third problem which is now concerning my electorate was raised briefly in question time. I know other members share my concern. It is the proposed bridge across the mouth of Rapid Creek between Brinkin and the general Nightcliff-Rapid Creek-Millner area. The minister this morning outlined to the Assembly the fact that interdepartmental surveys are being carried out regarding a carriageway and, one would think, the expected traffic usage and environmental matters concerning any bridge across the mouth of

Rapid Creek. I draw the minister's attention to the fears of people on the city side of the creek that a dramatic increase in traffic from the north-eastern side would cause problems on the south-western side because of the status of the roads in that area. To bring traffic into the Nightcliff-Rapid Creek-Millner area from a road system other than the main arterial road, Trower Road, will cause many problems for the Rapid Creek Road people and the Casuarina Drive people because those roads are of a low standard and are not suited to carrying large volumes of arterial traffic.

Now it is the problem in Darwin, as taxi drivers know, that all the traffic seems to move the same way at the same time. Of course, it is because the central business district is built on a peninsula. There is a tremendous exodus of people from the dormitory suburbs into town between the hours of 7 am and 8 am, and they all return in the afternoon. It is a particular problem for traffic and road engineers and it is no one's fault. But I ask the minister to outline the surveys already undertaken and the considerations of his department and of Cabinet so that the people in the area will know what is being proposed. This is not as a means of scaring them; they are scared already. To know what is being considered may allay their fears and also allow valuable input at an early time to the minister and his department from the residents who have firsthand knowledge of the problems already in existence.

The minister, as the member for Casuarina, will be aware that it is extremely difficult to make a right-hand turn from Lakeside Drive across the homebound traffic into Trower Road, heading towards Nightcliff and town, during the home-going peak hour traffic between 4.30 pm and 5.30 pm. One can sit at that intersection for up to a quarter of an hour and finally make a valiant dash across Trower Road. That does nothing for the safety of motorists or for their nervous systems. I do not wish to see that situation created in the Nightcliff and Rapid Creek area through the adoption of a simplistic approach to running a road across a river; that is, having regard to the ecology of the river but paying less attention to the problem of the traffic emerging from the north-eastern suburbs to the south-west. I think the honourable member for Fannie Bay is sorry that she has spoken already in the adjournment. She might have started to rip little pieces off softly regarding the Fannie Bay connector road which takes the Nightcliff traffic. I am sure it has given her concern, as she has demonstrated that often in this Assembly with regard to the problems of Fannie Bay being bisected by that road. She will add valuable input on this subject.

Mr PERRON (Treasurer): Mr Deputy Speaker, I rise to say a few words on the grant to the Rotary Club to assist it with the development of the rodeo and other horse-related facilities out at Knuckey's Lagoon area. I think it is a terrible shame that this situation developed. I have not heard of it for some time so I think perhaps it has died away. It developed into a bit of a 'don't give it to them, give it to us' situation or so it seemed.

It is the first occasion that I know of in Darwin where there has been a fair bit of community comment made in an effort to encourage the government to retract a grant it had made to the community. It is a shame that those persons base their arguments on the fact that existing groups seemed well catered for. One in

particular comes to mind: the one using the East Point Reserve. That is not yet well catered for as far as a home ground is concerned. Even if all the equestrian groups were all well catered for as far as a home ground is concerned, would that situation necessarily pertain in 3 or 4 years when this project has further progressed or in 5 or 10 years when Darwin's population and its environs will be considerably greater. The numbers of horses and horse-related activities will have increased greatly. We will need all the facilities we have and more. Certainly, with the new satellite city at Palmerston developing, those people will start to form into groups of common interest and will be seeking their own facilities. Hopefully, many of the activities that are suited to areas like Fred's Pass will in fact be carried out at Fred's Pass. The facility is well developed and well looked after and we would hope it can be used to the maximum extent.

It is not good enough for any person to take the attitude that enough has been done so let us stop it or to say that, if you have $50,000 to give away, for goodness sake do not give it to Rotary. I think that is a very poor attitude. I met with a couple of the groups involved and debated the matter with them. The fact is that Rotary will spend the $50,000 the government has granted together with the funds it has left over from funds raised by Rotary around Australia following Cyclone Tracy on the condition that those funds be used for community related facilities. Those funds probably total some $100,000.

That should help them to develop a high-standard rodeo facility. I suspect that such a facility, together with car-parking, stables and spectator mounds will consume a lot more than the $100,000 we are talking about. Rodeo is an area of activity that is making a bit of a comeback in Australia today. I can understand that because people are seeking to go outdoors and watch other people do dangerous things. There is no reason why the Territory should not be involved in the national rodeo circuits and have the finest facilities. Here we have a group with an interest in the sport. It has the full backing of the rodeo group in the Northern Territory. It will not hold a rodeo once a year as most people believe. It will be an ongoing activity.

I think it is a shame that the honourable member for Millner thought the subject needed to be raised in the Assembly today to express his concern that the government gave $50,000 as a community grant to a group like Rotary. It is a shame that he should take that attitude.

On the matter the member for Nightcliff raised concerning the powerlines, I will have a look at that. I suspect it is the type of thing which is well covered by national standards. I am sure that the Australian Standards Association has many technical documents on this. We will ensure that we are at least within safety ranges for cyclone areas. I will have a look into the matter. If there needs to be some particular action, I will ensure that it is done.

Mr BELL (MacDonnell): Quite clearly, as is so often the case, the Treasurer has clearly missed the point that has been raised by the honourable member for Millner. The point that the member was making was that there was a duplication of facilities in this

particular case and the government had not given due thought to the availability of facilities. I suggest that next time he responds to that point. That is exactly the criticism he ought to address.

I have a number of things that I wanted to mention in the adjournment debate this afternoon. The first is to quote to honourable members a couple of points from yesterday's Hansard to illustrate the ...

Mr D.W. COLLINS: A point of order, Mr Deputy Speaker! I believe that the Hansard from yesterday has not been corrected. The honourable member is not permitted to quote from it.

Mr DEPUTY SPEAKER: The member has not quoted from it yet.

Mr BELL: Mr Deputy Speaker, as I recall the words of the honourable member for Stuart in the debate yesterday, and he in fact was recalling words of mine ...

Mr DEPUTY SPEAKER: Order! I refer the member to Standing Order 53: 'No member shall allude to any debate of the same session unless such allusion be relevant to the matter under discussion'.

Mrs LAWRIE: If I might speak to your point of order, Mr Deputy Speaker, it has been held that, in an adjournment debate, one can certainly refer to a previous adjournment debate. The adjournment debate is a grievance debate and the member can refer to matters widely. That ruling was made by Mr Speaker MacFarlane.

Mr BELL: I did seek the advice of the Clerk on this matter and I was advised that I was quite ...

Mr DEPUTY SPEAKER: Honourable member for MacDonnell, would you please proceed with your debate.

Mr BELL: During debate yesterday, the honourable member for Stuart ...

Mr DEPUTY SPEAKER: Order! The member for MacDonnell must not allude to debates during this session.

Mr BELL: I suggest that honourable members have a look at what the honourable member for Stuart said in yesterday's debate when he was quoting me. They will no doubt remember it. I suggested that it was nonsense and I suggested it is the appropriate time for them to do a little bit of research and find out why. He said that I had said ...

Mr DEPUTY SPEAKER: Order! The question is that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

ABORIGINAL SACRED SITES PROTECTION AUTHORITY - ANNUAL REPORT 1980-81

Mr EVERINGHAM (Chief Minister): I table the report of the Aboriginal Sacred Sites Protection Authority for the financial year 1980-81. I move that the report be noted.

In support of my motion, I would say that the act requires that the report on the administration and operation of the authority during the previous 12 months be submitted to me by 31 July and that I lay the report on the table within 3 sitting days of receipt of it. The report was not received until 15 December 1981. This is the first opportunity I have had to table it. Hence, I apologise for any inconvenience this delay may have caused to members.

If I might just diverge slightly from my written notes at this point, it should be made quite plain that the Aboriginal Sacred Sites Protection Authority is what I would call a totally autonomous and independent authority. As far as I can discern, it is accountable to no one. Whilst I have ministerial responsibility for representing it in this Assembly, it is an authority over which I have absolutely no control or power of discretion.

I draw attention to the section of the report which deals with finances. The act requires the Minister for Aboriginal Affairs to approve the estimates of the authority and funds are provided by the Commonwealth. As a result of the recommendation of the Lynch Committee, this function together with several other unrelated functions have since been transferred to the Northern Territory government. I note that the Lynch Committee also recommended that Uluru National Park be transferred to the Northern Territory Conservation Commission or Northern Territory government. That has not happened but they surely have tried to sheet home to us financial responsibility for the Aboriginal Sacred Sites Protection Authority. I would like to indicate to this Assembly that it is the policy of this government not to accept financial responsibility for this authority or for any other - such as Legal Aid which the Commonwealth is trying to devolve on us - unless satisfactory financial arrangements can be agreed to. We will not accept as satisfactory financial arrangements a dictate that that is what we will get and that we will take it and be thankful. Either we negotiate on equal terms or we do not take the functions at all.

As a result of the recommendations of the Lynch Committee, this function, together with several other unrelated functions, has been transferred to the Northern Territory government. However, despite the representations made to the Commonwealth, the funds provided for 1981-82 fall far short of those required to carry out the functions. This represented the amounts expended on those functions for the previous 12 months; that is, 1980-81.

You will note from the report that, for the authority, this amounted to $223,000. This amount was made available to the authority. As this represented only part of the year's operations, it was evident that the authority would run into financial difficulties during 1981-82. Strong representations have been made to the Commonwealth to have this amount increased to a

realistic level but the Commonwealth so far has been adamant that no further funds would be provided. I can only conclude from this that the Commonwealth envisaged that there would be a cessation of the authority's operations shortly after the transfer of the responsibility to the Territory. The Territory is prepared to meet its responsibilities in this regard but only if there is a realistic baseline funding for the authority. A part-year's operations cannot be said to be a realistic or fair basis upon which to set such funding.

The outcome of all this is that the establishment of a Women's Advisory Committee and an office of the authority in Alice Springs, as forecast in the report, will not eventuate and, indeed, it is likely that the authority will be unable to continue to operate productively for a full year even with careful management of its finances.

Although these events have occurred at a time subsequent to the period covered by the report, I think that it is important to draw these subsequent events to your attention as they will have and have had an effect upon the aspirations of the authority as set out in the report.

One of the effects of this situation seems to be that, in practice, the authority is attempting, sometimes with success, to get exploration companies to meet the cost of investigating claimed sacred sites as part of the exploration costs. There are some instances where an exploration company seeking information from the authority about sacred sites is referred to a land council. The land council then asks the company for funds to investigate possible sacred sites. The explorer then returns to the Sacred Sites Authority seeking verification. The Sacred Sites Authority then says that it needs funds in order to verify the findings of the land council.

This is an iniquitous position in which to place mining companies and is a cause of concern to the Northern Territory government, especially where it becomes another inhibiting factor on the growth of the Northern Territory. We must have growth to have jobs and employment.

The report states that the authority is carrying out its functions in accordance with the act. It provides lists of consultancies, lists of staff, lists of projects and figures on achievements in terms of registering sacred sites. However, I think the report could be improved if it quantified the sacred sites situation more fully. In particular, the reader would be interested to know how many sacred sites exist, what their status is generally and where they are. Such information could be presented in tabular form.

More importantly, the report is almost silent about problems which arise in the course of the authority's business. There is no indication of problems which may exist in negotiations between the land councils. I know of one dispute which exists between the authority and the Central Land Council as to who will survey the sacred sites on that section of the proposed railway line which passes through the territory under the administration of the

Central Land Council. The 2 agencies cannot agree with themselves and there appears to me to be quite some bitter infighting as to who will do this job. I think that that sort of thing should be able to be resolved without that sort of behaviour.

Nor is there any attempt to outline the effects on development within the Territory of claims to have sites protected. No mention is made of delays while claims are investigated. I am aware that, when the Sacred Sites Act was passed, it was recognised that Aboriginal people would have a reluctance to disclose many sites unless these were threatened. The report has drawn attention to the provisions in the act which give the authority discretion to determine the release of information it obtains and the contents of the register of sacred sites.

However, it was expected that the authority would bring some control and some certainty to the question of sacred sites not only for the reassurance of Aboriginal people but also in consideration of the expectation of the rest of the community. It is not achieving this for reasons which may be beyond its control. I think the disclosure in the report of more details about sites, a forecasting of their extent within the Territory and, wherever possible, a reduction in the secrecy and mystery which surrounds the consideration of these matters would improve the position. These matters, I believe, should be given consideration by the authority.

Mr B. COLLINS (Opposition Leader): I do not intend at any future time to speak at length on this report so I will make my remarks now. First of all, I would like to say that I have noted the criticisms the Chief Minister has made of the report and I certainly am extremely concerned that reports from all authorities that are tabled in this House are as complete as possible. I will certainly be taking up the Chief Minister's criticisms myself with the Aboriginal Sacred Sites Authority.

I cannot comment now on the justification of the Chief Minister's comments but it does appear that, in some areas, there could be some justification. However, I must say that it is probably a little unreasonable to expect the Aboriginal Sacred Sites Authority to comment in black and white in its report on this dispute that exists between itself and the Central Land Council. I am very familiar with the problem that exists between the authority and the Central Land Council and I can perhaps also advise the Chief Minister that, at the current time, there seems to be a slight problem between the authority and the Northern Land Council.

I do not think that there has been another member of this House who has commented to the extent that I have on the problems that necessarily arise when new bodies form. I am on record on quite a number of occasions as raising these points. I personally am a very strong advocate of the permit system. I have said to the land councils on many occasions that - and I do not hesitate to support the remarks of the Chief Minister on this occasion by saying it again - the permit system is valuable for protecting small Aboriginal communities from great influxes of people of other communities, but it cannot survive unless it is implemented and carried out efficiently by the land councils. In the past, there have been examples - and this is not a condemnation of the

land councils - where it has not been carried out as efficiently as it could have been and that just places unnecessary pressure on the system itself.

It is perfectly unreasonable for the kind of confusion that the Chief Minister outlines to continue. If it is correct that mining companies are going to one authority concerned with sacred sites and are then being given the classic bureaucratic run around, it has to be ironed out and stopped. It is reasonable to expect consistency. The one thing that mining companies want above everything else is some degree of consistency. I might say that that is one of the principal problems they are having with the Minister for Mines and Energy in his royalty bill.

I will certainly take up the points that the Chief Minister has raised. I say again that I think it is a little unreasonable, considering the delicacy of those particular matters and the fact that the Central Land Council is an Aboriginal organisation, to expect to see details of that kind of disagreement in a report from the authority. But certainly some of the other matters that the Chief Minister touched on probably could be improved.

I would like to conclude by saying that I have given some degree of personal attention to the problems of the authority. I wish to say here that I wholeheartedly support the remarks that the Chief Minister made this morning about the reasons for the funding problems that the authority is having. When the problem first came up, I investigated the matter. I think the Northern Territory government is totally justified in taking the action that it is taking. It is absolutely not on for the federal government to hand over control of the Aboriginal Sacred Sites Authority without advancing one extra cent in funding, which is precisely what happened. I would also urge, as the Chief Minister is urging, the federal Minister for Aboriginal Affairs to fix that matter up.

It is a statutory authority which in no way can ever contribute directly to the Northern Territory's finances. There is no way that the authority can produce revenue. It will also always be a cost, and a very necessary cost, to the Northern Territory government. It is reasonable, having handed it over, for the federal government to provide the necessary funding to increase its staff and improve the work it is doing. It has been placed under considerable strain. I must say it has been imaginative and progressive in successfully getting finance from mining companies. I think that is an appropriate thing to do. The land councils have done that before. It is nothing very new. Mining companies have cooperated. If they want sacred sites to be found and marked so that they are not interfered with, they provide the money for the survey. I do not think that is an unreasonable demand. The mining companies do not appear to think so either because they have in the past provided that kind of financial assistance.

It is an unreasonable demand on the Northern Territory government to make the substantial increases in funding that the Aboriginal Sacred Sites Authority needs unless there is a change in the attitude that the federal government is adopting in not advancing any extra funds for this authority.

In conclusion, I want to say that, because of the problems

outlined in the report itself and the comments of the Chief Minister, the authority has in fact made commendable efforts to carry on and be productive and to field staff to have sacred sites registered. In consideration of the difficulties it has had, I hope that the federal government will relax its purse strings a little and provide that money. I certainly hope that, in the next 12 months, the Aboriginal Sacred Sites Authority will be productive.

On a recent visit to Alice Springs, I discussed with the Central Land Council the precise matter the Chief Minister is talking about. I would be anxious to see that any confusion that does exist in the roles that are to be played by the various authorities that are concerned with exploration and mining be resolved urgently.

Motion agreed to.

PUBLIC SERVICE COMMISSIONER - ANNUAL REPORT 1980-81

Mr EVERINGHAM (Chief Minister): I table the report of the Public Service Commissioner for the Northern Territory for the period 1 July 1980 to 30 June 1981 and move that the report be noted.

Under section 16(1) of the Public Service Act, the Public Service Commissioner is required to prepare and furnish to the responsible minister for presentation to the Assembly each year a report on the condition and efficiency of the public service and on his activities during the preceding financial year. The commissioner is required to set out any changes which have been made in that period and any further measures which he considers are necessary for improving the workings of the public service. The period covered by the report is 1 July 1980 to 30 June 1981. The Public Service Commissioner during most of this period was Norm Campbell - from the 1 July to 13 February. Mr David Hawkes was acting commissioner for the period 14 February to 11 May and Mr Ken Pope was appointed commissioner from 11 May onwards.

The report is a comprehensive view of the year which was marked by the consolidation of many personnel, management and industrial relations activities. New initiatives were developed in these areas but, generally, no major changes in functions or procedures took place. An account is given to the administrative arrangements which were prescribed and of senior appointments made to the public service. Attention is drawn in the report to the wide range of activities dealt with by the Public Service Commissioner's office. The work of the Operations Division, covering personnel and industrial relations, consultancy services and management review, and the Development Division, covering policy and research and staff development, are reviewed in detail. The activities of the Public Service Consultative Council, the Audit Bureau and the Promotions Appeals Board are also dealt with.

It is impossible to review the draft report in detail but highlights of its contents are: the emphasis for the future upon the need to develop techniques which not only provide support for the government in policy development and analysis but also provide more effective use of manpower and financial resources; the need to seek performance indicators which can be used on a service-wide

basis as a measure of efficiency; the agreement reached with staff organisations on the introduction of the conditions of service package relating to the Northern Territory working environment; special attention paid to the development of good practice in the sensitive areas of equal opportunity, sexual harassment and Aboriginal employment; and the significant contributions made by internal audit operations to improve management practices in client departments.

In addition, various appendices are included with the report to represent the organisation of the office and the statistics which relate to the service as a whole. In this latter context, it is of interest to note that there continued to be a high rate of turnover in certain groups of staff within the public service whilst others became more stable. Groups of employees with high turnover rates include keyboard operators, sisters, nurses, medical staff and tradesmen. The corresponding rates for others were 26% turnover in administrative staff against anywhere between 35% and 97% in that other group. The executive level turnover was 8%.

Motion agreed to.

JURIES AMENDMENT BILL
(Serial 138)

Bill presented and read a first time.

Mrs LAWRIE (Nightcliff): Mr Speaker, I move that the bill be now read a second time.

I have been pleased to note the Attorney-General's remarks in support of the jury system and his concern that the weighing of evidence and judgment by one's peers be facilitated by ensuring that as many people as possible are eligible for jury service. I share his concern that as few groups of people as possible be automatically exempt. Nevertheless, I believe that it is reasonable to provide permanent exemption for 2 groups of people to whom jury service may presently be an imposition or, as is specified in schedule 7 of the principal act, 'by their necessity to ask for exemption at the revision of a jury list'. The people I refer to are aged persons or those with a handicap which renders them unable to discharge the duties of a juror.

Schedule 7 provides that a person who is blind, deaf or dumb or otherwise incapacitated by disease or infirmity as to be unable to discharge the duties of a juror or a person over the age of 65 years, at the revision of a jury list in pursuance of this act may claim exemption. What I ask the Assembly to accept is that the persons in that category may claim permanent exemption. Members will note that, under my proposed section 11AA, permanent exemption may be claimed by a person who is over the age of 65 years or blind, deaf, dumb or otherwise incapacitated by disease or infirmity from discharging the duties of a juror and whose blindness, deafness, dumbness or other incapacitation by disease or infirmity is of such a degree and a permanent nature that the person will not in the foreseeable future be able to discharge the duties of a juror.

Those 2 categories of persons may make an application to the

Master to be granted a permanent exemption. The Master may, by notice in writing, determine the application under proposed subsection (1) where he is satisfied as to the validity of the application by granting a permanent exemption or in any other case by refusing to grant the exemption.

Where the permanent exemption is granted, it may be granted unconditionally or subject to such conditions as the Master thinks fit. There is also provision for revocation of that permanent exemption. A person may make an application to the Master to have that permanent exemption revoked. The Master may determine it, where it was on the grounds of age, by revoking it or, where it was on the grounds of incapacity, by revoking it when he is satisfied that the applicant is no longer blind, deaf, dumb or otherwise physically disabled in such a way that would interfere with his ability to discharge the duties of a juror. The Master may grant the revocation unconditionally or on such conditions as he thinks fit.

This matter was brought to my attention by constituents who have been adversely affected by the fact that they can no longer claim the permanent exemption that was provided for in the old Juries Act. Although I know hard cases make bad law, I will give an example of the kind of person to whom I see such an exemption applying. One of my constituents is 85 years old. He has a 75-year-old wife who is totally dependent upon his care. She suffers from emphysema and is on oxygen which he administers. The man is almost totally deaf. It would be incredible for him to be accepted for admittance to a jury. Even having to go and apply for exemption at the time of the call would be an unreasonable imposition upon him.

If accepted by this Assembly, these provisions will not unduly restrict people eligible for jury service. I share the Attorney-General's concern that eligibility be as wide as possible. I commend the bill to honourable members.

Debate adjourned.

MOTOR VEHICLES AMENDMENT BILL
(Serial 156)

Bill presented and read a first time.

Mrs LAWRIE (Nightcliff): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, under section 7(2) of the act, the registrar may appoint persons to be inspectors for the purposes of the act. Members will be aware that a number of motor mechanics at motor service stations have been appointed as inspectors and they are empowered to do the necessary inspections to allow the renewal of a registration. Under section 107(2) of the Motor Vehicles Act, a person may drive an unregistered vehicle to the office of the registrar for the purposes of such an inspection and registration but no provision presently exists to allow the driving of an unregistered vehicle to an authorised inspector for the same purpose. The authorised inspector may be at a service station and not at the registrar's office. My bill seeks to remedy this anomaly.

Section 107(2)(b) of the principal act deals with offences and states that people shall not drive unregistered motor vehicles on a public street. It then says in paragraph (b) that the section shall not apply 'to a motor vehicle being driven to the office of the registrar for the purposes of being registered'.

My bill will repeal section 107(2)(b). Section 107 is amended by substituting the following: '(b) a motor vehicle being driven, by the shortest practicable route, to - (i) the office of the registrar for the purposes of being registered; or (ii) a motor service station, at which there is an inspector, for the purposes of being inspected for the purposes of schedule 4 ...'. Shedule 4 relates to registration.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

JABIRU TOWN DEVELOPMENT AMENDMENT BILL
(Serial 177)

Bill presented and read a first time.

Mr SMITH (Millner): Mr Speaker, I move that the bill be now read a second time.

This bill proposes to allow the people of Jabiru a say in the administration of local government matters in their town. The Jabiru Town Development Authority Report for 1980-81 states that, by mid-1982, there will be about 1500 people in the town. Not all of them are of voting age, of course, but the population is now large enough and stable enough for some form of local government, a fact acknowledged by the Chief Minister in March 1981. A change from the present system is obviously desirable.

Most town development authorities, whether they be mining companies or government, find it difficult to be accessible to the people. This authority has proved to be no exception. The residents' opinion of the current situation is pointed out in the local newspaper, the Jabiru Rag, in edition 14. The editorial stated:

> *It has been pointed out in the Rag several times that we, the local residents, are always the last ones to be consulted about decisions that vitally affect our lives. What is even worse is the fact that we are also the last ones to know what decisions have been made.*

This attitude is not surprising when you consider the authority meets in Darwin during working hours. The provision of elected representatives to the authority will go some way to removing the current feeling of alienation towards the local government authority in the town.

This bill does not propose full self-government. It recognises that the town is different and, at this stage in its development, it is important that the local government authority contain representatives from the Territory government and the mining companies. What it does propose is equal recognition on the body from the 3 main interests: the government, the mining companies

and the residents of Jabiru.

Turning to the bill, clause 3 provides a definition of 'elected member'. Clause 4 amends the composition of the authority to provide for 3 elected members in a body of up to 9 members with a chairman. Clause 5 provides for the minister to appoint to the authority persons elected under the provisions of this bill and outlines the conditions under which elected members will hold their appointment. Clause 6 provides for elections to be conducted by the Chief Electoral Officer under the terms of the Local Government Act with the discretion to declare via the Gazette that specified provisions of the Local Government Act need not apply. This flexibility has been given to the Chief Electoral Officer in case he finds that some provisions of the Local Government Act concerning elections are not fully applicable. Clause 7 makes it clear that elected representatives will not be permitted deputy representatives. Clause 8 provides for the termination of the appointment of elected members on the same grounds as other members of the authority, other than the chairman. Clause 9 provides for written notice of meetings. Clause 10 provides for alteration of the quorum provision to include 1 elected representative.

Mr Speaker, in developing this bill, a number of alternatives were suggested but, after discussion with many residents of Jabiru, I believe that this bill is the best first step towards the ultimate aim of full self-government for Jabiru. I commend the bill to honourable members.

Debate adjourned.

MOTION
United Nations Universal Declaration of Human Rights - 10 December 1948

Mrs LAWRIE (Nightcliff): Mr Speaker, I move that this Assembly affirm its support for the Universal Declaration of Human Rights which was adopted and proclaimed by a United Nations' General Assembly resolution on 10 December 1948.

Australia voted in favour of the ratification of this declaration of human rights in 1948. Thirty-three years ago, a majority of the peoples represented in the United Nations - peoples of all colours, all creeds, all backgrounds, capitalist, socialist, rural and industrialised - recognised by this declaration the innate dignity of man. The first paragraph in the preamble is as follows:

> *Whereas recognition of the inherent dignity and of the equal and the unalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.*

This beautiful document should be required reading for all people. Although over 30-years old, it is as relevant today as when proclaimed in 1948. Perhaps all legislators should read the declaration from time to time, to ensure they work for the peace, order, freedom and goodwill of those who elect them.

In studying the articles of this document one by one, it becomes apparent that some political systems, even in Australia, could benefit from a restatement of the philosophy enshrined in the document. For example, article 20 states: 'Everyone has the right to freedom of peaceful assembly and association'. Mr Speaker, I think that our colleagues in Queensland could benefit from reading that section of the declaration of human rights.

But closer to home, as a member of the Northern Territory Legislative Assembly, I take this opportunity to commend to my colleagues Article 16 in particular:

> *1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to the marriage, during marriage and at its dissolution.*
>
> *2. Marriage shall be entered into only with the free and full consent of the intending spouse.*
>
> *3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.*

Fortunately for Australians, this article seems to be the real basis of our Marriage Act. Marriage, according to law in Australia, is a union voluntarily entered into for life by a man and a woman.

One group of Australian citizens who presently seem to be denied this declared right under law are some of the tribal Aboriginal women of Australia - some, but not all. I refer, of course, to the system of promised brides or child brides. The custom by which young girls or infants are promised to others as wives still exists in some parts of the Northern Territory, South Australia and Western Australia. Under the guise of 'self-determination', various government agencies have of recent years decided on what is now the in-phrase: 'passive non-intervention'. Passive non-intervention is practised at the moment in the Northern Territory Department of Community Development. It is spoken of as the in-thing in a variety of circumstances, not only those involving child brides. There will be remarks in this place made at a later time regarding the problem of child abuse. Honourable members may find that passive non-intervention at government agency level has some relevance there. It has been seen in recent weeks that passive non-intervention is also in vogue when it comes to migrant settlement in the Northern Territory.

Mr Speaker, people pay lip service to self-determination for Aboriginal communities. I approve of self-determination but might I ask just what self-determination a young girl promised in infancy to another person has in these circumstances. I say she has none. I ask what assistance is being offered to young, full-blood Aboriginal girls in the way of advice as to their rights and their options to their self-determination. I say none, at least none to speak of.

I refer to the press release by the Chief Minister dated 9 February 1982. The Chief Minister said: 'The government has acted and will continue to act to protect Aboriginal women who complain to the police of physical attacks upon them'. He was commenting on claims by myself that the government was turning a

blind eye to the problems caused by the system of Aboriginal tribal marriages.

The honourable Chief Minister said with complete justification that Territory law does not tolerate vicious assault on anyone for any reason and, when such an incident comes to the notice of the police, they will take appropriate action. He did say that it was necessary for a complaint to be made to the police. We are all well aware of that. The problem is that there are many young, full-blood Aboriginal girls who do not know of this system of being able to complain to the police if there are police in the vicinity. They do not know that they are able to ask for protection through government agencies or through community advisers if there are community advisers in the vicinity. Might I say that there are people on the government payroll who oppose any moves for the emancipation of Aboriginal women.

Recent incidents in the Northern Territory have highlighted the problems facing Aboriginal women who dare to wish to choose their marriage partner. The first one was Marion Nelson who went bush for some time in the Central Australian region. I have noted with interest the comments of her father, Harold Nelson, relating to my intervention. He was fairly caustic in his comments. He felt that I believed that Aboriginal parents did not care about their children. That is wrong. I believe all parents care about their children to one degree or another. The care for children is not being shown to any demonstrable effect in some regions of the Northern Territory.

Regarding Marion Nelson, the point that I would like to make, having regard to her father's comments that he will allow her to marry the man of her choice,is that the position should not have arisen in the first place. A girl, when of marriageable age, has the right under law and by convention to choose a partner of her own choice.

When the Marion Nelson case came to prominence, I sent telegrams to a variety of people, including the Chief Minister. I sent a telegram to him because he is Attorney-General and has a particular responsibility in relation to the proper administration of law in the Northern Territory. He is minister responsible for police and has a particular responsibility to oversee the administration of the police force. He also has a liaison role with the federal Minister for Aboriginal Affairs. I was disappointed when I received his reply. He said he had referred the matter to his colleague, the Minister for Community Development, into whose area of responsibility the matter appears to fall. I have not yet had a reply from the Minister for Community Development regarding the reference from the Chief Minister. That did not seem to get us very far. I point out to the Chief Minister that I sent the telegram to him deliberately because he has those 3 areas of responsibility.

Amongst the recipients of my concern in this case was the member for Stuart. I sent him a telegram asking what, if anything, he was doing. This is what I received in reply:

I understand from the Chief Minister you have already been in contact with him on this matter. You have received a response from him which,

as far as I am concerned, is satisfactory. In any event, it seems you are labouring, intentionally or otherwise, under a misapprehension of the intentions of the police in relation to this young girl. I understand you have received certain advice and assurances from the Police Commissioner and I am surprised you do not accept them.

That was a most incredible reply from the member for Stuart. I think it is only fair I let the Assembly know my reply to him. I wrote:

I am disgusted at the tenor of your telegram received in reply to my query regarding any action you might be taking concerning the future of this child. You, Mr Vale, are the Legislative Assembly member for the area, not the Chief Minister and not the Police Commissioner. The response I received from the Chief Minister is a matter between him and I. Communications between myself and the Police Commissioner are entirely satisfactory and you have absolutely no basis for your absurd statement regarding my acceptance or otherwise. I regard your lack of response in the matter as a deliberate attempt to try and avoid making any statement as to where you, as the local member, stand in respect of any assistance the child may need or indeed her family may have needed.

Mr Speaker, might I say that the Police Commissioner was prompt, courteous and extremely helpful in response to the representations that I made to him. I have no quarrel with any of the actions he took and certainly not with his immediate contact with me to lighten my concern.

The publicity surrounding this case had a strange effect. Full-blood Aboriginal girls and women heard that at least one politician was interested in them as people and recognised that they had rights. They have the same claim to protection under law as their white sisters. The first evidence I had of this message getting through to Aboriginal communities was a contact with an Aboriginal girl of the Gurindji tribe. Her name is Lorna. She has asked to be referred to by that name. This girl rang me from Pine Creek asking for assistance in getting to Darwin because she was literally in fear of her life. I arranged such assistance. She stayed with me and seemed at that time unwilling to go anywhere else. I asked how she had heard of me. She said: 'I read what you said in the paper. I am so happy to know that you will give me some help and I have come to you for that help'.

The full-blood Gurindji girl was educated in Alice Springs at the Aboriginal college until she was 12 years old. She thoroughly enjoyed her education. She was returned to her tribal area where she was told that she was promised to a much older man. That was the first she knew about it. She resisted any effort to make her cohabit with this man and ran away 10 times. Each time she was caught, brought back and chastised for having defied authority. In the end, she was severely beaten. At no time did she acknowledge her wish to be the wife of this man who is now 65 and already had a wife of approximately his own age. Because of her intransigence, he was given yet another wife who is 12 years old. Lorna, I might add, is very sorry for the 12 year old, but she is very happy to have escaped herself.

This beating occurred just prior to Christmas last year and it

was of such severity that a sister was called to assess her injuries. Both the nursing sister and the police, to their credit, arranged her evacuation to Katherine Hospital where she underwent treatment for some time. Upon her release - she was determined not to return to her tribal area for a further beating - she found that her promised husband had arrived in Katherine with a couple of other tribal elders to reclaim her. Showing quite some courage, the girl jumped on a bus and got to Tennant Creek where she stayed with friends until, as she put it, things cooled down a bit. Apparently this is not an unusual experience. She waited for a while and heard they were on the way to Tennant Creek so, with a skin relative, she got a ride back to Pine Creek further north and felt relatively safe. There she stayed with friends.

Unhappily, she was pursued to Pine Creek by her promised husband and the 2 elders. They tried to physically abduct her and put her in a Toyota vehicle. The girl escaped, ran to the home where she had been sheltering and locked herself in the toilet. Meanwhile, occupants of the home sent for the Pine Creek police who came and told the 3 men in no uncertain terms of the rights in law of the girl and that she could not be forced - by this time she was 19 - to return against her will to be the tribal wife of this man. It was at that stage she decided there was not much security for her in Pine Creek either and she had better get to Darwin as fast as she could. Someone arranged for her to contact me.

That, in a nutshell, is Lorna's story. In Darwin she has found a job. She has somewhere to live. She is happy, but I have no doubt she will miss her homeland considerably.

A point seems to be missed in the public debate which has ensued over this case. Some people seem to think that I am aiding and abetting all those young girls leaving their tribal homelands to seek security in Darwin. I regard it as tragic that those girls should have to go to those lengths. I recognise their right to be on their own tribal area, but I also recognise their right to exist there with safety.

When Lorna came to see me, she asked to be able to tell the press her story. I asked her why. I said: 'Aren't you frightened?' She said: 'There is nothing much more that can happen to me. They are after me anyway, but I want to help the rest of my friends who are not as lucky as I am and have not been able to get away'. She spoke to members of the press without any prompting from me. I was present because she asked me to be present. The girl was still fearful.

Mr Speaker, it has been said that we are unduly interfering in tribal customary law by upholding the rights of these girls to their own free choice of marriage partner or lifestyle. It was not customary law surely to chase her around the country in a four-wheel-drive Toyota. That does not seem to me to be particularly traditional.

The calls for these girls are coming straight from them. Since Lorna has made her case public, I have received phone calls and letters from full-blood Aboriginal girls asking me to pursue this matter on their behalf. Some of the letters are incredibly sad because of their insistence that I let no one know that they wrote to me. I have the letters here.

What it means is that, when the people from the Law Reform Commission next come to Darwin - and I have been speaking to them about it - seeking further consultations on this question of customary law, which is a reference they have specifically, I will try to arrange for them to speak to the full-blood girls who are affected by the application of the customary law. It has been apparent that the Law Reform Commission has been speaking to articulate people and advisers, but it is not so apparent that it has been able to speak to the girls whom the law affects.

Mr Speaker, article 5 of this convention states that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Lorna has stated unequivocally in the presence of many witnesses that the punishment for continually disobeying this tribal law regarding promised marriage is rape by the tribe. In the investigations which I have been able to pursue without causing too many problems for any people affected, it is clear that this is not the custom right throughout the Territory.

Mr Steele: I've never heard of it.

Mrs LAWRIE: If the honourable member has never heard of it, he obviously has not been out and about much. From what the full-blood girls are telling me, it is on the increase not the decline.

I am interested to know if the government agencies have received the same complaints as I have. If they have not, I wonder if they are not seen by the girls to be sympathetic to their cause. That is what has been put to me: the government advisers in these specific areas defer to the tribal elders the whole time for the sake of peace. The girls are not considered.

Mr Speaker, I am more than happy to meet with senior officers of the Department of Community Development, or any other person whom the Chief Minister or his colleague, the Minister for Community Development, may consider worthy, to specify the particular areas, but I will have to be very sure that they will not betray the trust placed in me by the girls who at present are not receiving the protection to which they are entitled.

It is interesting that, in 1972, the question was raised. That was in the days of the Legislative Council. A debate took place between myself, Mr Giese, who was an official member, and an elected member, Mr Rupert Kentish. I would like to read a statement made by Mr Kentish who was then representing the area presently covered by the Leader of the Opposition. It was made on Wednesday 21 June 1972:

> *There is just a point too about the child bride situation which I would like to mention to the member for Nightcliff. I was at a conference at Goulburn Island about 2½ years ago where representatives from village councils, from missions and settlements all through the Top End met. The member for Nightcliff would be interested to know that, of their own volition, they passed a motion that child marriage with the promising of young girls in their infancy should be discontinued. That would be in the minutes of the conference. The people themselves had progressed to the point where they recognised the undesirability of this situation.*

I have had communication from some communities in the Top End assuring me that they too believe this custom should be done away with. It has been put to me that the entire fabric of Aboriginal society depends upon the custom being continued. Well, if that is so, I wonder how the Tiwi people are surviving with such excellence. It is certainly not prevalent now in their culture. I wonder how other coastal Top End communities are now surviving so well and within their own culture - Top End communities which have abandoned this practice. It rather destroys the validity of the argument that it is necessary to have the promising of girls and the giving of them in their infancy otherwise the Aboriginal society would disintergrate.

Mr Speaker, there certainly appears at present to be a deliberate attempt on the part of some Europeans to stop any emancipation and to stop any information getting through to Aboriginal women. No culture is static. Aboriginal people themselves recognise that. I cannot understand the reasoning of people who say that Aboriginal culture itself has to remain untouched by any other and, in the name of self-determination, no assistance will be given to young people who seek the protection of our law.

If some Aboriginal communities can survive well and happily without this custom, why must we consider it such an integral part of their society. I have read and reread the Chief Minister's statement on the issue. I put to him that simple acknowledgement of the fact that the police will act upon the complaint is not sufficient for the protection of young girls who are presently trying to buck the system. Certainly, consultation with tribal elders and people of importance within the tribal groups is needed. It has been stated to me that the elders are using the punishment of rape because they are no longer allowed to use the punishment of death. I suppose that could be considered an advance, but I still think that, under this convention, tribal punishment cannot be 'unreasonable, cruel, inhuman or degrading'. As I said, no culture is static. The Chinese used to bind the feet of their women. Some Indians used to throw the widow on the funeral pyre and burn her alive. Those practices have gone. We used to have children and ponies in the mines. Our entry into Australia and our brutal treatment of Aboriginal people was uncivilised and barbaric but we are evolving the same as every other society. We are insisting on reasonable procedures to deal with any problem which emerges.

I have based my case for extra attention to the plight of some Aboriginal young girls on the Universal Declaration of Human Rights. It was not simply accepted by white Anglo-Saxon, middle-class Europeans. It was accepted by the United Nations which has as its members a majority of people who are not white. They do not find difficulty in propounding these statements of equality, freedom and safety from acts which are considered barbarous or abhorrent. Black people and Asian people are the ones who voted for it and I reject the attempts in the Northern Territory to portray any assistance to those girls as simply a white, bourgeois interference.

Mr Speaker, later I will be referring to the convention, which we are seeking to ratify, on the elimination of all forms of discrimination against women. That deals specifically with this problem. The United Nations has recognised that these inequalities still occur, that they should not be tolerated and recommends

intervention and action for the protection of women in all societies. It was passed by a majority of people who are not white.

Mr BELL (MacDonnell): Mr Speaker, I rise with some reluctance to address this particular motion because I feel as though I am in a somewhat awkward position. I feel as though, if I do not get up and speak on it, I will put myself up as some sort of Aunt Sally. I feel that, if I do not get up and speak to it, I might be accused of being one of the conspirators of silence that the member for Nightcliff referred to. She at least had those remarks attributed to her in the report in the news when one of those particular instances that she referred to in the debate this morning occurred.

In that particular statement, members may remember that the member for Nightcliff in fact said that the community of Yuendumu was in the electorate of MacDonnell. Of course, Yuendumu, the birth place of Marion Nelson, her parents and all her family, is in the electorate of Stuart. It was with some degree of paranoia that I read that report.

There was one element of that particular case that the member did not make clear to the House: Marion Nelson's wishes in this regard have prevailed.

Mrs Lawrie: I did say that.

Mr BELL: Well, the member for Nightcliff may very well have said it. If she did say it, it did not come across very clearly. I mention that again because I believe that is fairly important in understanding the gambits that have been played in these reports of negotiations. I believe that the publicity and the appeals that have surrounded it are part of the negotiations involved in the exchange of marriage partners in this case. I think that it is in this context that cases of this sort have to be viewed. I think they have to be viewed in a culture-bound context. I think that marriage in our society revolves around the romantic notion of the man possessing free will, the woman possessing free will and the 2 coming together in the perfect union. This romantic notion has only relatively recently come to hold sway in our culture.

Mr B. Collins: It happened to me.

Mr BELL: The honourable Leader of the Opposition obviously has been as lucky or as unlucky as any of us.

We will get down to specifics if the member for Nightcliff will bear with us. I think that the central mistake that is being made here is that the institution of marriage and the method of choosing marriage partners are not being seen in their cultural context. I am not saying that that sort of thing will lead to what the member referred to as tearing down the entire fabric of Aboriginal culture. I do not believe that it will have that sort of effect at all.

However, I cannot help feeling that it is considering one particular element of Aboriginal culture, Aboriginal views of the world, to the exclusion of many others. We know through the work of Mr Justice Kirby and the Law Reform Commission on recognition

of customary law that there are many areas where values held by Aboriginal people differ from those held by white Australians and, accordingly, they have to be recognised or not recognised in law in different ways.

I will not be calling the honourable Leader of the House an expatriate; I can assure him of that. But it is phrases like that that imply the sort of conflict and differences that have to be considered in many areas. This sort of publicity is something that the press loves of course. It has all the elements of romance and passion that help to sell newspapers. But romance and passion do not necessarily lead to objectivity, and I believe that the matters that the member has raised have to be viewed in a wider context.

Let me give another example where traditional marriages have not worked and have caused considerable discomfort to people. I cannot mention names but in fact the marriage did not go according to traditional patterns. That resulted is disaffection on the part of the person to whom the particular girl was promised. It caused considerable dislocation in the community in which it happened. That sort of thing is not newsworthy, but I suggest that sort of dislocation is just as important as some of the more spectacular aspects of those cases that have hit the newspapers.

I believe, also, that highlighting the incidents where there have been disagreements between the young women involved and their families, and the people to whom they have been promised, tends to ignore the cases in which young women have been able to make the system work for their own benefit so that they can marry their chosen partner. In order to understand what is going on, in terms of promised marriages, the system has to be viewed in terms of many cases, not just a few spectacular ones.

I suppose at the bottom of it my deepest concern is that very often Aboriginal people have been the subject of paternalistic attitudes on the part of white Australians and they have suffered in all sorts of ways because white Australians behaved that way towards them.

I believe the central thing we have to keep in our minds is that the parents of these kids have cared for them for years - from birth onwards. Their feelings cannot just be cast aside because something happens to offend us at some particular point. I think that the issue of promised marriage has to be looked at in a much wider context. The parents of those particular girls are obviously not going to let their children be subject to something they see as damaging to their interests. I think it is somewhat paternalistic to entirely ignore the parents' feelings. I am not saying that it is not complicated. I am not saying that some of the results of promised marriages not being fulfilled are right. I think it is one of those things where you have to be a little agnostic and say, 'Look, I don't think that there is a clear yes-or-no answer', as we do of things in all areas of human life. Certainly, in many areas of culture contact between 2 cultures as vastly different as a European culture and an Aboriginal culture, this must occur.

While on that theme, I think it worth pointing out - I think the honourable member made this point during her speech - that customs do vary from place to place. Amongst the Pitjantjatjara

who are in my electorate, the system of promised marriages, child brides or however you choose to term it, was not an aspect of traditional life. In fact, the age of marriage of Pitjantjatjara women has decreased since the time of contact. Traditionally they tended to marry about 22 to 24 years of age whereas now they marry at a much younger age. The boot is on the other foot in this particular case because I cannot help feeling that the very impact of this romantic notion of knowledge makes it considerably harder for some of those kids to make a go of marriage because traditional patterns have been broken down or altered. I think that that has to be taken into consideration. Traditional marriages have broken down in the other direction and we have misgivings in that way. Passive non-intervention will leave the law open to ignoring cases that we should not ignore. That is obviously too lax an attitude. However, individual cases have to be looked at in their own terms and the attitude of communities may vary from one to the other.

If there are ground rules that we can lay down, while having regard to the whole context of Aboriginal Australia, one that would be a big challenge for self-government in the Northern Territory is to take into consideration the aspirations of different Aboriginal people of different ages and the aspirations of different communities in different stages of change.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, like the member for MacDonnell, I also enter this debate with some reluctance but I do so only because I feel that I have some sort of obligation to the Aboriginal people who comprise some 48% of my electorate. One of the women to whose defence the honourable member for Nightcliff has jumped with such alacrity comes from Dagaragu in my electorate. Her circumstances are well known to me. In fact, this young lady was brought to my home by her protector - and I say 'protector' with tongue in cheek - before she was taken to the home of the honourable member for Nightcliff. However, I can verify that the story of her ill-treatment by her brutal husband is substantially true. It is also correct to say that the same kind of unfortunate treatment happens to equally unfortunate women in European communities. I condemn such behaviour.

The other young woman who has also been the subject of considerable attention by the media is unknown to me. I do, however, know her father quite well. Harry Nelson is an intelligent person and he is highly regarded in both European and Aboriginal society. He is articulate and vocal and I imagine he has provided something of a setback to the cause which has been espoused by the member for Nightcliff as the protector of badly-treated and reluctant Aboriginal promised brides. Harry Nelson has defused to a great extent some of the emotive statements attributed to the member by the media by stating quite clearly that his daughter will not be forced to return to the husband to whom she has been promised through Aboriginal traditional law, a law in existence for some 40,000 years, and inferring that the member was a sticky-beaking, white politician trying to catch votes through sensationalist statements to the press on matters of which she was totally ignorant, or words to that effect.

Allowing for the fact that Harry was an irate father in making a statement such as this, he was probably as ill-informed about the member for Nightcliff as she appears to be ill-informed about

Aboriginal traditional law. I do not believe that the member for Nightcliff made sensationalist statements in the media to catch votes. I know of no member on either side of this House who has shown so consistently qualities of compassion and humanitarianism so sadly lacking in many other members during the 5 years that I have been sitting in the House. I cannot believe that she has tried to catch votes by speaking on such a highly contentious issue. I believe that she has spoken simply because, of all things, she is a humanitarian and is truly concerned about people. I believe that people are really what politics is all about.

Despite her admirable qualities, I feel that, in this particular crusade she has undertaken, she has let her heart rule her head. I have not discussed personally with her the reasons why she has come out so strongly regarding the Aboriginal cultural tradition of promised brides. But from her speech this morning, the reason is fairly obvious. In her zeal to ensure that every single aspect of discrimination against women is eliminated, which is praiseworthy, she has imagined or inferred, according to press reports, that all promised brides are reluctant to go to the man to whom they have been promised and that the husband then has the right to abuse his bride in any manner that takes his fancy. Such a premise it totally wrong.

Reluctant brides and ill-treated wives in traditional Aboriginal society are the exception rather than the rule and the incidence of wife bashing would be no higher in an Aboriginal situation than it is in a European situation. I will not attempt to go into much detail as to just why the promised bride system is absolutely essential for the survival, well-being and proliferation of the traditional Aboriginal group. I can, if necessary, produce some evidence that I do have knowledge of Aboriginal culture. Members who doubt this need go no further than this Legislative Assembly library.

However, I will offer just one question which may give the honourable member for Nightcliff food for thought. I know that she is very much a thinking person. Consider a group of 50 people, isolated from other Aboriginal groups, living strictly within the confines of its own tribal boundaries for some thousands of years and yet showing no evidence at all of deformity either mental or physical through inbreeding. This would be a total impossibility unless the very strictest rules governing marriage were observed. In the relatively short period of European occupation of this continent, extremely isolated communities in places such as Tasmania and north Queensland have become well known for the number of mentally-retarded and physically-deformed human beings. This is quite rare amongst Aboriginal groups. In fact, it is almost non-existent.

In traditional Aboriginal society, there is no possibility of either woman or man marrying the partner of their choice unless it be purely by coincidence. Europeans are quick to condemn if they see an old man with a young wife and they say it is unjust and that the woman could not possibly have chosen such a man as a husband. They would probably be correct but, if they took time to look a little further, they would see young virile men with ancient hags for wives. No doubt they would not have married such women if

there had been an alternative. Considerations such as moieties, sections and totemic subsections and other factors must be adhered to strictly if the group is to remain intact. It may be an unfortunate fact from our point of view but, nevertheless, it is a fact and a basic fact for the survival and continuation of the living society that people, men and women, are unable to marry a partner of their own choice.

Mr Deputy Speaker, a definition of democracy which has always stuck in my mind is that democracy represents freedom of speech, freedom of thought, freedom of worship and freedom of action in so far as it is compatible with the requirements of society. Freedom to choose a marriage partner is not compatible with the requirements of Aboriginal society and this has been accepted as part of their culture for thousands of years before our particular culture existed.

Paragraph 3 of article 16, which the honourable member for Nightcliff circulated, calls for the family to be recognised as the fundamental group unit of society and says it is entitled to protection by society and the state. I know of no other race in this world where the family, indeed the extended family, is recognised as the fundamental group unit of society and is protected so fiercely by that society as it is in an Aboriginal society. Much of the reason for family recognition and society's obligation to protect it is evolved through the Aboriginal promised bride system.

Mr Deputy Speaker, a great deal of Aboriginal tradition and custom is dismissed or ignored by whites through ignorance and fear. The classic example in pioneering days is of an Aboriginal man or group being shot out of hand by whites because Aboriginals approached them carrying their spears with the sharpened end facing the intruders. That was naturally taken as a sign of aggression whereas, in reality, it was a traditional sign of peace. Try throwing a spear in Aboriginal fashion with the sharp end forward and you will jam the point through your hand. If they had meant business, the butt would have faced forward.

So the Aboriginals died through fear or ignorance of the whites and could not really be blamed for being ignorant or frightened. We can. We have had more than ample time to at least try to understand Aboriginal culture and traditions but few of us are really much interested anyway. Yet we constantly expect them to conform to our laws and traditions.

Another misconception is that Aboriginal women are forced to walk behind their menfolk carrying their kids and whatever else is to be carried. Actually, they do so from an ingrown tradition. For thousands of years, Aboriginal man has taken the lead unencumbered and carrying only his spears so that he is able to provide food for his family by spearing game that he may see and protect them from danger should he find enemies or some sort of trouble ahead of him. Yet Aboriginal man is condemned for this by whites, especially white females. Traditional Aboriginal women actually often become embarrassed if a man, and that includes a white man, insists on a woman walking beside him rather than behind him.

I commend the member for Nightcliff for her courageous stand

in trying to ensure a better life for Aboriginal women but she is looking at the situation through the eyes of a white woman living in a white society. She is not trying to see it in the perspective that Aboriginal people, and I include Aboriginal women, see the situation. Forming conclusions through talking with a few women who may have had a fairly rough time will never give her the insight that she needs if she honestly wants to improve the lot of Aboriginal women.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I understand that the Chief Minister is the only member of the government who will in fact respond to this particular debate so I will give him the opportunity of speaking after me.

I would just like to strike a novel note in this debate by referring initially to the motion that we are debating. The motion is that this Assembly affirms its support for the Universal Declaration of Human Rights which was adopted and proclaimed by the United Nations General Assembly Resolution on 10 December 1948. I would like to say that I support the motion. I feel that notice to the effect that the motion has been passed by this Assembly should be sent to the federal government, because indeed it is within the province of the federal government that this lies. Obviously this parliament has the power to use its influence, and certainly for the government to use its good offices, with the federal government in order to bring this about. I do want to place on record my support for the motion. I have in fact placed a series of questions on notice to the Attorney-General concerning this and other international conventions.

The member for Nightcliff raised article 16. It really is impossible not to support the International Declaration of Human Rights. To oppose it would be like opposing motherhood. I agree with the member for Nightcliff that the wording of the declaration constitutes not only a thing of great justice but also a thing of great beauty. I do not think that Shakespeare or the authors of the Bible could have put together a better form of words. It is a document that all members could well study. I will read the preamble again: 'Whereas recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'. Fortunately, the developed world is starting suddenly to realise that.

The subject of the majority of the debate at the Commonwealth Parliamentary Association Conference in Lusaka was on the north-south dialogue. That is something that was put forward by Willie Brandt. The basis of that kind of dialogue is that there will continue to be unrest as long as massive international poverty and injustice exists between nations. Where nations are impoverished, where people are dying through want of shelter and food, it is a world that has to be heading for trouble. Certainly, if the preamble of this International Declaration of Human Rights could be brought about tomorrow, it would solve a substantial amount of the tensions that exist between nations around the world. I believe that it should be given the complete support of this parliament.

I appreciated very much listening to the speech of the honourable member for Victoria River. Whilst I do not say that I agree with

everything that the honourable member said, I certainly agree with the majority of what he said. It reflects the kind of experience that I have had also.

The only kind of Aboriginal culture that I can speak of with any authority is in my own electorate where I have spent much of the last 16 years. I do not know very much at all about the people who live in the areas represented by the members for MacDonnell, Victoria River or Stuart. All I can say is that this problem of promised marriages is something that I have had a lot of experience with, some of it more personal than I care to think about really. In my own patch, the kinds of problems the honourable member for Nightcliff discussed fortunately do not exist.

As the member for Victoria River pointed out, Aboriginal custom and tradition did not just happen because a bunch of men decided it was a good thing to have it and it suited them to have it. When you study Aboriginal custom - and when I say 'study' it I mean live with it - it is fairly apparent without too much thought that most of it has developed along very sensible lines in order to develop a society which was able to cope with the way in which Aboriginal people lived.

The member for Victoria River has in fact dealt with a number of areas that I was going to speak on, so I will not deal with them again. But it is a fact that the promised bride system, along with a lot of other parts of Aboriginal culture, developed along very sound and sensible lines, as did the skin system, and not because old men were procuring young girls. I will put it so members will understand the position that the older Aboriginal people are in. If your son wanted to marry your daughter - his sister - that is something that I am sure every member of this House would feel extremely offended and upset by - a very genuine offence. It would be very hard for a person to do anything but express that offence. I would find it an extremely offensive thing personally. Aboriginal culture has developed and, in my electorate, there are 2 major moieties: Yirritja and Dhuwa. It is an offence, a serious offence, to marry someone in the same moiety group. That has developed for very sensible reasons, as the member for Victoria River outlined. Aboriginal people, particularly parents and older people, find such a marriage - and they happen regularly - as offensive as the kind of situation I have described in European terms. That is how Aboriginal people see it and it is no good pretending that they do not.

Fortunately, in the majority of the cases that I have been associated with in my electorate, the element of violence has not crept in. One of the things about Aboriginal society that I think is valuable, and it is something that we have substantially lost, is the feeling of family. We have substantially lost it.

One of the early experiences I had in Arnhem Land was listening to one of those old men who are talked about. This particular old man is still alive. He is a very old man now. He was talking to me about the Gunardba group that I was living with and about who was related to whom and who was married to whom. This fellow went back 10 generations. I was absolutely stupified by this. I would be hard put right now to go back in my own family more than one generation. I certainly would not be able to name the uncles,

cousins, aunts and so on in each branch. But this fellow could go back an extraordinary period of time. Nothing was written down; it was all in his head. The reason he could do it was that he was one of the people responsible for maintaining that very tradition in that group of people. Because of the systems that had been set up, he knew precisely the relationship that every person in that community had to everyone else. It was in fact an Aboriginal ordered society just like ours is an ordered society.

We order our society through parliament. Aboriginal society achieves the same order by this very system of relationships. Everyone knows where they are in relationship to everyone else. That in itself is something worth preserving where it can be preserved. But I would say categorically to the member for Nightcliff that there is no way that I would ever support any kind of physical force being used to force anyone, black or white, into a relationship or situation that he or she did not want to be forced into. Where those situations occur, then the protection of the law should be applied.

I want to pay some credit during this debate to a woman who was involved in this very area in my electorate for many years. Her name is Anita Campbell and she is currently the research assistant to Justice Toohey. She worked for the Welfare Branch as an anthropologist and, afterwards, for the Department of Aboriginal Affairs. When there were problems over promised marriages, particularly where violence was involved, and DAA or Welfare were called in, Anita Campbell was often the front runner who went out. She was a good anthropologist who understood and respected the culture that she was working with. She initiated discussions and negotiations between the Aboriginal people with a problem and she sorted it out from the point of view of the department.

There were many other committed, devoted officers. Many of them are still in the Territory. One of them is in the public gallery this afternoon. They tried to bring about the same thing and, in my own electorate, I can say that in every case they were successful.

There are 2 things which need to be achieved in Aboriginal society because of this importance of the family structure that we have largely lost in our culture. One is certainly physical protection but the other one that is equally important, as the member for Victoria River said, is the need to maintain the connections and relationships of the family. It is no good going in with the boots-and-all approach grabbing some girl and saying, 'Right, this is it', and that is the end of it. I am sure the member for Nightcliff would not be proposing that that be done. Protection is required, but negotiation is so necessary.

Again, in my electoriate, I have found that the thing that upsets people most is not so much that girls will not marry the persons whom they are supposed to marry. What really upset people is when they marry someone whom they are not supposed to marry. I am talking about the skin relationship. They marry someone who has the wrong relationship to them. We find that offensive in our culture; Aboriginal people find it equally offensive. It is just that their determination of relationship differs from ours, but it is just as meaningful and just as strong to them.

It was mentioned this morning that this system has broken down at Bathurst Island. I have some knowledge of the Tiwi people at Bathurst Island. The skin system there is just as well known and as strong as it always was. It is absolutely true that people are not forced into marriages unwillingly. Neither are they anywhere else in my electorate. But those relationships are still strongly understood. In fact, the Tiwi people have a skin relationship quite different from the people in Arnhem Land. As I was saying to one of my colleagues today, someone said to me on one occasion, having seen me with my wife, that he felt that she was probably promised to me at birth, otherwise she would not have married me. I can assure members that that is not true.

Mr Speaker, the system of relationship among the Tiwi people still exists, despite the casual observation that it may not. It is necessary that it does exist and that it is well understood to maintain the order that is so necessary for people to live together.

To conclude my contribution to this particular debate, I want to go on record as saying that under no circumstances would I - and I have in fact been involved in these situations - condone in any way any degree of physical violence or assault on anyone to force that person into marriage or anything else. People in those circumstances deserve the protection of the law.

I want to place this on record too. In respect of the police officer who made some comments on the ABC that upset the member for Nightcliff, I must say I honestly believe that the member for Nightcliff misinterpreted what that officer said. I have a particular interest in the subject, so when I was listening to this interview I listened to it very carefully indeed. The officer concerned made some very commendable remarks and there was nothing he said, as far as I was concerned, that was not correct. The interviewer asked the police officer concerned: 'What will happen to this girl when she is found?'. He said: 'What usually happens in those situations is that the girl goes back to her parents'. That is true; fortunately, that is what usually happens in these situations. He then went on to say that, in these matters, the courts often take into consideration the cultural background when sentencing the person concerned. He was not talking about the police; he was talking about the courts. The courts do take those things into consideration and I for one am glad they do. It is one of the values of our court system that magistrates and judges have this kind of discretion that they are able to apply to each individual case. I would certainly not want to see that situation change. I want it on record that I disagree with the interpretation that the member for Nightcliff placed on that particular interview.

The whole question of promised marriages is very important in Aboriginal society. It still happens. A few years ago in the township of Umbakumba in my electorate, some teachers decided to get themselves involved against specific instructions of the principal of the school. They took this girl. They hid her at the school during the day and took her to their individual homes at night. The principal wanted to quietly and carefully ensure that the girl was protected and, at the same time, that she was not totally ostracised by her family. The teachers decided to take a more

gung-ho approach. As a result, somebody was almost killed. Eventually,the chairman of the council had to go to the school and say to the principal: 'If your teachers continue to hide this girl at the school and continue to hide her in their homes, as chairman of this council,I cannot continue to guarantee their safety in this community. I beg you to stop it because I do not want any trouble here. We will sort it out'. They did sort it out.

There was the famous case of Nola, the girl who was fostered by a white family in Darwin. Mr Speaker, I was living at Cadell with the Gunardba people. This girl is a Gunardba. When she was brought back to Cadell to live, I read Womens Day and Womens Weekly and the papers, which carried stories that she was going to be raped. It was all there; she was going to be raped. This was going to happen to her and that was going to happen to her.

The girl is now married. I do not mean this to be taken simplistically. She is married to her promised husband who, in fact, is only 10 years older than her. They are a very happily married couple. They will be in Darwin shortly for the grand final because her husband happens to have been an outstanding Australian Rules footballer in his youth. They will be coming to town and I understand it is the intention of one of the Darwin newspapers to print a story showing what subsequently happened to that girl and compare it with the news headlines from that time.

There can be no broad brush applied to this subject; it is a delicate subject that needs to be handled carefully. It has to be handled on a case-by-case basis with the basic condition - which I stress again - that people who are in danger of physical assault receive the protection that the law provides.

Mr EVERINGHAM (Chief Minister): It may not be every day that the Leader of the Opposition and I agree, but I certainly agree almost entirely with the remarks that he has just made.

I too would like at the outset to say that this government, and my party, support the Universal Declaration of Human Rights. As a government, we have supported rather later manifestations of the concept. The recent ratification by Australia of the International Covenant on Civil and Political Rights gives some concrete form to the universal declaration, and the Territory actively participated in the negotiations leading to an agreed basis for ratification of the international covenant.

Currently, as I will explain later today, the Territory is actively pursuing an agreed basis for ratification of the United Nations Convention on the Elimination of all Forms of Discrimination against Women. However, the declaration itself inevitably is a loosely-drafted document. It is these later documents which the United Nations has built up on the fundamental document that will in fact be the means of implementation of the principles of the declaration.

I believe that the member for Nightcliff is taking an inherently superficial approach to the problem which she has addressed in the press over the last month or so and in the Assembly today. There is no doubt, and I think members opposite have indicated that, that

the practice loosely described as arranged tribal marriages is still quite prevalent throughout the Northern Territory. To believe that we can wipe it away or indeed would want to wipe it away with the stroke of a pen is rather too much. There is a great deal of material that I have that was furnished to me some time ago as a result of my concern about what appeared to be undue oppression. Some of it is worth reading even though we have had very good expositions by the Leader of the Opposition and the member for Victoria River.

The problem exists at 2 levels, the first is empirical and the other is moral. At the first level, it is necessary to strip away the emotional overtones and examine the sociological reality of an Aboriginal marriage. At the second level, there is a need to look at these facts within a moral context and specifically to try to identify where government responsibility may lie. This is by no means an easy task and the difficulties inherent in the exercise are of the same order as those facing the Law Reform Commission. There is no way that, where coercion or force is being employed, the government would not interfere to protect a person claiming to be oppressed. Where a situation exists by mutual consent - and by 'mutual consent' I mean the consent perhaps of more than 2 people - then I do not see room for government interference. It has long been a well-established principle of our way of democratic life that the government is very cautious; in fact, the government stays outside the bedroom door. The member for Nightcliff wants to rush right through that door and, in fact, batter it down.

An immediate problem is the difficulty of describing Aboriginal custom in terms which are not themselves emotive and culurally-loaded. Obvious examples include rape or slavery but even seemingly straightforward concepts like marriage or childhood are culturally defined and need suspension of our own meanings if they are to be properly understood in Aboriginal terms.

A further problem is that our knowledge about Aboriginal marriage customs, especially where they concern sexuality and women's feelings about their rights and obligations, is patchy. With some notable exceptions, such as the Berndts' work on Arnhem Land, few published works deal in anything more than a superficial way with the issues concerned in the present cases that the member for Nightcliff has highlighted. Circumstances have also changed and it is clear from recent works that Aboriginal people's own views about traditional practices are changing. Settlement life, education, exposure to the media and alcohol have all introduced complications into traditional behaviour patterns and ideals.

The traditional picture is somewhat like this. All human societies give recognition to systems of bonding between men and women in ways which may be analogous to the European concept of marriage, and Aboriginal society, of course, is no exception. If there is a universal thread behind this recognition, it is that all societies attempt to legitimise and lay down rules for certain unions which confer, in their terms, a socially legitimate status on the offspring of such unions. A universal concept of marriage probably cannot be put at a much higher level than that if it is to account for the wide range of unions to be found amongst human groups. The difficulty is that the forms such unions take,

the ideals and values they embrace and the social purposes they serve in addition to the basic purpose of legitimisation of children are broad and varied. It is not possible to take the forms, values and purposes of institutions of marriage in some societies and compare them easily to others. Each institution must be approached in its own cultural context if it is to be properly understood and this applies particularly to the values accompanying marriage and sexuality which are too often wrenched out of their context, as the honourable member for Nightcliff has done, for judgment within a different cultural and moral framework.

Aboriginal societies, as we have heard already, are rule-governed societies. These rules are backed by known and accepted sets of values. As Isaih Berlin pointed out, values do not exist on their own but they come in complex systems with the kind of structures that allow their components to interact and to be mutually supportive. If we are to make any statements, especially judgments - that is what the honourable member for Nightcliff has done; she has set herself up as a judge and jury about particular customs - we need to keep in mind that these customs and their underlying values do not exist in isolation.

A point should be added about choice. While it can be shown that traditional marriage is subject to rules which restrict choice and that Aboriginal values appear to emphasise group rather than individual interests, it would be a mistake to conclude that individual rights are not allowed for. I put it to you, Mr Speaker, that is it not perhaps our own society that is suffering because individual's rights are highlighted to the detriment of the rights of the community as a whole? That is the trend that the law has taken, especially the criminal law. Today the situation is no better, in objective terms, than we had many years ago.

Within the traditional framework of rules, there is also a flexibility which allows for exceptional circumstances. For example, the ideal bride will not always be available. Despite the fact that a marriage may often be an arrangement made by third parties, a husband and wife often develop deep personal affections for each other. Within a particular marriage there is often deep affection, love and respect. The traditional system does not make for a society of automatons blindly following the dictates of custom but also includes respect for individual rights and feelings and, more often than not, individuals set on a course of action in their own interests can bring about a desired situation within the framework of traditional rules. Even where the rules have not been formally followed, the parties may get a sympathetic hearing for their case.

To sum up the implications of these comments for the present cases, it can be said that betrothal is a standard procedure in traditional Aboriginal marriage and is dependent upon the interests of, at the very least, the skin groups of the respective parties. The betrothal arrangements themselves are governed by other rules concerning eligibility and these are usually established when the arrangements are made and guided by the values associated with the institution of marriage. However, the traditional system is itself flexible and parties to a marriage contract can take action to promote their own interests.

A girl who has run away has typically taken one course of action

open to her and has thereby provided a kind of open and public affirmation of her own feelings. Her own kin will take her actions and feelings into account when she returns. Her obvious determination not to proceed with the marriage is very likely to result in the contract being abandoned or at the very least certain conditions being laid down about the circumstances of her marriage.

Aboriginal women in traditional society are likely to experience sexual relations and marry at a much younger age than their western counterparts. Aboriginal societies do not surround sex with the same kinds of restrictions and prohibitions in childhood as western societies do. Children may begin to experiment physically with members of the opposite sex at a very early age and this is usually not condemned by their parents and kin unless it involves breaches of incest regulations or, at a later age, partners who are socially in avoidance relationships.

The idea of child brides also needs to be seen in context. Australian-European values would be offended by the idea of marriage between an old man and a young pre-pubescent woman, especially because of its sexual connotation. Rohrlich-Leavitt and others probably oversimplify the position when they say:

> *The assumption that the pre-pubescent girls were sexually violated by dirty old men seems to reflect the widespread father-daughter incest fantasy amongst western men.*

Certainly, what is at issue is a deep-seated reaction stimulated by western sexual mores, but if the position is to be properly understood then it has to be recognised that these mores are based upon a whole set of attributes which we tend to take for granted, but which may not have counterparts in Aboriginal culture.

For example, Mr Speaker, we are conditioned to view childhood and children's rights in ways that are determined by our western traditions. It is clear that Aboriginal culture views childhood in a different way, as Hamilton makes obvious in her study of Aboriginal children at Maningrida. She notes:

> *Childhood is held to end before puberty for the Anbarra. The 11 to 16 year old, while not yet an adult, is certainly not a child either, and this is clearly recognised. Girls are expected to have sexual experience before their first menstruation, and there can be no such thing as carnal knowledge where girls are married at 11 years. European society seems to force its infants into childhood as soon as possible. By comparison, Anbarra infancy is prolonged and adulthood comes early.*

It is perfectly understandable that Australian-European traditions would lead to the view that forced marriage is repugnant to notions of individual freedom and that the practice of child brides is to be condemned as a violation of the values surrounding children. The lot of the young Aboriginal wife, or any Aboriginal woman for that matter, might also appear to western eyes as tantamount to slavery. But it is very questionable whether tradition-orientated people would take the same view.

Mr Speaker, we are never likely to know precisely how women

felt about their position in pre-European contact, Aboriginal societies. The well-known anthropologists, Ronald and Katherine Berndt have remarked that there is not enough information on the score of how many young women resent, even if not to the extent of active opposition, marrying men they have not chosen for themselves. Probably they are in a minority compared to circumstances where family-arranged unions are accepted as normal, offering a woman comparative economic and social security. Aboriginal culture has undergone critical changes as a result of contact with European-based systems and institutions.

Two kinds of change have direct bearing on the present issue. First, Aboriginal people themselves have been exposed to a different set of values which in many instances runs completely counter to indigenous values. Secondly, the physical and social circumstances of life have changed and traditional lifestyles have been under pressure to change to meet new requirements. Church missions often placed direct pressure on Aboriginal marriage customs in the early years of European settlement. Practices like polygamy, infant betrothal, sexual licence, and even aspects of ritual life, were condemned to varying degrees by the missions and, in some cases, the churches instituted extreme measures to discourage traditional customs which were deemed abhorrent to Christian ideals.

Apart from the difficulty of understanding and unravelling the complex issues involved in Aboriginal marriage, government has the problem that it is required to endorse and promote fundamental values in western tradition to do with individual rights, in general, and the rights of women and children, in particular. At the same time, its policies now include recognition of the right of Aboriginal people to preserve their own traditions and to manage their community affairs in ways which are compatible with Aboriginal ideals. These dual responsibilities are bound to promote stresses and strains between 2 systems and these are going to be most pronounced where legal issues are concerned.

Government has so far managed the problem by asserting, on the one hand, that Aboriginal law will be respected, but that European-oriented laws should prevail where human rights-type issues are involved, while on the other hand effectively turning a blind eye to what are technically abrogations of those rights in some Aboriginal communities. From time to time, the management of these problems is complicated by public exposure of particular cases. Tribal marriage, of course, is the current issue, but the problem has also surfaced in other contexts like tribal killing, spearing as a traditional sanction, or the adoption or treatment of children.

The member for Nightcliff is at least partly right when she claims that the political system has been noticeably silent about these matters. It is not so much a conspiracy of silence to thwart justice as it is a silence by members of all political parties over an issue so complex and sensitive that it appears to be almost beyond resolution. Politicians have probably remained silent in the hope that the problem would resolve itself. Unfortunately, it is not likely to do so and, given the changes now in train in Aboriginal communities, it is time that some real attempt was made to reach a resolution. Emotive response through the media is clearly not a real option. Apart from the fact that the press will

not report facts accurately and fairly, Aboriginal people greatly resent the sensationalism as an unwarranted and ill-informed intrusion into matters of great concern to them.

Government's responsibilities may be said to be at 2 levels: first, at the practical level of ensuring that welfare staff, police and others likely to be involved in particular cases are sufficiently well-informed to make positive responses to cases brought to their notice; and, secondly, at the wider level of establishing methods to help Aboriginal people to reach their own solutions in the long term. At both levels it is absolutely essential that government make decisions only after it consults fully with Aboriginal people themselves. Homemade guidelines for staff or assertive directions to Aboriginal communities about what will or will not be tolerated have not worked and will not work. Solutions will only be found by working with and through Aboriginal communities, many of which have been saying for some time now that they want to resolve their problems and want the help of government in their attempts.

Mr Speaker, just before I close, I would like to answer a couple of specific comments of the member for Nightcliff that the matter was referred by me to the Minister for Community Development, clearly because the Minister for Community Development has responsibilities arising under the Child Welfare Act. The police are quite happy to assist wherever they are called upon to do so, and indeed even in circumstances where they are not called upon but which appear to merit their intervention. But in no way will I agree to our breaking down the marital door by going around soliciting people, as it were, to break up unions which may have been mutually, freely entered into. However, action will be taken; and in fact I have already given instructions for it to be commenced, to attempt to formulate guidelines which we can work out with Aboriginal people. So, hopefully, in the future there may be some definite ground rules under which government staff, in remote areas and for that matter in towns, can work when they encounter this type of situation.

I say though, Mr Speaker, as did the member for Nightcliff, that it is probably unlikely that government advisers were involved in this matter at all in the particular community. As far as I am aware, in most communities the government presence is pretty minimal these days, consisting of the police and perhaps health and education people whilst the councils run their own affairs with the assistance of their own appointed community advisers.

Mr Speaker, I know that the formulation of these guidelines will take quite some time but I do assure you and other members that the Northern Territory Police Force and other organs of the Northern Territory government will attempt to see that the ordinary law is enforced where any person, regardless of race, colour, creed, sex or otherwise, calls for its assistance.

Mrs LAWRIE (Nightcliff): Mr Speaker, I will try and reply to some of the comments which have been made this afternoon.

Firstly, I wish to express my extreme displeasure that very emotional phrases and statements, which I was most careful not to make, have been attributed to me. These were attributed to me by the member for MacDonnell who kept speaking about 'this romantic

notion' that I apparently have. Well, I lack any romantic notions about the subject which I was discussing this afternoon, Mr Speaker. The member for MacDonnell was totally predictable, as was most of the speech by the Chief Minister.

He spoke of his deepest concern that Aboriginal people have been the subject of the paternalistic attitudes of white Australians. I have been hearing that all my adult life. We are all concerned with what happened in the past, but if we are going to approach what is an emerging problem by rehashing old attitudes and saying, yet again, we are concerned at past paternalistic attitudes and leaving it at that, then I think it better to do some thinking along contemporary lines.

The honourable member for Victoria River said, quite rightly, that Lorna was taken to his home first. That was on my advice. I said: 'You had better see your local member on your way'. But the girl was desperate to come and see me because she did not trust any man after the experiences she had gone through and which I outlined this morning.

The member for Victoria River also alluded to the remarks of Harry Nelson, as I did also. I am glad that the member for Victoria River sprang to my defence when he said that my comments were not to catch votes. I cannot think of any issue less likely to catch votes. It is a barb often slung at politicians. If they make a statement with which a particular person happens to disagree, he either says: 'He/she is just trying to catch votes' or 'He/she is using the subject as a political football'. Both these sayings are well worn and they had better think of a new one.

I might also add that I thought the remarks of Mr Nelson were probably the most racist I had ever heard or read. Apparently, as a legislator, sworn to uphold the peace, good order and goodwill of the people of the Territory, I am only allowed to legislate and speak on behalf of white people, and not black people who come to me for assistance. I can tell Harry Nelson and anybody else who has that point of view, as far as I am concerned, they are dead wrong.

I agreed with the member for Victoria River and the Leader of the Opposition when they spoke of the partial relaxation of the promise system which has occurred at Umbakumba and amongst the Tiwi peoples. They have reached a compromise where skin groupings are paramount but, even so, the promising in infancy of young girls does not need to be continued.

The member for Victoria River made a comment. I hope that I am not taking him out of context. He said that we should see this problem through the eyes of Aboriginal women. I put it to the member for Victoria River that that is precisely why I raised the subject today: because of the number of representations I have had from Aboriginal women asking me to speak on their behalf because they feel that no one else in this Assembly represents them or even cares.

The Leader of the Opposition mentioned Anita Campbell and the trouble to which she went to ensure physical protection for girls

who wished to rebel against the system without any great loss of face for anyone concerned. May I say that we should get rid of half the government departments and employ a few more Anita Campbells. Her methods are exactly the type that I am attempting to push today. I am not looking for confrontation; I am looking for a reasonable solution to what we all must admit is a problem. Let us not pretend that it does not exist. We should solve problems without dramatic loss of face and without a breakdown of either culture. If Anita Campbell has been managing this in the past, then I suggest we second her back for a while. Though her research ability may be of value elsewhere, it is quite obvious that we need her here.

I understand that a compromise has been reached between the people at Umbakumba and the Tiwi people, and I have proved it. It is a pity it cannot be extended to other areas within the Territory.

The Chief Minister made one of the poorest speeches that I have ever heard that highly intelligent gentleman make in this place. The only occasions that he addressed himself to the problems I outlined this morning were when he stopped reading his ridiculous notes, which did not tell any of us anything that we could not get from reading Berndt, Strehlow and all the others, and finally got around to commenting on what the Northern Territory government felt about them. But again, the Chief Minister, for some inexplicable reason, chose to use the most emotive phrases and attribute them to my remarks this morning, and I register my extreme dismay.

The Chief Minister spoke of my inherently superficial approach, a decision which his advisers no doubt reached because I upset them. Thank God for that. He said that it was my intention, regarding the problem, to wipe it away with the stroke of a pen. Mr Speaker, the entire thrust of my remarks was that I recognised that it cannot be wiped away with the stroke of a pen; that I wanted to see a lot more sympathy and understanding from the government departments charged with the responsibility of maintaining the well-being of all citizens of this Territory, and that includes our black citizens; and that a tremendous effort has to be brought forward by the relevant government agencies. That effort will only be instigated by the CLP government finally telling its plethora of advisers to get out where the people are and the problems are and to start assisting people who want advice as the problems arise.

The Chief Minister made the statement which I had been waiting to hear and which I had totally expected: there was no way he would accept coercion or force in any relationship. That is what I would expect every reasonable person to say. But he did not reply to my specific concern this morning that, if a young girl does not know of any option open to her, then a degree of coercion or force must be considered to exist. It is fine for us to say that we will assist if asked but how will a 10 or 12-year-old girl in an isolated area know that such assistance is available and that such an option is available? That specifically was not answered. The Chief Minister said: 'rush pell-mell through the bedroom door'. What emotional nonsense. I was most concerned not to descend into the emotional claptrap which that portrays.

The Chief Minister also spoke of making judgments within different cultural concepts. I thought I had emphasised several

times that the reason for raising the debate on the basis of the Universal Declaration of Human Rights, which is quite unequivocal, is that this was a code agreed to by people, the majority of whom are not white, are not Christian, but who believe this to be the ideal to which we should all be working.

The Chief Minister said that I had set myself up as judge and jury, presumably because I am, as I have been asked to do, espousing the call coming from within Aboriginal communities themselves of these young women who want something different. That seems to be conveniently ignored or overlooked by most of the speakers who took me to task. I did not initiate this whole controversy. It started with the girls coming to me because of my known stance, and I have not changed it in the 12 years that I have been elected. They have said that at last they had found someone who might listen to them and who might put their points of view. They are the ones pushing for a change.

Mr Speaker, the Chief Minister said that, within the Aboriginal context, if the girl really declared her opposition to a tribal marriage, all things being equal, eventually she would not have to marry him. I accept that she may not be able to marry someone who is totally unacceptable. The point I made this morning is that is working well in some areas but in other areas it is not working at all. This young lass comes from the Gurindji tribe. She ran away 10 times. What more does she have to do to demonstrate that she does not wish to be the wife of that man.

The Chief Minister said that he felt the problem was almost beyond resolution. That is not necessarily so. He then stopped reading the nonsense written for him and started to state what his government would do. I do see some glimmer of hope. It is apparent that the government of the Northern Territory wishes the problems to be overcome with the least loss of face possible; with the greatest degree of ease possible. It is now going to instruct, if it has not already, all of the officers at its command to work towards this admirable object.

Mr Speaker, I think that so much has been set in motion by what has happened over the past few months that the government and the people really cannot retreat from that objective. Time will tell of course and I will be most interested to see if, over the next 6 months, I have the same number of approaches from Aboriginal women as I have had over the last 3 months. I would hope that they are able to advise me that things are a lot easier and a lot better for them.

No one mentioned again this morning the nasty subject of rape, introduced now in some areas as killing is not on any longer. That has been conveniently ignored and, by an aside, the honourable Minister for Primary Production had the affront to say it does not happen. If he wants to come to my house quietly one time, I will invite a couple of these women and they can tell him in their words what has happened to them over the past 18 months. I think they would talk to him because they are fed up with patriachs with white skins pretending that, if you are black and female, it really does not matter.

Motion agreed to.

ELECTRICAL WORKERS AND CONTRACTORS AMENDMENT BILL
(Serial 175)

Bill presented and read a first time.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that the bill be now read a second time.

The purpose of the bill is to provide for the licensing by the Electrical Licensing Board of persons who are engaged in the business of repairing electrical appliances. Similar legislation already exists I understand in Western Australia and Queensland and is currently being investigated in the Australian Capital Territory.

This has been an area of constant complaint over the years to consumer authorities in the Northern Territory. Indeed, it is one area in which the Northern Territory figures are always significantly higher than those in other states.

In the categories provided by the Commissioner of Consumer Affairs in his report, it falls into consumer durables. In his 1981 report, he said as follows: 'This is the second-largest category of complaints after motor vehicles and the Northern Territory is considerably higher than the national average'. To the end of the year ended 30 June 1981, there were 255 complaints received in the category of consumer durables and honourable members who read the report will notice that one business in Darwin alone notched up 21 complaints in the area of electrical appliance repair. That is a pretty remarkable record of complaints in one year. There were 14 against another and 7 against another Darwin company all in one year. This pattern is repeated in consumer affairs reports right back to 1976. This has been a consistently high area of complaint by consumers in the Northern Territory. Consumer Affairs officials have noted that the problem here is much higher than it is in other places in Australia.

I would now like to turn to the specific provisions of the bill. A new division of the principal act is created. It enables a person who understands and is able to perform appliance repair work with safety to apply to the board for a licence to enable him to carry out electrical appliance work. The licence will last for 5 years but may be suspended for certain reasons. Unlicensed electrical appliance repairers shall not carry on business unless they are in the employ of a person appropriately licensed.

The bill is of a fairly technical nature and it may be that honourable members or other persons with experience in this matter might consider that some amendments are required. Indeed, I myself feel that this will be the case and I welcome any advice that people might wish to offer me in the area.

I could draw members' attention to some existing deficiencies in the bill arising not from any omission on the part of the draftsman but from my own actions. As yet there is no specific commencement date. There is no provision for altering the composition of the Electrical Workers and Contractors Licensing Board to allow a representative of electrical appliance repairers on that board,

which might be considered desirable. It might be felt that the definition of 'electrical appliances' is not sufficiently clear to ensure that television and hi-fi equipment are included.

Despite these deficiencies, I believe the intention of the bill is clear and, bearing in mind the considerable period of time that elapses from one General Business Day to another, I believe that adequate time will be available to amend the bill in accordance with any reasonable suggestions.

I feel sure that some criticism will be levelled at this measure to the effect that it is yet another example of over-regulation of modern life or interference by government in the market place, so I am happy to draw people's attention to an interesting article I read recently in the Institute of Trading Standards Review, a magazine which other members are perhaps also fortunate to receive. It is entitled 'Trading Standards in Earlier Days'. As far back as 1267 in England, King Henry III introduced the assize of bread and ale which controlled prices for the next 300 years. The prices were fixed according to the current price of malted corn and brewers and bakers were required to familiarise themselves with the prevailing price or suffer heavy penalties. Though price was controlled, it was found more difficult to control the quality.

This caused an official post to be created in the 14th century, the post of alconer or ale taster - a most desirable position, Mr Speaker. The ale taster had the power to downgrade an ale if it were considered to be below standard. This official wore leather breeches. To test an ale, he drew a tankard and poured it over a wooden bench. He would sit on the bench for the next half hour talking and supping. At the end of the half hour, he would rise and, if the bench stuck to his breeches, the ale was deemed to have too much unfermented malt and therefore too little alcohol. He would state that the ale was not of the required standard and downgrade it. It must have been a pleasant way to kill half an hour if the pants did become sticky, the article concludes.

So it seems evident to me that the responsible authorities, whether it be the monarch in the 13th and 14th centuries or legislators in the Northern Territory in the 20th century, have some tradition of ensuring that citizens are protected as to both the price and quality of goods and services they receive.

Bearing in mind the particularly severe and consistent problems which exist in the Northern Territory in the area of electrical appliance repair, I believe that legislation is well justified and seek support of all honourable members for its passage.

Debate adjourned.

MOTION
Convention on the Elimination of all Forms of Discrimination against Women

Mrs LAWRIE (Nightcliff): I move that this Assembly support the Convention on the Elimination of all Forms of Discrimination against Women and urge the government to take all necessary steps to enable the ratification of the convention by the federal government.

The honourable Leader of the Opposition put on notice a question to the Chief Minister:

Has the Northern Territory agreed to accept the United Nations Convention on the Elimination of all Forms of Discrimination against Women in its present form and, if not, what sections of the convention does the Northern Territory want to be changed?

The Chief Minister replied in the following terms:

It is not for the Northern Territory to accept or reject the United Nations Convention on the Elimination of all Forms of Discrimination against Women. The ratification or otherwise of the convention is a matter for the Commonwealth government to decide. It is the policy of that government to consult the states and the Northern Territory with respect to conventions dealing with 'state' matters. The Ministerial Meeting on Human Rights, of which Hon. P.A.E. Everingham is a member in his capacity as Attorney-General, is currently examining the requirements of the convention with a view to determining the basis of the Commonwealth's ratification on behalf of Australia. The convention will be further considered at the next ministerial meeting scheduled for February 1982.

The terms of the convention have been agreed by the General Assembly of the United Nations and are not open to amendment. At this stage, the convention is still under detailed consideration and it is too early to specify whether the Territory will be seeking any reservations in relation to specific articles of the convention in Australia's instrument of ratification.

On the first sitting day, I asked a similar question of the Chief Minister. I asked what stage had been reached in the consultations being held and in what areas, if any, did the Northern Territory government have reservations about the convention. The Chief Minister indicated in his reply that he was very pleased that I had asked the question and that he intended to raise the matter in general business in the course of debating a certain bill. He did say he would like to give a detailed answer if I placed the question on notice. Subsequently, the Chief Minister was advised that the ratification or otherwise of this convention was to be the subject of a separate debate itself.

Honourable members will be delighted to know that I will not canvass all the points raised in my previous debate which I could do in the context of this debate. Honourable members will have to bear with me whilst I raise a couple of particular items in this convention which I think it would well behove this Assembly to consider. My reason for moving the second motion so closely allied to the first is that I am seeking from the Chief Minister an article-by-article rundown on where the government of the Northern Territory stands on the convention ...

Mr Everingham: Ask me a question on notice. I am not going to give you that in a debate.

Mrs LAWRIE: ... and whether there are particular problems his government faces that this Assembly properly should know about. That is the reason principally for this debate.

The Convention on the Elimination of all Forms of Discrimination against Women arose because of the United Nations' concern at the lack of action on the Universal Declaration of Human Rights. In its preamble, it refers to that Universal Declaration of Human Rights noting that it affirms the priniciple of the inadmissability of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to the rights and freedoms set forth therein without distinction of any kind, including distinction based on sex. It also refers to the specialised agencies of the United Nations promoting the equality of rights of men and women. It is interesting that there is an anti-discrimination bill presently before the Senate and there is an anti-discrimination bill which will come up for discussion later this afternoon. Certainly, the one in the Senate is based specifically on this convention.

The convention itself is not a lightly written document. For example, it urges parties to take appropriate means without delay to eliminate discrimination against women. Article 2F urges all parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. There is its admonition to us to legislate if necessary. It will be interesting to see the government's viewpoint on the opposition's Anti-discrimination Bill. We are enjoined to modify the social and cultural patterns of the conduct of men and women with the laudable objective of elimination of prejudices.

Article 10 is most specific. We are asked to take appropriate measures to eliminate discrimination against women in order to ensure them equal rights. Most interestingly, it mentions careers, vocational guidance and education. It was about a year ago in this Assembly that I mentioned my concern at what I see as the discrimination against Aboriginal women in the field of education. This discrimination also unfortunately exists against young men of certain age whose initiation ceremony is so prolonged, certainly in the Centre, that it interrupts their schooling to a most disruptive degree. I understand that the Department of Education and other government agencies are working to see if the timetable can be altered so that the initiation ceremony will occur at a time when their schooling will not be so interrupted. Certainly young Aboriginal women below school leaving age are being taken from school in quite large numbers. They are unable to finish their education. This information has been given to me by students themselves who would have liked to continue their education at secondary level, and by teachers who are disturbed at having these bright young students, and the brighter ones seem to be the girls, removed from shcool. I am pleased to see that particular attention is paid to the necessity to ensure the same educational opportunities are given to girls as boys.

Article 16 enjoins us to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and, in particular, to ensure on a basis of equality of men and women the same right to enter into marriage only with a free and full consent. It goes on to speak about the rights and responsibilities: property rights, rights of dissolution, the right to have access to family planning to allow them to space their children and rights of ownership, acquisition,

management, administration, enjoyment and disposition of property.

Honourable members will be pleased to see that this convention continually stresses the same rights for both spouses. It does mention that, in the short term, there may have to be a positive discrimination in favour of women to achieve the objective. It is pleasing that the particular role of rural women in agrarian communities is recognised. Third World countries rely heavily on their women, not only as child bearing units but as providers of food.

I understand that other members of this Assembly will speak at length in this debate. In view of the amount of time I spent on a similar subject this morning, I will say nothing more other than to ask the Assembly to pass my proposed motion urging ratification of the convention and to ask the government to detail any problems which it sees for the Northern Territory in such a ratification.

Mrs O'NEIL (Fannie Bay): Mr Speaker, anti-apartheid campaigners frequently point out that South Africa's blacks, 71% of the country's population, receive 17% of the country's income and only 13% of the country's land, and all because of an accident of birth. Recently the International Labour Organisation pointed out that women form 50% of the world's population, fill 66% of the world's workforce, receive 10% of the world's income and own less than 1% of the world's property, all because of an accident of birth.

Discrimination on the ground of sex is a kind of worldwide apartheid. Even the arguments against the emancipation of women have the same ring as the old arguments against granting equality to blacks: chaos would result; they are not ready for it; they are not capable; they are genetically different; they should know their place; it is unnatural; and it is against the laws of God.

Curiously, these are essentially the same arguments that were used in the 1850s against giving votes to the working class, in the 1950s against giving independence to colonies or in the 1980s against worker participation. If the arguments are essentially the same, it is because the central point at issue is also the same.

Whether we are talking about the relationship between black and white in South Africa, between developed, developing and industrialised countries, between employers and employed or between men and women, the common characteristic of such relationships is that they subjugate the needs and the rights of those who do not have power to the privileges and indulgences of those who do.

Such is the broad context of the struggle for women's liberation which has resulted in the presentation of this document which is before us today and which was produced at a most interesting convention held in Copenhagen, in 1980, at which representatives of nearly every nation were present.

The process of injustice towards women is set not only in the vast impersonal context of international economics or industrial relations however. It is set also in the detailed and intimate context of home and family. The relationship of oppression is characterised not only by careless brutality and callous disregard

but also, in many cases, by love and tenderness and care. This alone changes the possibilities for emancipation because it tends to rule out several of the strategies by which other oppressed groups have traditionally, and successfully, sought redress. Women cannot so easily take to the hills and apply to a superpower for arms, as a black independence movement might do. Nor can they easily withdraw their labour and rely on the solidarity of a trade union as an exploited working class might do. It is unthinkable for a woman to stop feeding her child or caring for her family. It is the very degree of a woman's indispensability which prevents her from translating it so readily into the power to win change. So, ironically, women are less able to fight for their rights, not because they have so little power but because they have so much responsibility. They are more exploited because they are more exploitable. Women can only smile at the classic cry of liberation, 'Nothing to lose but your chains!', for they know that the chains must by broken with care.

There is a second difference between women and other groups which have sought an end to injustice and it is the kind and degree of conditioning which comes a woman's way. A case could be made that conditioning is the foundation of all structures of injustice. It was once said, in relation to the subjugated in Algeria: 'Exploitation can only continue for so long without the tacit cooperation of the exploited'. Mental conditioning is essentially about knowing one's place.

Traditionally, the techniques for keeping people in their places were crude and physical, such as flogging of slaves, dispatching a gun boat to a recalcitrant colony or imprisoning a woman in a home or a veil. But such techniques are less and less successful and more and more unacceptable. Most practicable and more prevalent is the process of mental conditioning which subtly - honourable members may have guessed that I am reading this, and I am reading it because it says something which I would like to say but it says it infinitely better than I could in my own language - persuades an oppressed group to internally accept its own oppression and thus pre-empts revolt and the need for repression. Large groups of people,be they black people, poor people, women or even whole countries, have been made to feel inferior and so accept their inferior position.

Mr Speaker, this article goes on and I would like to inform members that it is an article from the magazine, The New Internationalist, dated July 1980. It goes on at some length and I found it says so many of the things that I felt, and also experienced, that it was better for me to use that as the introduction to my speech today than to try to put it in my own less adequate language.

We have to try and apply this international experience to our own circumstances in the Northern Territory. I am quite pleased to have this opportunity today. We frequently spend our time in this Assembly talking about minor changes to the Electrical Workers and Contractors Act or something similar, or amendments to the Tenancy Act. However, it is useful for us as legislators to stop and think occasionally about where we stand in relation to the changes that are taking place in the world around us and how they apply within our own community, for which we, as legislators, have a particular responsibility.

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I think that it is useful for us to indulge in this exercise because I recall that a very prominent Australian woman, Mrs Jessie Street, was very involved way back in the early days of the United Nations as an Australian delegate to the United Nations Foundation Conference in 1945. Along with the very few other women who were present at the time, Mrs Street fought to ensure that the United Nations, at the very beginning when its charter was written, recognised the special needs and particular rights of women. It is the recent progress towards that goal that has presented us with this convention today. There are some things I would particularly like to say to my male colleagues here in relation to the circumstances that exist in the Northern Territory. As was pointed out by them in the debate earlier, we have 2 principal cultures in the Northern Territory - the European culture and the Aboriginal culture. As was pointed out, in many respects, they are very different but in one respect they are the same: they are both patriarchial societies. European women in the Northern Territory have that in common with Aboriginal women in the Northern Territory: we are women in male-dominated societies.

I know that there are very many sympathetic people in the Northern Territory, including all members of this Assembly, who are very anxious to improve the circumstances in which Aboriginal people live in the Northern Territory in the 1980s. I say to those people that Aboriginal community development and improved living, health, education, happiness, housing etc can be achieved if women are able to take an equal place in achieving that.

It is frequently thought that the liberation of women is a luxury. It is thought of as something that comes after affluence has been achieved. Once you have done that you can indulge in luxuries such as giving women equal rights. In fact, the lessons of history, and particularly the lessons of post-war development in the various nations throughout the world, indicate exactly the opposite. If you want to achieve community development, a high standard of living, health, education and happiness for the people, the very first thing to do is to increase the status of women in the society.

That is a very relevant lesson for us in the Northern Territory, and something that we can learn from when we contemplate the application of this convention in our own particular environment. I am certainly anxious to hear that the government is doing all it can to assure that it supports this convention so that it will be able to be ratified by the Australian government as soon as possible.

Mr B. COLLINS (Opposition Leader): Mr Speaker, a former secretary of mine had a bookmark which said: 'In order to prove herself, it is not enough for a woman to do as well as a man; she has to do better'. Fortunately, that is not very difficult. I would urge the Assembly to support the motion.

I wish to speak about Article 16 of the convention because of remarks that were made by both the Chief Minister and the member for Nightcliff. The very difficult question of discrimination against Aboriginal women has recently achieved some degree of publicity. The member for Nightcliff explained the effects of that publicity on herself. It also had an effect on me. I had not intended to speak about that effect but I feel I must in order

to respond to some of the Chief Minister's remarks.

Promised marriage is an extremely difficult business and Aboriginal people have strong views on it. I had an experience some years ago just after I left Maningrida and came to live in Darwin. A young Aboriginal at Maningrida married a girl from Yirrkala who was from his own moiety. I had no idea of the circumstances. He presented himself at my house at Howard Springs. I had known him for years. He was a big fellow and a champion footballer. He was about 24 years of age. He came with his wife and wanted accommodation which I was happy to give him. I did not realise that they had run away from Yirrkala and that this girl belonged to the same skin group as this young fellow. His sister followed him into Darwin on the following day. The sister was about the size of the honourable member for Sanderson. I knew her very well. She arrived by plane from Maningrida and came to my house. I opened the door to find this woman holding in her right hand a very large lump of wood. Without any further ado, she strode past me into the living room, hit her brother on the head with the wood and laid him out on my living room floor as cold as a maggot.

Aboriginal people have strong views on people who marry the wrong way. You have never met a more hard-line bunch as the women, particularly the older ones such as that little old lady with her lump of wood. I did not interfere, Mr Speaker. I was quite happy to stand and watch.

Mrs Lawrie: Why was that?

Mr COLLINS: Because I am terrified of women. I freely admit it.

I was pleased to hear the Chief Minister recently say that some sort of attention will be given to the question of promised marriages with a view to sorting things out. I think that is a great idea but it prompts me to relate to the Chief Minister some of the repercussions that I had from the publicity in the newspapers.

The member for Nightcliff said that, as a result of this publicity, women contacted her. Two communities in my electorate contacted me by telegram. I wish to address these remarks to the Chief Minister not as the Leader of the Opposition but very firmly as the member for Arnhem. The telegrams were different but they said basically the same thing. People in the electorate had read the papers; they had seen that a politician was talking about the promised marriages. One telegram to me said: 'Please explain to us urgently the new laws that the government is going to pass about promised marriages'.

I had intended to tell this to the Chief Minister privately. I was concerned at the obvious confusion that existed. Two communities, Galiwinku and Maningrida, were under the impression that the government was actually passing laws that would affect their promised-marriage system. I felt that I should not correspond with them because the subject was far too important. Within a matter of days, I flew out to those communities for meetings. The meetings consisted of both men and women. Understandably, they were very apprehensive that the proposed marriage system would be legislated on in some way. I was able to explain that that would not happen, and the circumstances surrounding the publicity.

As the member for Arnhem, I ask the Chief Minister, particularly as a result of the impact of this publicity, to allow me to be involved in whatever moves the government makes in this direction. I can assure the Chief Minister that, as the local member for that area, I will give him as much positive support as is possible.

I would also like to comment on the remark by the member for Nightcliff and combine the 2 comments together because, despite the fact that hers may have been made on the spur of the moment, I think it is an excellent suggestion. One of the reasons that Mrs Campbell was used in some of these cases was that often the girls concerned were so frightened and so apprehensive that they simply would not talk to men. Mrs Campbell is a woman of mature years who has considerable professional qualifications and very extensive experience. She was able to gain the confidence of those girls. They talked to her when they would not talk to anyone else. I would suggest to the Chief Minister that it would be essential for him to have a woman involved in this particular work. I would like to take the suggestion of the member for Nightcliff and say to the Chief Minister, in all seriousness, that he would not find a person better suited to the task. She has the necessary professional anthropological qualifications and years of experience in the Northern Territory to deal with this particular problem. I am sure that, whatever direction the government takes, it would be aided greatly by the assistance of Mrs Campbell. I am sure that Mr Justice Toohey or the Department of Aboriginal Affairs would probably be happy to make her services available. I can do no more than urge the Chief Minister to take up that suggestion.

Mrs PADGHAM-PURICH (Tiwi): I rise to speak to this motion to support the Convention on the Elimination of all Forms of Discrimination against Women. I would like to make a couple of points that have been raised by other members.

A lot has been said this afternoon regarding the position of Aboriginal women in their own communities and how it relates to women in European communities. Whilst I agreed with some speakers and disagreed with others, I would like to speak briefly on the position of migrant women in Australia. Much has been said in the press regarding the position of migrant women in our community. I am not competent to speak in detail, but the views that I will express are my own, and those put to me by my constituents and by women who have come from other countries.

There seems to be 2 lines of thought in the Australian community generally. No one who considers himself an Australian first will disagree with the ideal that there must be equality between the sexes. I stress that qualification: no one who considers himself an Australian first. Unfortunately, there are people in this community who are encouraged to consider themselves something else first and Australian second. I consider myself to be an Australian first. I consider myself to be other things after that. I consider my sex after that. I consider my politics after that. I consider my religion after that. I consider other things. But first I am an Australian. I hold very strong views on this matter.

If people come to live in this country of ours, I think it only right that they adopt all the facets of our way of life. That

is a general and sweeping statement. I do not mean that they should completely forget the part of their lives spent in another country but I feel that they must look to the future if they come to live in Australia at their own free choice. Certain ethnic groups consider themselves as Australians way down in their order of priorities. I include governments of all colours in that category.

Mr Speaker, if a group of people of a particular ethnic origin consider themselves first and foremost as belonging to that ethnic group, how can they consider themselves primarily as Australian? On the other hand, we have people espousing equality of rights for women within these ethnic groups. I will call them migrant women. It is desirable that they have the same rights as members here have, as ordinary women in the community have in Australia. However, on the other hand, they say these people must still retain the cultural ideals of their country of origin first.

Sometimes those 2 points of view are sympathetic to each other but sometimes they are not. Treatment of women of a certain ethnic group in Australia received some publicity in a well-known magazine for women in Australia last year. It consisted of a certain, barbaric custom relating to extremely undesirable sexual practices still perpetrated on women of this particular race in Australia. Many instances were brought forward publicly and views were expressed by women of particular ethnic groups who had been subjected to those practices. Some of them were against them and some of them were for them. I will not detail the practices; the honourable ladies present know of them. Nobody has talked about the resignation of women to their fate. I think in that particular case those women who did not express antagonism to those practices just expressed resignation. It was a case of taking the easy way out and not creating waves in their particular community.

How can we, as Australians, condemn those practices and then encourage those people to maintain their ethnic cultures with all that that entails? We must have one or the other; we cannot have both. We cannot encourage people in a specific group to think whatever they do is particularly right and proper compared to any other group because they will not think of themselves as Australians first.

Mr Speaker, many people in the community talk a lot about equality of the sexes. I have been watching those people and listening to what they say. It has been my observation that, in their ordinary, everyday life, they do not follow the ideals that they espouse in public. I think we are all born equal. To uphold the ideal of equality of the sexes is more to the point. It gains more public acceptance if we live equally through the little things in life and not in a state of confrontation. In ordinary, everyday life, inequality between the sexes creates a lot of little pinpricks. Women put up with them and hope that next time things will go a little better.

I would like to refer to one comment that was made today by the member for Victoria River. I paid particular attention to what members opposite said today. I was very careful to listen to expressions that they used. There was one expression that the member for Victoria River used which displayed his views to me

very clearly on the equality of sexes. He had no disparaging remarks to make about ageing men but he talked about 'ageing hags of wives'.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to contribute a few remarks to this debate in support of the motion put forward by the member for Nightcliff. I think that there are several reasons why this Assembly should be discussing this matter although, on the face of it, it might not seem relevant to our legislature. Some people might say that it is mainly a federal matter. But I think that it is quite relevant that the Northern Territory legislature express its support for this convention and convey that support to the federal government because there is re-emerging on the national scene a certain amount of pressure for women to reduce their participation in certain areas of economic activity. The most obvious of these areas is, of course, employment. We see a recurring theme in the national press that unemployment is rising in some states of Australia and that the problem could be solved if women were to reduce their participation thereby making jobs for other people. Of course, the same sort of argument is put in respect of some young people.

It is time we stopped this nonsense of deciding that men were born bread-winners and women look after the hearth and home, and endorsed this particular convention because the situation in the Northern Territory is that the participation of women in the workforce and the employment opportunities for women are far lower than they are in other places. Traditional areas of employment for women are reducing, and I cite the example of retailing. It looks as though, in the next few years, there will be a lot fewer job opportunities for women in that traditional sector of female employment.

I refer members to Article 11 of this convention which states in part that women have an equal right with men to employment and to equality of treatment in the evaluation of their work.

Mr Speaker, the second reason why I think the Assembly should be passing this motion is because of the commendable relationship which is building up between the Northern Territory and certain governments in South-east Asia. I am prepared to commend this relationship as long as it is one based on mutual respect and on mutually-beneficial trading. I think that it is true to say that the Northern Territory government is one of the few governments in Australia which has made approaches to South-east Asian governments and indeed to Middle-East governments to establish trading networks.

While many articles in this convention may not seem to be very relevant to affluent parts of the world and really only relevant to those places in the world which have a long way to go in achieving a high standard of living, I think that, in view of our proximity to South-east Asia and the work that has been done so far in developing that relationship, Territory people have certainly been considering the condition of women in other parts of the world.

I am adopting a totally economic approach to this question because I think that most governments now realise that economic development and a higher standard of material well-being cannot be achieved unless women are permitted and encouraged to participate

fully. I will cite a few examples of the types of techniques that have been used to foster development among the Third World countries. I would like to take up the questions of fertility control, nutrition and sanitation. I suppose that we do not have much to say about that because we are well fed, we have water and sewerage and, by and large, we have access to sophisticated methods of fertility control. In the developing countries that happy situation does not always exist. Government initiated schemes in those countries have generally been implemented by women. Where it has been decided that economic well-being, economic participation in the workforce and development can occur through schemes to improve nutrition, the actual implementors of such schemes have been women because they traditionally have been those people responsible for family diet and the provision of food at the household level.

When labour economists talk about employment and labour matters in western countries, they are in the happy position of being able to talk about wage rates, about education at a professional technical level, about manpower planning and such other things which all assume good health and literacy. When labour economists in developing countries talk about employment, they talk about food, literacy, life expectancy and those basic things that we in developed countries take for granted. Where governments have noticed that nutrition can in fact play a large part in increasing the economic participation of women, they have at the household level allowed women to be in control of implementing the schemes.

The same applies to initiatives taken by governments in respect of the provision of such basic amenities as sanitation. Needless to say, fertility control has always been the responsibility of women. These points are often overlooked by people who live in an affluent context because they are not things that they are preoccupied with. They are things that are taken for granted. They have been achieved and there is no need to further worry about them. But where developed countries are establishing trading relationships, which we hope will not be exploitative but rather mutually beneficial, it does no harm for their affluent communities to recognise the conditions under which women in other countries live.

I would like to close by reaffirming my support for this declaration. I think it is something that a lot of people would not say is very important. Some people might have reservations about particular articles. Indeed, if the Northern Territory government has reservations about particular articles, then it should state what those articles are. By and large, it is a convention of articles which states what any civilised community would wish for its women. I support this motion.

Mr EVERINGHAM (Chief Minsiter): Mr Speaker, I rise to support the motion also. If, as the member for Nightcliff stated, the sole purpose in introducing this motion was to ascertain clause by clause the attitude taken by the Northern Territory to ratification or reservation of the various articles of the convention, she certainly could have found out the information much more simply by writing me a letter or by putting a question on notice.

Her wording, urging the government to take all necessary steps to enable the ratification of the convention by the federal government seems to pre-suppose that we are not in some way acting reasonably

in this matter. It really seems to me that the concern of many people in Australia about ratification of this Convention on the Elimination of all Forms of Discrimination against Women would be better directed - since women in Australia at least are at liberty to make noise about these things - towards putting pressure on other countries where this convention is never likely to come into practice at all rather than making a noise about the speed or otherwise of ratification of the convention by the federal government here.

It is quite clear that this government does support the convention and the support has been expressed by us to the Commonwealth on a number of occasions. No person in our society should be penalised simply because he or she is of a particular sex. My government believes in equal opportunity for all members of the community and is opposed to unfair discrimination whenever or wherever it occurs.

With respect to the second half of the motion that the government be urged to take all necessary steps and so on, I indicate that this is already the case. I believe it would be useful to outline the history and nature of the United Nations convention and then deal with the ratification procedure. As members may be aware, the 30-article Convention on the Elimination of all Forms of Discrimination against Women was adopted by the General Assembly on 18 December 1979. It was the culmination of 5-years' work by various groups including the Commission on the Status of Women in the General Assembly.

The purpose of the convention is to put into international legal form principles and measures to achieve equal rights for women everywhere. The convention calls for equal rights for women in all fields - political, economic, social, cultural and civil - regardless of their marital status.

Specific articles of the convention deal with equal rights for women in political and public life, equal access to education, non-discrimination in employment, pay and guarantees of job security and so on. The convention sets up machinery for the international supervision of the obligations accepted by countries which become parties to the convention and the Territory was first officially advised of progress of the convention when the Prime Minister wrote to me in June 1980. He expressed his desire that Australia should become a signatory to the convention at an early stage. Shortly after, at a meeting of the Standing Committee of Attorneys-General, the Commonwealth advised that it wished to sign the convention at the Copenhagen Conference on the United Nations Decade for Women scheduled for July 1980. At the Standing Committee of Attorneys-General meeting, I expressed full support for the Commonwealth government's proposed action and Australia signed the convention in Copenhagen on 17 July 1980.

Mr Speaker, there is a 2-stage procedure for accession to international conventions. Once the text of an international convention is settled, it is opened for signature. Signature is an international recognition by a country that it accepts the principles of the convention and will examine the detail of the convention to determine what measures will need to be

undertaken to bring it into effect. The second stage is ratification. Here a country formally executes the document acceding to the convention and agreeing to be bound by its terms.

At this second stage of ratification, as part of its accession, that country may enter what are termed reservations or declarations. The former, as the term implies, means that a country is not prepared to accept a particular specified aspect of the convention. Declarations, on the other hand, are used to publicly record how a country intends to define particular aspects of an international convention. It will be appreciated that international conventions and treaties almost invariably comprise documents drafted to reflect a wide range of concerns from different countries. They are also often broadly-drafted documents of principle rather than precisely-drawn obligations in the nature of legislation.

These factors mean that the conventions, and this is certainly true of this one, have certain ambiguities and looseness of wording. The result is that often a considerable period will elapse between a country's signature to a convention and ratification. This period is essential, firstly, in order to thoroughly consider actually what obligations are imposed by a convention and, secondly, to determine what action needs to be taken to meet those obligations including the decision of whether any declarations or reservations need to be lodged. Of course, it is for the Commonwealth government to settle the terms of ratification of international conventions on behalf of Australia.

Mr Speaker, it is not always wise to approach these things without a degree of caution because United Nations agencies have been known to attempt to silence freedom of speech through various international types of agreement. The most recent example of this is the UNESCO document in relation to press and the media. I am hopeful that Australia will have no truck with that particular UNESCO proposal. In view of the fact that the United Nations is today comprised of more totalitarian governments than democratically-elected ones, I think that we should not always accept without qualification anything that bears the United Nations stamp. In any event, the Commonwealth government has a firm policy to consult fully with the states and the Territory on matters such as these.

The Commonwealth, states and the Territory are consulting with respect to the terms of our ratification of the convention at meetings of ministers on human rights. This body was established originally to consider the terms of Australia's ratification of the international covenant on civil and political rights. It is composed of the Attorneys-General of the Commonwealth, the states and the Territory and meets 2 or 3 times a year. Meetings are held in conjunction with meetings of the Standing Committee of Attorneys-General. To date the women discrimination convention has been considered at meetings of ministers of human rights on 4 occasions in November 1980, twice in 1981 and again in February of this year.

The approach of the human rights meetings has been to carefully consider each clause of the convention in order to determine the extent to which existing Commonwealth, state or Territory law or practice complies with the convention. The work to date has largely been concerned with identification of possible problem areas. As previously explained, the language of international

conventions is not necessarily precise and often it is a difficult task to determine the full nature of the obligation which an article of the convention seeks to impose. Once this first stage is completed, and it is rapidly nearing completion, it will be necessary to consider the changes necessary to legislation and practice required by the convention. At this stage, possible reservations and declarations will also be considered.

The procedure outlined for the ratification of the women discrimination convention may appear long and arduous but it does serve to illustrate that Australia does take its obligations under international conventions very seriously indeed, unlike other countries that ratify them with no intention at all of observing them. It is apparent that some countries, while quick to sign and ratify international conventions, have absolutely no intention of complying with the obligations which they thereby undertake. It also serves to illustrate that the present federal government takes seriously its commitment to consult the states and the Territory on such matters. It should be emphasised that, to a very large extent, Australia generally and the Territory in particular complies with the provisions of the convention already.

While it would not be appropriate to disclose details of the proceedings of the meetings of ministers on human rights without the agreement of all members of that body, I can briefly indicate the nature of some concerns which have been expressed in relation to the convention. Many, in fact the majority, of concerns considered to date have arisen from ambiguity and the drafting rather than objection to its terms. For example, many of the articles of the convention require that women be treated in particular respects on the basis of absolute equality with men. It is not clear whether these provisions, coupled with the convention's definition of discrimination, require the abolition of protective provisions or practices originally intended to safeguard women. Examples include the prevailing defence practice in excluding a woman from equal participation in combat duty, employment legislation regulating the maximum weight women can be required to lift or prohibiting women from working in underground mines.

Other concerns have been directed at how practically to eliminate identified discrimination in contravention of the convention. For example, the convention requires the elimination of the discrimination against women in obtaining financial credit. Financial institutions deny discriminatory policies on the grounds of sex. Concern has been expressed at express requirements of the convention to introduce maternity leave with pay or comparable social benefits. The term 'social benefits' is not defined nor is there any length of time suggested for which maternity leave is to be available. Even if it is accepted that the introduction of paid maternity leave may be a laudable, long-term objective, it is apparent that such an obligation could not be implemented overnight throughout Australia. Particular concerns have been raised by individual jurisdictions. A matter which I have raised is that a number of the convention's articles have implication for Aboriginal people following a traditional lifestyle and will need to be examined further.

Mr Speaker, I have dealt at some length with the ratification

procedure and briefly indicated the nature of some concerns with its terms. I hope that I have been able to reassure honourable members that ratification of the convention is being taken very seriously by the government and indeed by all governments throughout Australia. While ratification may not have come as speedily as some people may have wished, work towards a basis for ratification acceptable to all Australian governments is being actively and thoroughly pursued.

Mrs LAWRIE (Nightcliff): Mr Speaker, I thank all members for their contributions to this debate. I thank in particular the member for Fannie Bay for her call to raise first the status of women in any community to enable that community's general living conditions and economic conditions to be raised. That view was echoed by the member for Sanderson who dwelt more particularly on the economic issues. I thank the member for Sanderson too for drawing attention to the fallacious argument which is attempting to gain credibility in Australia today: that, in times of unemployment, either sack women or do not employ them. Somehow it is less worthy for women to be holding down jobs than men - a very traditional view of the breadwinner which I think has lost credence.

I thank the Leader of the Opposition for his support of my earlier remarks regarding assistance which could be provided to the Northern Territory government to overcome the problem existing in some Aboriginal communities of the clash of community and individual rights regarding marriage.

The member for Tiwi made an interesting speech relating to migrant women. I was pleased she raised the topic. Darwin is one of the most culturally diverse cities in Australia with a large component of women who are not Australian-born. It is interesting to note the assistance given to those women and their families to fit into our society with an understanding at least of our law and, more particularly, an understanding of their rights such as property rights and marriage rights.

Mr Speaker, I must again offer some criticism of the Department of Community Development which includes the office of ethnic affairs. If I do not have the name quite correct, it is because the office has such a low profile. It does not liaise widely with the various migrant groups in the Territory. That is left, perhaps fortunately, to the Migrant Resource and Settlement Centre. As far as assisting migrant groups in relation to cultural clashes which are occurring within the Territory, the Migrant Resource and Settlement Centre is doing a magnificent job. Even such simple matters as being able to talk to the women in their own language and explain what their rights under civil law in Australia are is adequately catered for by this centre. I know of no other funded agency which provides the same good service. It is certainly not provided through the Department of Community Development.

I note with some pleasure that the Chief Minister broadly supports the ratification of the convention and I am glad that his government has offered that support. I would like the Chief Minister to be assured of the continuing interest of the women of the Territory in moves towards ratification by Australia. I hope he would see fit from time to time to make a statement in this Assembly following the meetings of Attorneys-General to keep us

up to date with what is happening explicitly regarding ratification. I thank honourable members, all of whom without exception have supported the motion this afternoon.

Motion agreed to.

ANTI-DISCRIMINATION BILL
(Serial 141)

Continued from 20 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I seek the leave of the Assembly to take over the carriage of this bill.

Leave granted.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, it is a well held view that the Australian in general is a person who believes in giving a fair go. He has a stong, innate sense of justice and fair play. He tends to knock those on top and support the underdog. In introducing this particular legislation, the proposer stated that his aim was to protect the individual and groups. I applaud that aim as I imagine every member would. However, on studying his bill and proposals, I do question the methods by which he hopes to achieve that aim.

The word 'discriminate' these days tends to be painted as a very dirty word. The dictionary definition is: 'observe a difference between or observe a distinction between'. That is what we do every time we make a choice. When we make a choice between 2 objects, 2 people or 2 employees, we are discriminating. I believe that the ability to make a choice is a basic freedom. There is no such thing as absolute freedom for any one person. If one was absolutely free, in essence the rest of us would be slaves. I think the notion of protecting the principle of freedom is very important and any suggestion which may make an inroad into that principle of freedom is something which must be examined very carefully. This bill does make an inroad into certain freedoms and we must weigh up the costs and the benefits of those inroads.

If I put to you, Mr Speaker, a proposition that an employer had the right to retain an employee in his employ when that employee wanted to leave, I think we would soon have a cry that that was an infringement of civil liberties. I like to think that we all believe that a person's labour is his own to offer and something over which he should have considerable control. This bill puts things on the other foot. It infringes the civil liberty of an employer by assuming that he has discriminated on grounds of personal characteristics. That is a difficult thing to try to prove but, if we take this bill to its full extent, that person could face a heavy fine if the tribunal found that to be the case. Any finding of the tribunal, no matter how well intentioned, would have to be a very subjective one because no tribunal can enter the mind of a person.

When the proposer of this bill acknowledged that its main thrust would be to try to achieve things by persuasion, he suggested that there was some doubt that the threat which is allowed in the bill would really work. I wonder whether the proposer of the bill

took into account a situation where an employer employs someone and a tribunal finds that he ought to have employed someone else. What is to happen to the person he employed? Is that person to be sacked? That seems like discrimination. In my earlier example, one can well imagine how an employee who is forced by an employer to stay in his employment would feel. I think it would not be long before the employer was very keen to get rid of that employee because he would soon be no longer worthy of employment. It is a different thing of course if the employer is offering the employee inducements - if the union would allow him to offer inducements - to stay on. On the other hand, can we expect an employer to behave with magnanimity towards an employee whom he has been forced to employ? I think we are pushing human nature a little too far. Much of the success of a business depends on the choice of employees. I believe that the person who pays the piper has the right to call the tune. This bill can run contrary to that particular belief. If an employer, for some reason best known to himself, decides not to employ a better employee, then he is the loser. The better employee will find work anyway.

I would make a distinction in terms of public employment where the person responsible for engaging staff is not the person who pays them. The taxpayer is the employer. In that situation, employment should be on the basis of merit, taking into account such things as experience, qualifications, past performance, attitudes and aptitudes. I have been on several selection panels in my time in the public service area. When it comes to interviewing a large number of people, one tries to be objective but an element of subjectivity always creeps in. I would not like to see public service selection panels under fire because of this legislation. People are often disappointed by their decisions. They would be bombarded with claims if such a process were encouraged and went the full length. It would foul up the public service operation, and I cannot believe that that would be the intention or desire of this Assembly. We already have an Equal Opportunity Board in the public service and from my inquiries it would appear that it has very few problems.

The disabilities section mentions those people who might be discriminated against. We have had the International Year of the Disabled Person and it has been a good year in many ways. It has pointed out the capabilities of many disabled people. Some have gone into employment and proved themselves to be worthy employees and I believe it has helped to a degree. Awareness and acceptance are not complete but it has certainly helped to increase public acceptance and employer acceptance of these people. I applaud those pioneers who have broken into the workforce. They have helped to break down the barriers. They have had a chance to prove their worth and it should make it easier for other disabled people to obtain employment. From talks I have had with disabled people, the last thing they want is sympathy. What they do want is an opportunity to compete on a reasonable basis, taking into account their difficulties. I do not believe that legislation will help here. In fact some of the people whom I have spoken to have told me they do not want it.

I turn now to the proposer's case for legislation. He seems to argue on 2 main grounds. One of these relates to the term 'progressive government'. This is an emotional term. I dare say,

if you agree with something the government does, then you call it progressive but, if you do not agree, you call it regressive. It is not really very helpful. Another term he uses is 'widespread acceptance'. 'Widespread' would have to mean at least 50% of the community. Whether we like it or not, it is impossible for any member here to get that sort of figure without very special arrangements. 'Widespread acceptance' is virtually unprovable, but it is the sort of term which we are very prone to use.

The other point the proposer based his case on was that of 'arguing on authority'. He said, 'other governments do it', implying that, if they do it, it should be good enough for us. He implied that the World Council of Churches made certain allegations and only heard one side of the story but it is a body and that is good reason for us to take it into account. He also mentioned the United Kingdom Race Relations Group and then claimed 5 fantastic things which legislation was supposed to do. If it were really true, I would be very much in favour of bringing that body over here. I would point out that it is in this body's own interest to say that it is successful. I even point out that it could be that the government which created the United Kingdom Race Relations Group might itself have a vested interest. We all like to think that what we introduce will be successful but we might be a little myopic about the possible dangers.

To illustrate the fallacy of arguing on authority, might I give an example? Imagine this slogan in advertising: 'Bob Boot, Australia's greatest footballer, uses Tough Enough razor blades'. We are bombarded with such advertising time and time again. It says nothing about the quality of the razor blades. I believe that the proposer of this bill did not elaborate on any merits that it might have. He made some very bold claims about authority only.

I was very interested to see that unions came into this because it is a bill about protection of individuals. I had great hopes that maybe the proposer might have had a change of heart. He attacked me in this Assembly some time ago when I suggested that unions should have secret ballots in case an individual unionist did not agree with a particular motion and felt himself under some degree of threat, whether real or imagined. However, when I read the legislation my hope was destroyed. It mentioned only that an employee could have membership in a union if he applied for it. It has been my experience that unions want members. They prefer union fees to keeping people out. They try to entice people, and not always with a carrot. I have had some experience myself. The other reference is that all benefits which are available to one unionist should be available to every other unionist without fear of discrimination. There is no protection whatsoever for the individual unionist who might not agree with a motion before the union, or for the non-unionist. My experience tells me that the non-unionist has always been a target for discrimination - cunningly and behind the scenes, but a target.

The bill itself is full of discrimination. Every one of the exceptions is a discrimination. If there are less than 6 employees, then the employment provisions do not hold. Religious groups, clubs or charitable organisations may not be discriminated against. I could become cynical and say that the proposer was really interested in protecting his votes. He was very arbitrary. He also suggested

that we should fight discrimination with discrimination: there should be special measures for certain groups within the community. The groups were not specifically defined. Interestingly enough, however, he did provide that, for the purpose of this special measure, it would not be discrimination to make special provisions for some and not for others. Of course, that is discrimination. There is no doubt about that.

When I said selection for employment in the public service should be on a merit basis, without fear or favour, I did get some support from the other side of the Assembly. I hope that support will continue.

The proposer was very strong on what this bill will do. It will end discrimination on grounds of personal characteristics. It will result in equal opportunity. I do not understand - and the proposer did not define - what was meant by equal opportunity. It is a very complex topic. We could debate it forever and a day and only touch on the parameters of its real meaning. He made some bold claims that it will do all of those things. Opposite effects and unexpected effects may well occur. I think they not only may occur but are as likely to occur as not. People will see this as an attack on their freedom of choice. It may breed resentment and it will tend to drive discrimination underground and, by that process, strengthen it.

The bill is a bit like reproduction. First comes conception, the dreams and the hopes. Then we have the birth pains, and these are illustrated quite well by the exceptions which the proposer put in. He used these words about the exceptions: 'They are reasonable but unfortunate'. Of course, the end result, as with the development of a child to manhood or womanhood, may be far from what was expected. I believe that the proposer was trying to put the government in a no-win situation. If we oppose this bill, it will be said that we support discrimination. If we support it, people will see it as an imposition on their freedom and they will resent it.

The problem of discrimination in the main is a very small one except in the area of Aboriginal employment. That concerns me. Efforts have been made in the public service to apply special measures to employ 10 Aboriginal girls in clerical positions. I believe some difficulty is being experienced. I mentioned this to an Aboriginal woman in Alice Springs. Her immediate reaction was that it was window-dressing. Her comment was that it will only work if the people compete on a merits basis. I think the effort should be made to help these people to compete on a merits basis. We should not try to put them in over other people who have more merit because that will definitely cause resentment.

I believe there is a considerable amount of progress being made. There was an article in a Darwin paper recently which claimed that Darwin was one of the most racially harmonious towns in the world. I do not know Darwin all that well but I have been here a fair number of times now and I believe that there is a fair bit of truth in that statement. A claim which I have not checked out but about which I am a little dubious was made in the Australian in February. A Queensland minister, talking about the employment of women, stated

that some 57.4% of the Territory workforce were women. I am open to correction on that but, if that is true, I would say that we are not doing too badly. Maybe the men should get up and say it should be 50-50. These things have been achieved without legislation. The Equal Opportunity Board and the Committee against Discrimination in Employment are working quietly. Progress is being made and we are heading in the right direction.

The bill, if passed, would have costly effects on employment in the community and would require additional staff in the public service. I believe that quiet progress is far better. I do not believe that the legislation will achieve its aims. On those grounds alone, I oppose the bill.

Mr SMITH (Millner): Mr Speaker, the bill is about competing on an equal basis. It is not about giving an advantage to one group or another. It is about allowing people, who are presently disadvantaged by sex, race or colour, the opportunity to compete in a wide range of situations on an equal basis with those who are lucky enough to be born white and born male in this society in the Northern Territory. Since the white person came in the form of a white male, this society in the Northern Territory has been dominated by white males. This bill says that it is about time we recognised that there are other people in this community who have not had a fair go and that we should give them a fair go.

I would be the last to deny that there have been significant improvements in attitudes over the last few years. It is undeniable that the amount of direct discrimination has been reduced, particularly in employment. This bill is really aimed at the pervasive practices that still exist. They exist often subconsciously and they work against equal opportunities for all people. They take the form of commonly held expectations about the type of work that women and ethnic groups can and cannot do. For example, women are supposed to be good at teaching, nursing and secretarial work but not many people recognise that women can be good engineers, good plumbers or good at cattle husbandry because they have not been women's traditional roles.

The same applies for Aborigines. The stereotype attitudes that many people in this community, including employers, have had about Aborigines have held back their advancement and their employment opportunities. The proof of that lies in the concentrated campaign conducted last year to further Aboriginal employment opportunities. As a result of that campaign, 540 extra positions were found for Aborigines in the Darwin area. Four months later, less than 10% of those have dropped out.

Just as important as increased Aboriginal employment opportunities has been the dramatic change in the attitude both of employers and the Commonwealth Employment Service staff. Aborigines are now seen by many employers and by CES staff as individuals possessing individual skills and weaknesses, and are judged on that basis. As a result of that campaign, they are much less judged on the colour of their skin. No one is saying that the problem has been solved but certainly what happened last year was a step in the right direction. This bill is aimed in a wider, more co-ordinated and comprehensive fashion at the same goal.

Having made those general comments, I will restrict myself to a couple of specific areas. I begin with comments on the position of commissioner for equal opportunity. The best way of seeing the good that this type of person can do is to look at what has happened in other systems where a similar position has been created. The most famous case is that of Debbie Wardley. Debbie Wardley was a highly-qualified airline pilot who was refused admittance by one of our 2 national airlines on the basis of her sex, or so she claimed and so the court found. Despite the comment of the member for Alice Springs, there was not a wide range of opportunities for Ms Wardley in the airline industry. If she had not succeeded in her complaint against Ansett Airlines, there was nowhere else for her to go. It was most important that she follow up the case. The consequence of her following up her case is that she has created a number of employment opportunities for women as pilots in the airline industry.

It is interesting to read the initial reaction of Ansett Airlines to her application. I will quote you a paragraph from a letter written by Ansett Airlines to the WEL group in Western Australia. The general manager wrote:

> *We have a record of employing females in a wide range of positions within our organisation but have adopted a policy of employing only men as pilots. This does not mean women cannot be good pilots, but we are concerned with the provision of the safest and most efficient air service possible. In this regard, we feel that an all male pilot-crew is safer than one in which the sexes are mixed.*

Now that just does not make sense. The courts have proved that and it was a landmark decision in terms of removing discrimination based on illogical grounds.

There was another landmark decision which is not as well known but it is just as important. It concerns the case of Miss Deidre Harrison who was a teacher in New South Wales. Miss Harrison appealed against her failure to be placed on a promotion list. The board found that the assessors had not deliberately discriminated against Miss Harrison by any conscious or intentional act, but rather that the discrimination was the result of 'self-conscious assumptions which when translated into behaviour became unlawful'. We are not talking about directed discrimination any more; we are talking about those underlying assumptions that many people do not even realise are there. These assumptions influence behaviour and affect decisions and, unless we root them out, the existing discriminations against certain groups within the community will remain.

The bill also provides for a position of director of equal opportunity within the Northern Territory Public Service. Many people, including the member for Alice Springs, have asked why it is necessary to have such a position when we have the Northern Territory Public Service Act which forbids discrimination, when we have the Public Service Commissioner who has an equal opportunities section and when we have the Ombudsman who is available to examine complaints in this area. The reasons are spelt out in the Annual Report of the Public Service Commissioner for the Northern Territory. That report indicated that women comprise 46%

of the public service. However, in the bottom range - A1 to A3 of the public service - there are 1078 women and 176 men. In the top range - E1 and above - there are 314 men and 16 women. I would like someone on the other side to be game enough to stand up and say that is how it should be because it reflects the relative abilities of men and women. It is clear from those figures that there is something wrong. Somehow or other, women as a group in the Northern Territory Public Service are not getting a fair deal. In the Department of Education - I probably know this department best - women comprise perhaps 55% of the teaching workforce yet they are unrepresented at all of the promotion levels and, out of the top 30 positions in the Department of Education, only 1 is held by a woman.

We have a situation which goes beyond direct discrimination. We have a situation where sexist attitudes, which are often sub-conscious, in the Northern Territory Public Service affect the career prospects of these women. The way out is to develop actions, a co-ordinated series of actions, which will bring these attitudes into the open and allow the people in the public service to address themselves to the matter of changing them. It is called affirmative action.

It does not mean, as the member for Alice Springs indicated, that we are going to give advantages to women or other disadvantaged groups. It means we are going to give them a fair go. It means developing a program of action based on principles like these: the equality of employment opportunity is a matter of basic social justice; there are 2 kinds of discrimination, direct and indirect, and both of these must be addressed if equal employment opportunity is to be achieved; past discrimination and its enduring legacy require redress in the form of positive and active steps to eradicate discrimination and remedial programs for members of groups who have suffered discrimination; and improvements in equality of the employment opportunities should be visible both in the outcome of selection and promotion procedures and in the redistribution of minority groups and women in personnel statistics. That program has to be developed in a number of areas which include recruitment, selection, training and development, promotion and transfer, and conditions of service.

Mr Speaker, the Northern Territory government has done a great deal of work on the elimination of discrimination. No one could deny that and, in fact, the government should be congratulated on it. But, in a sense, it has done the easy part: removing the direct discrimination or at least reducing it. The hard part is getting at the root causes of the indirect discrimination, and for that this bill provides us with an opportunity to take it on in a co-ordinated fashion.

Mrs PADGHAM-PURICH (Tiwi): For a start, Mr Speaker, this legislation recognises a problem but attacks it from the wrong end. If legislation like this is considered necessary, it is already too late. Human nature being what it is, one person will always have a capability, frequently exercised without reasoned thought, for bias, bigotry or discrimination. I think we must not forget that the biased person may be exercising his individual civil rights of selection or rejection of another person for whatever reasons. This legislation seeks to take away, in many cases, the personal choice

of a person with regard to another. Taken to the extreme, it could lead to something approaching a police state where people would be afraid to speak to, or not speak to, a person who is in any way different for fear of being accused of discrimination. It is not outside the bounds of possibility that a rejected suitor of a particular colour could accuse a romantic partner of another colour of discrimination if a new suitor were of a third different colour.

Mr Speaker, discrimination must be attacked at its possible source and I say that that is at the pre-school age. I refer here to discrimination by colour as an example. When our children started school in Darwin some years ago, there were 2 or 3 primary schools in Darwin where all the children were educated. It was not considered necessary for education then to be fragmented depending on the colour of the skin, ethnic origin or disability. There was an admirable homogeneous melange of children who were taught together, played together, had birthday parties together and were instrumental in forming similar parental friendships. As they grew up, they mixed with the people they had been in school with. I feel those days are gone, unfortunately. It is a very sad time. There is too much official encouragement now for each ethnic group, each special needs group, to isolate itself and consider itself something apart: old, young, Greek, Italian, black, white, active, handicapped.

My first reference is to clause 6(2) where 'a woman' is mentioned. That 'woman' has to be mentioned immediately shows discrimination, which defeats the whole purpose of the bill. If the word 'woman' is inserted in this particular part to combat discrimination - and we assume no discrimination is intended by this mention of sex - there is then discrimination in the omission of alternative grounds, such as colour, ethnic origin, physical disability etc.

In clause 7(2)(d), 'punishable by imprisonment for 12 months' means next to naught in the Northern Territory because the actual sentence served is always only an infinitesimal part of the maximum. One only has to look at the sentences imposed on offenders against drug laws. When absence from meetings is mentioned, I feel this is deleterious to the holding of that particular office, which does not augur well for continuity of interest.

Clause 8 relates to deputies. Whilst it may be appropriate on certain restricted occasions, this idea could encourage absenteeism from the office, which is not in the best interest of the conscientious performance of duties. After reading clause 10(3), deputies, by the very nature of the word, should act by virtue of a decision of their principal. I find clause 10(6) a rather ridiculous provision. Any member can sit alone and announce a decision that may be biased.

In clause 14(1), the definition of 'misbehaviour' is too wide and subjective. In clause 14(5), the commissioner could be suspended and subsequently found to be innocent. No mention is made of payment to be made to cover the period of suspension. I can find no mention of the commissioner having to be of sound mind, to be not bankrupt and to have never been jailed. I can see clearly that this legislation would bring forth a small army of public servants to administer it. I can see grave problems of demarcation of

competence in matters arising between this commissioner and the Ombudsman which would need further legislation to clarify.

Under subclauses 14(2),(3) and (4), and 18(2), papers must be laid before the Assembly at the expiration of different periods of time. That could bring possible confusion in the wake of this legislation. Paragraphs 19(1)(a), (b) and (c) all refer to the third person, male, singular. I know that in legislation male and female are considered generally without regard to sex, but I believe that, if anti-discrimination was really the intention of this bill, instead of using the third person, male, singular, consistency in the main intention of the bill could have been achieved by using the third person plural which is an asexual but descriptive pronoun.

I have some comments to make on clause 19. If this legislation is planned, I can see a later move to include not only 'physical body impairment' as a consideration but 'mental impairment' also. It would be difficult in many cases to prove a person was or was not mentally impaired.

Paragraphs 20(1)(a) and (b) are written with ambiguity, which does not augur well for its implementation. I cannot see how paragraph 20(1)(a) can be implemented at all or how it would be possible not to discriminate against a normal person versus a person in a wheelchair or a normal person versus an epileptic. I take those as examples. Despite all the provisions in clause 22, employers will still discriminate against employing certain people if they have a mind to. It will just take longer to get things done.

I fail to see the reason for the inclusion of clauses 23, 24 and 25. As far as all the clauses 22 to 29 are concerned, I completely fail to see how it would be possible not to discriminate against a person with physical handicaps as compared to a normal person and, in some cases, because of sex, colour or ethnic origin. If clause 28 says it would be illegal to discriminate if a partnership had 6 or more persons, I fail to see why partnerships of lesser numbers should not be considered. An inconsistency becomes apparent in that this legislation is intended to protect the discriminatees, but here could protect the discriminators if there were 5 or less in a partnership. The subject is discrimination, not numbers. The discrimination would be just as bad if it were carried out by 5. Why are not cooperatives, clubs, associations and other groups of people mentioned?

Is the intention in clause 29(4)(d) that any European children can attend an Aboriginal school and be considered equally for education? If so, what is the point of having special Aboriginal schools since they can attend European schools also? Would clause 29(4)(e)(i) mean that all sections of the community could enjoy the same advantages in relation to the negotiation of loans?

In considering clause 30, I believe it would be a complete waste of time to place an advertisement that does not clearly state the preferences of the employer. Where an employer is paying the money for a particular service then, as long as the market place is free, the employer should make the decision as to deployment

of that money. No mention is made here of discrimination against employers by the employees, which would open up a further field of debate.

Clause 31 would allow for the complete implementation of a police state. This clause alone would make normal, practical, social intercourse wellnigh impossible. People in the Northern Territory would be continually looking over their shoulders and around corners before they spoke to friends. People would speak in whispers for fear of being overheard. Everywhere there would be suspicion, allegation and counter-allegation.

Division 3 relates to permissible discrimination. If the object of this bill is to do away with discrimination, then that is the end to aim for. If we believe fully in this bill, we should all use the same toilets and sanitary facilities, and not mind having our clothes fitted or body searches conducted by a person of the opposite sex. I believe that the very fact that these 'outs' are printed here shows a tongue-in-cheek attitude on the part of the proposer of this bill. There are so many 'outs' in this bill as to render it completely open to question. There is the subject of the employment of married couples. There is the subject of people getting dressed for dramatic performances and behaving as one sex or the other. There is the subject of not all buildings being available to the physically disabled. There is the subject of a composition of 6 for companies. There is the 5-and-under composition of a private household staff. In fact, division 3 brings forth so many permissible exclusions from this bill as to be in itself a discrimination, the ultimate appearing in clause 50 whereby the Administrator can today include a provision to render some action discriminatory and the next day cancel it.

For the words 'does not have jurisdiction' to have effect in clause 52(1)(a), a clear boundary to the commissioner's duties must be defined and that is not done anywhere in the bill. It appears that the commissioner has complete power over the operation of this bill and can select or reject more or less at will what is sent to the tribunal for consideration.

Part IV, division 2, seems to relate to class actions, a subject which, I understand, is not one of general legal acceptance yet. I stand to be corrected on that; I do not have legal training but that is my understanding.

Clause 68(1)(a) says the tribunal is not bound by the rules of evidence but clause 68(2) says the president determines the admissibility of evidence and any other question of law and procedure. If the tribunal is to be run in an informal manner, there is no room for the president to have this discretion.

As I understand the law, the object of legal action is to prove a person's guilt, not for that person to have to prove his innocence. Clause 69 requires the latter. Clause 71 is delightfully vague, and would be - as is, in fact, the whole of this bill - a solicitor's dream because of the certainty of continuing legal wrangles over intangibles. In clause 75, the penalties are ridiculously high. In clause 77(1)(d), why are the police singled out and why not prison officers or fire brigade officers?

Part IV, division 3, conjures up visions of hordes of annoying little people prying into every little crevice of private personal behaviour in a most unpleasant, unwholesome and unwelcome way, as well as making it obligatory for each authority to do similar things to all those over whom it has jurisdiction. There is discrimination in only singling out certain authorities for discussion and consideration. When we talk about all these reports that have to be made by these authorities and all the management plans that have to be formulated and implemented, we end up existing in the limbo of the suspension of the actuality of living while the rest of the world passes us by doing all things, going somewhere.

Mr Speaker, the whole bill seems to be one of continual discussion - let's keep talking about things, let's not do anything yet, let's not be precipitous, let's have committees, let's have more discussions and let's seek more consensus. If we are not careful, something might happen. We must be realistic. There is a real world out there. Let us only make legislation that supports people getting things done as they want them done.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I had not planned to speak at this stage but I feel very strongly that I must support some of the statements made by the member for Tiwi. It is obvious that she has given the bill a considerable degree of analysis and certainly she has persuaded me that it is far too weak and wishy-washy in some of its clauses, particularly those relating to permissible exclusions. In good faith, I would like to offer the member for Tiwi my cooperation. If she and I could get together and work through this bill and produce amendments to tighten it up in those areas where she has pointed out it was so deficient, I am sure such a cooperative effort by 2 female members of the Assembly would receive the support of the members. Perhaps the member has not thought of amendments because, quite clearly, that was a course open to her. It disappoints me a little. If she so desired, I would be quite happy to adjourn the bill so that we can work on amendments and come back at the next sittings.

There have been times in the past when I have doubted the effectiveness of anti-discrimination legislation in other places. However, after examining reports produced in the states and elsewhere, there is no doubt that the legislation has been quite effective. I will not go over the examples that have been raised by other members. Undoubtedly, this type of legislation has been effective in the United Kingdom and elsewhere in Australia. For that reason alone, we should consider whether we could benefit from similar legislation here.

Very clearly, there are areas where groups within our community are not getting a fair deal. Employment in the public service is one on which the figures are available. It is certainly not the only one. In fact, I think that the public service is probably one of the least discriminating employers. However, the figures for the public service indicate that the situation is so bad, particularly with regard to women, that obviously there are problems in our community in that certain groups do not have equal opportunities. This bill seeks to redress that situation.

We constantly have examples placed before us in this Assembly of instances where groups within the community are sometimes being

quite benignly neglected. I recall this morning the Chief Minister talking about the Aboriginal Sacred Sites Authority. Some time ago I pointed out to the Chief Minister that there are no women on that authority. Indeed, the authority's report says that it acknowledges that is a deficiency and it needs a woman's committee - which no doubt will still be subservient to the males who run it. Nevertheless, there is some acknowledgment that that is a deficiency. It is unfortunate that the financial situation of that organisation at the moment is such that it has not been able to proceed with that. That is obviously one area where half the Aboriginal people who are affected by that particular legislation have not been adequately represented.

I have received a January 1982 newsletter of the Northern Territory Industries Training Commission in which there is a very nice article on how important it is to encourage apprenticeships among young women. The figures once again are clear in that sector. The overwhelming majority of young women in apprenticeships are going into hairdressing which is considered suitable for young ladies. They are not entering any of the other apprenticeships which they could carry out quite competently. The industries Training Commission is encouraging women into apprenticeships yet, if you turn over to the back page, you see a very pleasant seasons greetings message from the members of the commission. They are all men - 8 of them are photographed sitting around the table. Employers could say to the Industries Training Commission that it should practise what it preaches. We might all put our hands on our hearts and say that we believe in eliminating discrimination but very few of us are ever prepared to stand aside to give our own place to a person whom we recognise has not had a fair go.

It is necessary for this legislature to give the lead to the Northern Territory on this matter. This bill is not as tough as it could be, and I agree with the member for Tiwi on that matter. In fact, it is a very mild piece of legislation. It is hard to believe that anyone would find it offensive. Nevertheless, it is a start and I believe it should have the support of members.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I must disagree to a certain extent with both the members for Tiwi and Fannie Bay because I believe that this bill which was presented by the former Leader of the Opposition is a well-designed and a well-drafted bill. I believe that it covers most aspects of discrimination, either direct or indirect. It was presented 7 months ago and amendments should have been prepared by now.

Legislation enacted in the Legislative Assembly of the Northern Territory generally has been ahead of or at least closely behind legislation enacted in the states but, in this area of laws forbidding discrimination, the Territory is practically tailing the field. In 1975, the Commonwealth parliament passed the Race Relations Act which prohibits discrimination on the grounds of race, colour, descent or national ethnic origins. However, federal parliament took 10 years to finally pass this act. Paul Hasluck, the then Foreign Affairs Minister, signed the United Nations Convention on the Elimination of all Forms of Racial Discrimination in 1965. Although Australia had signed the convention, it was unable to ratify it because we had no prohibition on racial discrimination and no machinery to deal with it. That was not really a very proud record after 65 years.

Australia now stands with 145 other countries around the world which have pledged to enter into legal commitments to outlaw racial discrimination. However, the Commission for Community Relations which was established following passage of the act has never shown much evidence of having any real teeth. One thing that this commission has succeeded in doing is collecting and collating a great deal of material regarding racial discrimination in Australia. I will quote from a speech presented by Mrs Pam Jones to the National Convention of the Australian Democrats in August 1981 and printed in the CARE newsletter of January/February 1982:

> *One of the most subtle forms of racism is attitudinal racism - attitudes that stem from prejudice and usually from an insecurity, a feeling of being threatened. From Australia's earliest days, prejudice and insecurity have manifested themselves in cries of Yellow Peril to cope with an influx of Asian workers. Derogatory terms which are applied to migrants reflect attitudes of resentment towards migrant residents who are hard working with different cultures and lifestyles. Anyone who has heard the comment 'They can live on the smell of an oily rag' can sense the hostility to newcomers who are thrifty and tend to socialise in different ways to Australians. Here again Aborigines are continually being judged by the stereotype of an Aborigine which is presented to us via textbooks or the media. The committee is constantly hearing of Aborigines denied access to public places because of the behaviour of one or two.*

Other states have already introduced or passed acts relating to various forms of discrimination. South Australia has the Sex Discrimination Act of 1976 and the Handicapped Persons Act of 1981. Victoria passed its Equal Opportunities Act in 1977. New South Wales passed an Anti-discrimination Act in 1977 and has now amended it to include handicapped persons. In 1981, the federal government announced its intention to legislate against discrimination in the ACT. Queensland and Western Australia, as far as I am aware, actively encourage discrimination if one listens to the mouthings of Mr Bjelke-Petersen and the former Premier of Western Australia, Sir Charles Court, who is the erstwhile friend and companion of one Lang Hancock so well known for his compassionate nature.

The Territory is in urgent need of an anti-discrimination act for many reasons other than keeping up with the Jones' in the states. The role of women has undergone a dramatic change in the last 3 decades and today over 40% of women are in the workforce but very few of them, unfortunately, occupy upper echelon positions, particularly in the public service. This includes, most emphatically, the Northern Territory Public Service although I must say that I was quite pleased to hear on the news that some women are now employed in the upper brackets of the Northern Territory Public Service. There are very few disabled persons catered for in employment in the Northern Territory Public Service and not enough Aboriginals.

The World Council of Churches made a recommendation to federal and state governments and all statutory authorities to ensure that at least 1% of the workers be Aborigines since 1% of the total Australian population is made up of Aborigines. As a result of this recommendation the editor of a newsletter published by an organisation known as the Campaign Against Racial Exploitation, CARE, wrote to each Premier and the Prime Minister inquiring whether his government

had considered the recommendation or had already reached or exceeded this level. It requested a response by the end of January 1982. By March of this year, replies had been received in every case except where there was no form of acknowledgement from the Prime Minister, the Premier of Western Australia or the Chief Minister of the Northern Territory. I do not want to knock the NT government too hard on the particular issue of its public service employing Aboriginals because I realise that its record is considerably better than most states. However, more Aboriginals could certainly be employed in this government and certainly by statutory authorities and commissions within the Territory. It would be at least common sense, if only as a public relations gesture, for the Chief Minister to reply to a nationally known and widely read publication which has world-wide affiliation.

The World Council of Churches Committee report also said that accounts of police harassment and of brutality towards Aboriginals were disturbingly common, particularly in the Northern Territory, Western Australia and Queensland. The Chief Minister, who is minister responsible for police, will be quick to deny that there is any direct discrimination by police against Aboriginals, which I can assure him certainly does exist, at least in some parts of the Territory, at the present time. Surely he will not again deny that indirect discrimination does exist, at least in the approbrious and derogatory terms used by policemen at most bush stations when referring to Aboriginals.

I mentioned that several times and, in 1977, I presented a petition in this Assembly signed by a number of important Aboriginal people throughout my electorate requesting that policemen be instructed to desist from habitually referring to them as 'coons' and 'niggers'. The Chief Minister denied fiercely that the allegations of Aboriginal community leaders were true. For the Chief Minister's information, Aboriginals in the bush are still commonly referred to as 'coons' and 'niggers' by policemen in bush stations and bush towns, and probably always will be so referred to unless police are otherwise instructed. If that is not an odious form of discrimination, I would like someone to explain to me why it isn't. The Chief Minister can only be seen to condone such discrimination whilst he refuses even to arrange for a departmental circular to be sent to policemen saying that Aboriginal pecple resent and are humiliated by the use of such terms and that police are to cease this practice in the future.

Clauses 5 to 10 of the bill relate to the establishment of an anti-discrimination tribunal and propose to have a tribunal consisting of a president, who is to be a legal practitioner of at least 5 years' standing, and 2 other members, with at least 1 member of the tribunal being a woman. This seems both sensible and equitable. It is proposed that the functions of the tribunal will be of a judicial nature rather than concern itself with day-to-day matters.

This bill has drawn heavily on existing legislation in other states. Clauses 11 to 18 create the powers, functions and position of a commissioner for equal opportunity who will not be a public servant. This follows the guidelines of the act passed in New South Wales. The principle throughout the legislation is one of conciliation and negotiation rather than confrontation, which is

obviously the most sensible and reasonable approach to combat most forms of discrimination.

Clauses 19 and 20, which define 'discrimination' and 'personal characteristic', are the crux of the legislation. The definition of 'personal characteristic' in this bill is taken from the Tasmanian legislation and covers a very broad spectrum relating to such matters as marital status and ethnic characteristics, including race, colour, nationality and sex. It covers also personal handicap which does not include impairment to the intellect or mental illness.

Clauses 21 to 32 make discrimination unlawful in many areas and again draw heavily on state legislation. The bill makes discrimination unlawful in such areas as employment, commission agents, contract workers, trade unions, employment agencies, the provision of accommodation, advertising, victimisation and counselling.

Clauses 33 to 50 outline areas in which discrimination is permissible. The second-reading speech indicated that it is hoped that some of these exemptions will be short lived. As an example of some exemptions, the bill mentions competitive sporting and accommodation. I feel this is quite reasonable. For instance, in competitive sports, there may be a degree of discrimination where stamina, nationality or length of residence of a competitor is relevant. Persons providing accommodation would be exempt where the owner or relative resides or where accommodation is for no more than 6 persons apart from the owner and his family. Many other reasonable exemptions are detailed.

Clauses 51 to 57 set out procedures whereby an alleged discriminatory act may be investigated by the commission and hopefully solved by conciliation. If no amenable solution can be reached, the commissioner will then refer the case to the tribunal. In relation to enforcement of orders, the failure to comply with an order will constitute an offence and can be prosecuted summarily. However, an order can be contested and a party is able to appeal to the Supreme Court against an order.

As was said by the proposer of this bill in his second-reading speech, this is a most important piece of legislation which has as its basic premise principles of equality and tolerance so often spoken of but not so frequently practised. All honourable members have had ample time to examine this legislation. I commend the bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in speaking of this bill, I must state that I and the government remain unalterably opposed to any form of discrimination. In correspondence that I have had on the bill, I have made it quite clear that my government is committed to equal opportunities for all members of the community. We are totally opposed to unfair discrimination wherever it occurs. I am pleased that the member for Millner did in fact give some indication that the Northern Territory government has, in fact, worked against discrimination. Without claiming any personal credit for any of us, I think that the ministers and members of the Legislative Assembly on this side of the House have personally employed Aboriginal people - even on ministerial staff - and have females at the highest levels.

Something was made of there being 300 men in positions above

the level of El in the public service and only 16 women. The member for Millner trotted out a lot of ritualistic waffle. He said that equal opportunity is not being offered. The fact of the matter is that equal opportunity is offered, but it is difficult to promote females in these positions in the public service if they do not apply for the jobs. What is needed is personnel development. That is what is happening in the Northern Territory Public Service. We do not need any more legislation on the matter. We have a section in the Public Service Act, section 14(3), which says that the Public Service Commissioner is required to ensure that there is no discrimination in the employment by the public service of any person on the grounds of that person's race, colour, descent, national and ethnic origin, creed, sex, marital status, political belief or security record except where reasonably or justifiably required for the effective performance of the work to be undertaken in that employment.

Mr Speaker, the member for Tiwi has very effectively shown that this bill is a legal mishmash and, if it were enacted and became operational, it would become a bureaucratic nightmare. It proposes 3 major officials whose duties would clash and conflict and 3 attendant bureaucracies on those officials. The member for Tiwi showed very effectively that the bill is an unfortunate kaleidoscope of bits and pieces, garnered from here, there and everywhere.

I would propose to establish to the satisfaction of all members that the bill is absolutely superfluous to the situation of the Northern Territory. I think we would all agree that the principle areas of discrimination would be in the areas of race, sex, employment and housing. As I have said, we have a Public Service Act with anti-discrimination provisions. In the area of employment, principally, federal awards apply. The Northern Territory (Self-Government) Act does not give jurisdiction to the Northern Territory Executive to establish its own industrial relations setup. Therefore, a committee was established by the Minister for Employment and Youth Affairs in relation to discrimination in employment. That committee was established by the right authority, the federal minister. It is doing a job; it may not be doing it to everyone's satisfaction. I think it is doing it reasonably satisfactorily but, in any event, there are already moves afoot to give such committees statutory backing under federal legislation. Obviously, that is an area that is already beyond our jurisdiction. We have acted where we have jurisdiction; that is, in our Public Service Act. It is very likely that, in the not too distant future, it will be further covered by federal legislation.

As I have said, the bill proposed makes provision for an extremely unruly bureaucratic machine to work against discrimination. The area of racial discrimination is also beyond the jurisdiction of the Northern Territory Executive. It is catered for by the federal government's Racial Discrimination Act and by the Commissioner for Race Relations, Mr Al Grassby. That federal legislation applies to the Northern Territory. The Commissioner for Race Relations has jurisdiction in the Northern Territory and has received complaints and acted on those complaints in respect of the Northern Territory. Why then should the Northern Territory Legislative Assembly enact legislation in respect of racial discrimination? I hope I have disposed of, to the satisfaction of members, the areas of discrimination in employment and racial discrimination.

That really brings us back to the area of discrimination against women. We have had debates already today where that has been a topic. By reason of that, Sir, and by reason of your profound knowledge, you would be aware that we are signatories to the United Nations Convention on the Elimination of all Forms of Discrimination against Women. The Australian government is working with the state governments and the Territory government to implement the provisions of that convention. Legislation that is required as a result will be identified and will be introduced and passed in the Northern Territory as in other states in due course. The extent to which the convention or the specific provisions of it require legislative action though is still under consideration. Once the terms of the ratification have been settled, the government will pay due regard to any requirement for legislation flowing from Australia's acceptance of the convention. I believe it would be premature to legislate in that regard at this stage.

The other area of discrimination that could be described as a principal area is housing. An almost totally new housing bill is to be presented to this Assembly in the very near future. I understand it was hoped to be presented at this sittings but, unfortunately, it is a considerable task. It will not be presented until the next sittings. That housing bill will also, as does the Public Service Act, contain an anti-discrimination provision. I believe, therefore, that all principal areas of discrimination in the Northern Territory have been covered or will be covered in the not too distant future. For those reasons, I believe that this bill is superfluous and I would therefore oppose its passage.

Mr B. COLLINS (Opposition Leader): Mr Speaker, because of the peculiar nature of my involvement in this debate in that I had to see carriage of this bill after the resignation of John Isaacs, this is my only opportunity to speak during the debate. So I apologise that I will not be able to deal with the individual points that were raised by members because there are a number of general points about the bill that I wish to record in Hansard and I will not have the time to do so.

However, I do want to make a few brief comments about the contributions that have been made. I thank the Chief Minister and the member for Tiwi particularly for their contributions to the debate. However, I do feel that, in the member for Tiwi's flight through the bill, she only alighted on the clause titles on occasion without reading the substance of the clauses themselves. But I thank her for the treatment she gave the bill.

I do not make it a rule to make generalised sweeping statements about contributions usually but I must say in respect of the contribution of the member for Alice Springs that I can only describe his contribution as tripe, Mr Speaker, and unadulterated tripe at that - tripe without benefit of sage or onions.

The Chief Minister did in fact make a number of interesting comments that I took on board. Those comments in respect to past performances and no doubt future performances of the Chief Minister are very interesting indeed. Those comments relate to the efficacy of federal legislation which applied to the Territory and

in that case the pointlessness of applying Territory legislation. I have no doubt that I will have occasion to remind the Chief Minister of those comments.

The Treasurer, in one of his invaluable interjections - and I must say he gives himself away every time he does interject - said during the debate: 'You just want to balance the books'. Mr Speaker, I would use that remark to illustrate how entrenched some forms of discrimination are.

Quite often discrimination goes back a long way. The fact is that, in employment, women, Aboriginal people and so on are often discriminated against - not by any current acts because, unfortunately, there is a lack of such applicants to senior positions - in terms of education and opportunity years ago. I had a recent example of that when I advertised nationally for a position on my staff. I received 50 applications; 49 of them were from men and 1 was from a woman. The woman was an outstanding applicant. On the basis of merit, she was a clear winner and she got the job. She was a tutor at a university and had been a tutor for years. That was despite her acknowledged standing in her particular skill. Indeed, she was a very impressive person to interview. Her professional colleagues spoke highly of her. However, this woman had been denied a lectureship at the university purely on the ground of her sex. It was a conservative school at the university and so on. I took those remarks with a grain of salt. I did not know the situation. I thought that maybe there were other reasons why she did not shape up.

She got the job. In fact, she had not applied for other jobs before because she wanted to have an academic career at the university. She finally got sick of it. She had had a gut full so she applied for another job. She went back to the university and advised them that she was leaving after 7 long years, and she was offered a lectureship. Unfortunately, I missed out. But I am very glad that in that case I was able to give the university the prod it needed to give her the recognition she deserved. Obviously, she had been knocked back on previous occasions because of her sex. There were very few women in that particular school. That is the kind of entrenched discrimination that goes on in our society. You have to go back years to find it.

Mr Speaker, I will not go through the bill in detail because that is already in the Hansard. But I do regard the legislation as providing an extremely important and very necessary avenue to overcome many aspects of discrimination that are undeniably prevalent in our society.

Positive feedback on this bill has been obtained from a wide cross-section of the community, which is indicative of the fact that the idea of preventing discrimination through formal machinery has gained popular acceptance. Specific anti-discrimination legislation in other states has been a feature in Australia for the last 6 years. In South Australia, the Sex Discrimination Act became operative in 1976. This was followed in 1981 by the Handicapped Persons Act, as has been stated by previous speakers. Victoria passed the Equal Opportunity Act in 1977 and New South Wales passed the Anit-discrimination Act in the same year. The

Indirect Discrimination and the Equal Opportunities Section, which creates affirmative action programs, was created. Tasmania introduced an Anti-discrimination Bill in 1978 but it is still not operative. Last year the federal government announced its intention to legislate against discrimination in the ACT. In November 1981, Senator Susan Ryan introduced a Sex and Marital Status Discrimination Bill.

The enactment of such legislation reflects the concern felt by responsible governments and politicians that the problem of discrimination is a serious and pervasive one. Despite the inevitably controversial nature of such legislation, other progressive states in their definite commitment to achieve equality for disadvantaged citizens have proceeded with legislative reform in the belief that the law is an important agent of social control, which indeed it is.

The law provides an unequivocal statement of public policy and provides a yardstick from which discriminatory practices can be measured. It has not provided an all-encompassing solution to discrimination but has given the stimulus and foundation elsewhere that have achieved further change. As can be seen, there have been additions and supplementary amendments to other states' legislations to overcome gaps and deficiencies as the need has arisen, so the worthwhile effects of such legislation are constantly increasing.

In addition, there has been a dramatic increase in the general number of complaints received in other states, generally caused by a wider community awareness of the law and the knowledge that discrimination is no longer condoned. It has provided a ready and comprehensible access to victims of discrimination to achieve redress in an orderly fashion and with the inbuilt protection against the occurrence of subsequent victimisation. It has created opportunities for women, those of ethnic origin and the physically handicapped, that previously did not exist.

The government has a major role to play in enacting such legislation which would be more effective than the existing mechanisms which are solely dependent on the powers of persuasion and have no real statutory power. Such mechanisms are deemed to be adequate by other states which have anti-discrimination legislation.

This proposed Northern Territory Anti-discrimination Act has adopted the broad definition of 'discrimination' to be found in South Australia, New South Wales and the United Kingdom which encompasses both direct and indirect discrimination. Direct discrimination, whether intentional or not, is based on stereotyped attitudes such as all women are weak. In such a situation, a female complainant would need to prove that she had been treated less favourably than a man; for example, in substantially similar circumstances because of the stereotype belief. Direct discrimination deals only with individual actions. Indirect discrimination goes further in that it is intended to bring within the scope of the act those situations where, through ill-will or inadvertence, actions and policies which are not directed against an individual have a discriminatory effect when implemented.

Mr Speaker, if a woman, for example, believes that she has been discriminated against by requirement or condition, she has to prove

an inability to comply, that it is unreasonable under the circumstances and that it results in a substantially higher proportion of men complying.

The inclusion of indirect discrimination should result in many rules and criteria being critically assessed to remove what is usually unintentional bias. The act makes it unlawful to discriminate on the grounds of sex, marital status, ethnic origin and physical handicap which, similar to New South Wales, is broader and more encompassing than other state legislation.

Similar to other states, the key areas to which discriminatory conduct has been proscribed in the Northern Territory bill are employment, the provision of goods, facilities and services, accommodation, advertising, and victimisation. The experience of other states to date appears to be that most complaints concern discrimination in employment and, of these, the majority are women. For the year ending 30 June 1980, 50% of complaints in New South Wales concerned discrimination in employment. In South Australia it comprised 50% of all complaints received and, in Victoria, 70%.

As regards employment, the bill makes it unlawful to discriminate against job applicants in the terms on which it is offered, the conditions, training and promotions, or dismissal of an employee. Similar restrictions are established in relation to commission agents, trade unions, employment agencies, bodies granting qualifications regarding jobs and contract workers. In the area of employment, there are exceptions such as partnerships which are able to discriminate in employment if they consist of 6 or less partners, and households if the number employed does not exceed 5. I agree with the member for Tiwi that perhaps this could have been changed.

Further exceptions apply in that the bill allows for situations where the nature of the job may require a particular personal characteristic such as for authenticity in dramatic performances, restaurants and photographic models. That is quite the opposite of the effect that was mentioned by the member for Tiwi.

There are situations where the requirements of a job, in the interests of propriety, necessitate the employment of one sex - thus the exception for genuine occupational qualifications on the ground of sex. This excludes, for instance, women being warders in male prisons, from conducting body searches on males, from entering male toilet facilities and so on.

Mr Speaker, the bill provides for a person of a particular personal characteristic to be employed in the provision of welfare services to that group so that women's refuges, for instance, can lawfully employ only women. Cases where a woman would be required to live in the employer's premises where there are no private female toilets or special facilities for a disabled person, and it is not reasonable to expect the employer to provide them, are also exempt. I might add for the benefit of the Assembly that I agree with the member for Tiwi again that the exemptions are broad and we tried to err on the conservative side.

In the area of goods and services, it is unlawful to discriminate by refusing to provide goods and services which include such things

as accommodation, loans, credit, entertainment, transport, services of professionals or trade and so on. There is an exception that permits discrimination if a skill is normally performed in a different way for men and women; for example, hairdressing. There is an exemption relating to the handicapped where the service cannot reasonably be performed in a special manner and, on reasonable grounds, can only be provided by the person performing the services on more onerous terms.

Mr Speaker, the bill does not restrict a person who provides accommodation for less than 6 persons where that person or a near relative lives on the premises. It is unlawful for a person to lodge for publication, publish or permit to be published an advertisement that indicates the intention to discriminate. It is also unlawful to commit any act of victimisation against a complainant or any other person involved in a complaint and to aid or abet that commission of an unlawful act.

The legislation allows further exceptions to religious and charitable bodies, clubs where the club is wholly or mainly for persons of a particular group, educational institutions and so on. The bill is comprehensive in the areas it addresses and will afford protection to the daily lives of many who are currently adversely affected. It can be seen that fine distinctions and exemptions have been made consistent...

Mr EVERINGHAM: Point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr EVERINGHAM: The honourable the Leader of the Opposition is making a second-reading speech. He has not addressed any of the points made, for instance by myself, in the debate. That is the purpose of the reply. I think it would be most useful if he could address specifically the points I have made because I would be most anxious to ascertain whether there is need for such legislation as this in a legal sense in the Territory. We heard all this from the previous Leader of the Opposition.

Mr B. COLLINS: Mr Speaker, the Chief Minister of course is talking nonsense. The Standing Orders do not provide for my participation at the end of this debate to be in any particular form. I said before it is because of the peculiar nature of my involvement in this debate - this will be the only opportunity that I have to speak during the debate - that I have chosen to take the particular form of debate that I have.

Mr SPEAKER: The honourable the Leader of the Opposition.

Mr B. COLLINS: Mr Speaker, as social attitudes change so, doubtless, will some of the exceptions which need to be constantly monitored and evaluated. It is important to bear in mind that the aid of the legislation is to regulate discrimination in the public area plus the justification for exceptions relating to the size of an employer's business. If the bill is too narrow, the danger is that it will be discredited by the community.

This bill will create the statutory position of commissioner for equal opportunity. I might mention in relation to some remarks

that were made earlier in this debate that I have had the opportunity of meeting the commissioner in New South Wales. She was involved in a very commendable action in respect of employment discrimination at Broken Hill. I think that the New South Wales government has employed a very remarkable person indeed.

Mr Speaker, the first person the complainant will see is the commissioner for equal opportunity who, in addition to search functions, will attempt to resolve the matter by conciliation. In New South Wales, in the year ending 30 June - these figures are not contained in Hansard - 60% of the complaints received were resolved by conciliation and only 4% of the cases were referred to the Anti-discrimination Board. In South Australia in the year 1979-80, 47% of the cases were resolved by conciliation and, in Victoria, 46% for the same year. Those are very encouraging figures.

The commissioner has the discretion to weed out vexatious cases, but there exists the right of appeal by an individual to the tribunal in this case. For the year ended 30 June 1980, only 22 out of the 472 complaints were judged vexatious, and only 6 individuals formally appealed this decision in New South Wales. I am delighted, for the first time, to place those figures on record. For those whose complaints cannot be resolved by this method, the matter is referred to the tribunal.

The legislation allows the tribunal to award damages and so on. Failure to comply with any order will constitute an offence. However, the tribunal has the power to make orders as it sees fit.

Mr SPEAKER: Order, order! I refer the Leader of the Opposition to Standing Order 49 which says, amongst other things, that the reply shall be confined to matters raised during the debate.

Mr B. COLLINS: Mr Speaker, I would draw your attention to my debate. As I have outlined each point, I have made continual reference through it to the comments that have been made by other members. I was just about to do so again.

Mr SPEAKER: The honourable Leader of the Opposition.

Mr B. COLLINS: Mr Speaker, despite the comments made by other members during this debate, to rely on a voluntary approach is not satisfactory. This is illustrated by any analysis of what is going on in the Northern Territory. That has been covered during the debate. I will not go over it again.

However, there is one piece of information that has not been given to the Assembly that I will supply. As at 30 April 1981, there were 5161 female employees whose average salary was $13,718. I provide that in response to the contributions of the other members to show that there is in fact discrimination in employment in the Northern Territory. I am not suggesting that that is caused by any particularly current attitudes. It is the kind of entrenched subconscious discrimination that other members today have spoken about. It is not satisfactory.

A recent answer to a question that we asked on notice about what action has been taken by departments and authorities to develop policies and procedures for resolving cases such as sexual harassment

since the circulation of guidelines by the Public Service Commissioner on 29 June revealed that one department had taken no action at all. The Chief Minister and other speakers on the other side of the Assembly made much of the fact that everything was okay in the Northern Territory Public Service and nothing needed to be done. I supply these figures in rebuttal.

Mr Speaker, 6 departments had merely publicised this memorandum I have spoken of by the commissioner and still, at that point, had to even issue internal procedures for resolving the complaints. Only 7 departments had issued the latter. That was 6 months later. So I would suggest that, despite the assertions of the Chief Minister, there is much more that needs to be done in his public service.

Police development inevitably will become more attuned to the needs of the larger society because of the participation of women, the ethnic minorities and the handicapped at higher levels of government. This legislation overall provides for more than just a token gesture to be given to the principles of equality and social justice and should have been willingly embraced by this government.

Mr Speaker, I anticipate from the remarks of the Chief Minister during this debate that the bill will be defeated at its second reading. I would point out once again that, despite the attitude of the government towards this matter, I would have been interested to see members such as the member for Tiwi engaged in some degree of consultation with the opposition - just as we do routinely with the government on its bills - with a view to putting amendments to the legislation.

I am sorry they have not taken that course. I commend the bill to honourable members.

The Assembly divided:

Ayes 8	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mr Leo	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Smith	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

ELECTRICITY COMMISSION AMENDMENT BILL
(Serial 194)

Mr PERRON (Treasurer): Mr Speaker, I seek leave to introduce a bill without notice. By way of explanation, the bill relates to electricity charges in the Northern Territory and it will have substantial benefits to electricity consumers. It is proposed to seek passage during the course of these sittings on the grounds of hardship. I was proposing to introduce the bill this afternoon so

that members can have time over the next few days to have a look at it before it was further considered. I understand the opposition has been advised that the government proposed to introduce this bill today.

Leave granted.

Bill presented and read a first time.

Mr PERRON (Treasurer): Mr Speaker, I move that the bill be now read a second time.

As honourable members are aware, the Northern Territory Electricity Commission is specifically bound by the Inter-government Memorandum of Financial Understanding to maintain electricity tariffs such that the income from those tariffs will equate very closely to the amount of funds which would have been raised had the charges been the same as those in north Queensland.

The principles that are embodied in the memorandum of understanding relating to electricity subsidy are very important to the Northern Territory. I am sure members will be aware of the size and effect of the electricity subsidy which we receive. In fact, the Northern Territory Electricity Commission Annual Report 1979-80 indicates quite clearly that the federal government subsidy for that year was 55% of all income for the electricity commission. If one compares it to the other calculation that fuel costs represented 41% of all expenses of the electricity commission, we can see that we are being subsidised as if we were getting fuel not only free but virtually paid for. In fact, our electricity charges are structured such that electricity is cheaper to us than would be the case if we had a coal-fired power-station sitting on top of a coal mine. Even that situation in the Northern Territory would not provide us with electricity as cheaply as the existing federal government subsidy does.

The existing procedure for increasing tariffs or altering tariffs in the Northern Territory, which is by the Executive Council, itself causes considerable delays to the Northern Territory when it comes to the Territory government considering changes to tariffs in line with those that are made from time to time in Queensland. The bill aims at eliminating some of the problems that have arisen in the past. The government proposes in future to align more closely electricity charges to the equivalent north Queensland tariff scales than has been the case in the past. The bill provides for the minister to fix charges and to specify the methods of calculation. This will not only enable a close alignment with north Queensland tariffs but, more importantly, will allow the introduction of pro rata billing from the date of any tariff variation.

Honourable members, some of whom were critical of the government's action in amending the principal act late last year, will be mindful that the introduction of pro rata billing would be of considerable benefit to consumers. The Northern Territory Electricity Commission has done a considerable amount of work in its computerised accounting system to permit pro rata billing, and the saving to consumers in the Territory as a result of this is estimated to be in the vicinity of $100,000 per quarter.

On these grounds, Mr Speaker, a certificate of urgency for this legislation on the grounds of hardship has been applied for and, in due course, you will no doubt give us your ruling. It is proposed to process the bill through all stages during the course of these sittings. If we do not, the next electricity increase will have to be under the existing act whereby pro rata billing cannot apply. Honourable members will appreciate the reason for the urgency. I apologise for this matter not being introduced into the Assembly earlier but the bill has only become available late today and that is what has held us up this far.

I commend the bill to honourable members.

Debate adjourned.

ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly do now adjourn.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, a week or so ago in Alice Springs, an 8½-year-old lad was within 5 minutes of dying. This lad had been riding a motor bike and had an accident against a tree. This story was told to me by a doctor in Alice Springs and he was extremely concerned about it. The lad was riding at the junior motor cycle race-track in Alice Springs when he had this accident. Fortunately, a St John Ambulance officer was in attendance. It is a reasonably long trip into Alice and, according to the doctor, if it had taken 5 minutes longer he could not have done anything to save this lad's life. I think it shook up the motor cycle club to realise that a lad of this age could come within 5 minutes of death.

In Alice Springs, and I presume in other centres, young children are riding motor bikes on the outskirts of town. They obviously are unlicensed. Often the motor cycles themselves are unregistered and I believe that, even if the motor bike is insured, that insurance is not valid if the rider is unlicensed. Through the newspaper and the media I have tried to encourage parents to get their children to go to this motor cycle club and ride where they can be covered by insurance.

The doctor made the point that he is continually seeing people who have had motor bike accidents. He is very concerned and I am sure most people who know about this accident are too. He feels that something ought to be done about it. There ought to be an age limit below which children are not permitted to compete in motor bike riding. The doctor did not have anything against their being taught to ride, learning safety procedures and learning to look after motor bikes etc, but he felt that to have such young children involved in actually racing these motor bikes is something which should be looked at.

I raise this matter and shall be interested to see if other members feel the same way as I do about it. Perhaps the club should be approached to see if a code of ethics could be devised banning competition riding by children below a certain age. If the club cannot manage that, maybe we should introduce legislation on the matter.

Ms D'ROZARIO (Sanderson): Mr Speaker, I wish to bring to the attention of the Minister for Community Development an aspiration of a certain group of people, and I hope he can help them. I have received representation over the last few weeks from owners and breeders of greyhounds. The substance of the representations is that they find it rather onerous that the Racing and Gaming Commission has its own system of registering greyhounds and, in addition, they are required to be registered under the Dog Act. The request is that some consideration be given to exempting greyhounds, which are required to be registered and licensed by the Racing and Gaming Commission, from the registration and licensing provisions of the Dog Act. After giving it some consideration, I must say that I have a considerable sympathy with this request because of the nature of the industry and the original reasons why the Dog Act was introduced.

Basically, these people are in possession of what might be called working animals. They tend to have a short life if they are not successful.

Mrs O'Neil: Like us!

Ms D'ROZARIO: Not quite like us. We are not put down if we fail at the starting boxes.

These animals are required to be registered under the Dog Act by the city council. An owner must pay $10 for an animal which might only be in his possession for a few months. That is to say, after it has been tried and tested and found not to be suitable for racing, it is destroyed. There is the possibility that a number of owners might have a fairly large turnover of these animals in any one year which would lay a fairly onerous burden on them.

Mr Speaker, the situation is that the Racing and Gaming Commission is also responsible for licensing particular kennels and the trainers and owners of greyhounds. The Racing and Gaming Commission does this with a high degree of scrutiny. It seems that these people are paying twice: once under the requirements of the Racing and Gaming Commission and again under those of the Dog Act. Lest anyone says that because greyhounds can be quite difficult animals in an urban context, these people should not be exempted from the provisions of the Dog Act, I might point out that they are not asking to be exempted from all provisions of the Dog Act but only from those provisions which require them to pay registration and licence fees to the city council.

During the original debate on the Dog Bill, all members recognised the need for registration of animals in order to control what had become a menace in some of the urban centres. However, the Dog Act did not make any allowance for dogs that might be registered in another area. As far as the Dog Act is concerned, a dog is a dog and there is the end of it. We did make provision for the exemption of other working dogs - dogs employed in the customs services, the police services, air force dogs and also guide dogs for the blind. It seems to me that, as these dogs are controlled to a very high degree by the Racing and Gaming Commission, some consideration ought to be given to providing their owners with some relief from registration and licence fees required under the Dog Act.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this morning I asked a question of the Minister for Transport and Works about the program for road signs. He gave a very general answer. I raised this because, a couple of months ago, there was a veritable outbreak of road signs in the rural area. I do not know whether it would be called an outbreak or a plethora but there were 'biggest mobs' of road signs put up. These road signs were erected in many places seemingly without rhyme or reason. They were not asked for by the people who live in the rural area; they were not asked for by me. In some cases, they were erected in very unsuitable places.

I started corresponding with the Police Commissioner and Department of Transport and Works officials last July regarding the undesirable speed of loaded sand and gravel trucks in the rural area. From this came questions on whether regulatory road signs were necessary in the rural area. A decision was made that 80km/h signs would be erected on all gravel roads off the main highway. Whilst conceding that I did not know everything there was to know about regulatory road signs, I wrote back to the Police Commissioner and the Department of Transport and Works saying that, in view of the fact that they intended putting up 80km/h signs all over the place, I would like them to look at certain roads again. I named particular roads that I knew to be very difficult for the general public to use. Despite that, 80km/h signs were erected anywhere.

The first one was drawn to my attention 2 days after it was erected. It was put on Girraween Road, which is very dangerous at one point. One of my constituents has lived on the corner of Girraween Road and the Stuart Highway for about 8 years. Because of the dangerous nature of the road, she has collected 20 vehicles in her front garden over those 8 years. When she saw the 80km/h sign go up, she was one of the first to ring me to voice her objection very strongly. I directed her to 2 official places where perhaps her voice could be heard to more effect. I realise that an 80km/h regulatory road sign means that a vehicle may not travel faster than 80km/h over that road. Realistically, however, persons might be travelling quite happily at 50km/h or 60km/h on a road and, if they see an 80km/h sign, they automatically think they can do about 90km/h or even 100km/h and then drop back to 80km/h if they see a police car or a transport officer's car following them.

There was an 80km/h sign erected on the road past the Humpty Doo School. I understand that, when this was drawn to the attention of the officers in the Department of Transport and Works, there were a few red faces. Not only was it inappropriate on that particular road but it was a highly inappropriate speed at which to pass a school, particularly as the demountables of the provisional school are right on the road and the new school will not be much better off. That particular sign was covered up but, unfortunately, most of the other signs are still there.

There is an 80km/h sign on a road in the Fellows Road area which is not in my electorate but just across the highway. The road is about 400m long. If a stranger drives onto the road and thinks he can do 80km/h, he will be at the end of the road and up a gum tree before he reaches that speed.

I raise this subject of road signs specifically. Last year,

on behalf of a group of people in my electorate, I asked to be erected in the rural area one road sign relating to a certain building. That request was refused and different reasons were given, none of which were valid. I requested on behalf of many of my constituents that a sign be erected pointing down Virginia Road to the Christian Church and that request was refused by officers of the Department of Transport and Works. Yet they went ahead and erected all these other signs in the rural area, not against the wishes of the people, perhaps, but certainly not at their request or mine.

While I am on the subject of road signs, I really think somebody must have had budget allocations that he had to use up at all costs. If one comes into town, one will see duplication. I will only cite a couple of instances of duplication. I have been quite happily driving along observing direction signs for a number of years. I think that any stranger coming into Darwin would still have been able to have found his way around with ordinary finger-direction signs. But coming into town the other day I saw a sign pointing to Duke Street. It has been there for a number of years but there is also a sign pointing down to Duke Street. So there are 2 signs pointing down to Duke Street. To my way of thinking, the second one is extraneous and unnecessary.

The Daly Street Bridge has a dirty great sign to say that you are on the Daly Street Bridge and you are in the city. I find this duplication of road signs completely unnecessary. The previous signs that were up were quite adequate. People are not supposed to be going at such a rate that they will zip past before they see where the road signs point to. I hope that some common sense can come into this.

I might conclude on this subject by saying that, because of one sign, a couple of times I went bush and ended up at the wrong place. I am referring to the sign on the highway which points down Yarrawonga Road. Originally, there was an ordinary finger pointing down the road which everyone obeyed when they wanted to turn down that road. Then a great big sign was put up some metres to one side of this other sign. When it was first put up, I thought that the sign had been changed and I took off in that direction and ended up at the pipeline off the road. I now follow the original sign.

That was my first experience with the duplication of road signs. I hope that some common sense comes into the whole deal. Instead of wasting money on this duplication of road signs, I wish to heaven that some money would be reallocated to the upkeep of roads in the rural area.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I promise I will be very brief this afternoon. I would just like to read to the Assembly a letter which I have received. It has been addressed to the honourable Ian Tuxworth, Minister for Health, and copies have been sent to the honourable M.J.R. McKellar, Senators Bernie Kilgariff and E.A. Roberts, Dr Blewett MHR, Mr Grant Tambling MHR and all NT MLAs. It is from the Pathology Laboratory, Darwin Hospital. It says:

The staff of the Pathology Laboratory, Darwin Hospital, is deeply concerned about the recent newspaper report that consideration is being given to handing over the Pathology Laboratory services of the Northern Territory to private enterprise. That this is under consideration has been confirmed by the secretary of your department. We deplore the idea that the NT government should dispose of to private enterprise a capital resource worth many millions of dollars given to the NT by the Commonwealth government.

We believe that such a step, once taken, would be irrevocable and would not serve the best interests of the people of the NT. We fear that the costs of pathology services to individual patients would increase either directly or by way of higher health insurance premiums. We are concerned that public health standards would be affected because unprofitable investigations are likely to be dropped by private entrepreneurs. We are also concerned that the people of the Northern Territory would cease to be able to exercise their choice between publicly and privately-provided services.

We acknowledge the high cost to the NT and Commonwealth governments of pathology services and we recognise that these should be made more efficient. However, we believe that the cost to the government of privately-provided pathology services for the socially disadvantaged and public health patients alone would be greater than both governments' expenditure on all pathology services in the NT. We look forward to your reply.

It is from the staff of the Darwin Hospital Laboratory and I have counted 37 signatures.

Mr BELL (MacDonnell): I realise that rising to address the Assembly at this hour will make me unpopular. Unfortunately, due to the possibility that we may only have one sitting day next week, I believe that I must raise this matter now. There has been a considerable amount spoken today about human rights and anti-discrimination. I hope briefly but forcefully to impress upon the Assembly a particular instance that deserves its attention.

I will be following it up with a question on Tuesday morning. As shadow spokesman for Central Australia, I receive representations from people not necessarily within my electorate. In this particular case I have received representations from the community at Lake Nash. There are serious deficiencies in terms of the provision of services that I would like to explain to the Assembly today in the hope that the Northern Territory government will see fit to make some serious contribution towards providing those services.

I should add that I appreciate there is difficulty in terms of providing those services because of difficulties with an excision, partly because of the land that has been provided for the people there and partly because of the problems of the King Ranch Pastoral Company, which holds the lease to Lake Nash, being, shall we say, an absentee landlord. The services that are not being provided for those people have been highlighted by the recent wet weather. I quote from a letter received from Mr Terry Hennessey, a school teacher at Lake Nash. He wrote to me urging that I chase up this matter as solidly as possible:

The phones are out due to wet weather. The station radio, I am told

by reliable sources, is also out of action. This leaves the community with no means of communication in case of emergencies. During the first 2 weeks of school, we had to evacuate 4 separate people. This would be impossible under the present circumstances.

I am sure you will agree with me, Mr Deputy Speaker, that that is a parlous state of affairs. The Minister for Health said that, at Jabiru - which is albeit a centre of population somewhat bigger than Lake Nash - a full-time doctor is available. At Lake Nash, they have had a doctor there for about 2 hours in the last 2 months. That is not a good record. It is one that seriously leaves at risk an isolated community in the Northern Territory. I believe that that is a situation we should not tolerate. Mr Hennessey went on to say:

I am in no way casting aspersions at the professional integrity of the visiting sisters whose work is greatly valued by the community. However, I wish to leave you in no doubt with regard to my anger concerning the lack of medical support given to the Lake Nash community. I wish you to take up as a matter of the gravest concern the lack of reliable, all-weather means of communication at Lake Nash before we have preventable death on our conscience.

Last year I put on notice a question of the honourable Minister for Transport and Works about the provision of a health clinic at Lake Nash. I asked him whether an application had been made by the Department of Health for the use of the old boys station to be used as a health clinic. I was told that it had been used. I also asked him for the result of that application. The answer came back that both the Departments of Health and Primary Production sought the use of the surplus facility. The relative needs of each were assessed on their merits. Health already had the presence in the area whereas Primary Production had a requirement to establish a new facility in the area. Once more cattle are more important than people.

Do you know what the presence of the Health Department is in Lake Nash? For a while it was a box under a gum tree. That is not much of a presence, I think you will agree, Mr Deputy Speaker. It has now been upgraded. Again I quote from Mr Hennessey's letter:

The health clinic referred to by Mr Tuxworth can best be described as a disused mobile chest x-ray van. The air-conditioning does not work and no attempt has been made to permanently supply the van with power or water. This has been supplied by David and Lesley Riley's house by use of a garden hose and an extension lead. I regard the condition of this van as a disgrace and an insult to anybody who has to work in it.

I am sure you will agree, Mr Deputy Speaker, that that is a situation that nobody, no community and no group of people in the Northern Territory should have to deal with in 1982.

There is one other point that I will make briefly. I mentioned communication; I mentioned inadequate health facilities. The last straw is the availability of water. It would not be too difficult to make up a case for an adequate reticulated water supply to people's houses. Houses themselves are another matter. I will not labour that point tonight because of the lateness of the hour,

but an adequate water supply is one very important public health measure that goes a great deal towards enabling people to lead much more healthy lives.

The member for Stuart could tell me how big the Lake Nash community is. I think it is somewhere in the order of 130 people. How many taps would you expect for a community of 130 people - 130 taps? You would at least expect 10 or 20. There is one tap at Lake Nash. Some of those people have to walk 300m to get water for cooking, for washing etc. That is intolerable.

I repeat once more, Mr Deputy Speaker, that I will be asking questions on Tuesday about the facilities at Lake Nash.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I know a little of Lake Nash. I would just like to say that the whole problem at Lake Nash is lack of availability of water. Many bores have been sunk or drilled and, unfortunately, not one of them as yet has come up with a flow of potable water or of a decent flow of water for that matter. That is the whole problem at Lake Nash. Certainly, there are many problems in negotiating for the lands. The people want one area and the station wants to give them another. Whatever the area may be, it seems to me that the major problem at Lake Nash is going to be that of sufficiency of water. Whatever water seems to be able to be found is simply not up to acceptable standards of potability. No doubt my colleague, the Minister for Health, will in any event be fully briefed on the whole matter on Tuesday.

I would like now to give the lie to an article that appears in this afternoon's NT News. Unfortunately, the member for Fannie Bay is not here at the moment. It concerns her. Of course, it is a big propaganda effort that she has put out about golden staph. The member for Fannie Bay said things in this article that she certainly has not said here, although she infers that she said them here. In fact, the only person on the other side who has raised the question is the member for Sanderson who asked my colleague, the Minister for Health, a bald question yesterday: what is the situation in respect of golden staph at the Casuarina Hospital? The minister provided a detailed answer to that question this morning.

The member for Fannie Bay is quoted here in the paper as saying that the hospital was already rife with the bacteria. She understood there had been 16 cases of golden staph at Darwin Hospital in the past 12 months - more than ever before. She said that it is important to stop it now before it continues to multiply. Towards the end of the article, it says: 'When Mrs O'Neil spoke in the Legislative Assembly earlier this week on health matters, there was no response from either the Chief Minister, who strangely was the one who responded, or the Health Minister, Mr Ian Tuxworth'.

Mr Deputy Speaker, I would just like to completely deny the whole content of the assertions contained herein in so far as they relate to me and in so far as they relate to the Minister for Health. Both of us and the government as a whole regard as serious anything such as an assertion in relation to golden staph being about a hospital. That is the way it has been treated. The answer that the minister gave this morning showed that it is being treated very seriously by the management of the Darwin Hospital.

It is nothing more than another cheap example of the propaganda exercise being carried out by the opposition in an attempt to shake the confidence of the public in health administration. I did not think it would stoop so low as to go in for what I would say are deliberate fabrications, but it has. Mr Deputy Speaker, I give it the lie and I am sorry that the member is not here to hear me.

Mrs LAWRIE (Nightcliff): Mr Speaker, the honourable Chief Minister at the outset of that speech said that the member for Fannie Bay, who unfortunately is not present, did not mention the problem of golden staph. Well, she did indeed. In her motion for debate on a matter of public importance, the member for Fannie Bay mentioned it twice. She spoke about ward organisation being disrupted and the risk of cross-infection being rife, and cited, as the example, patients having been transferred from the Intensive Care Unit, where methicillin resistant staphylococcus aureus exists, to Ward 3B where the burns patients are treated. She spoke of her concern about patients who are at risk because burns are susceptible to cross-infection. She then mentioned that senior nursing staff have been so concerned about the spread of staph aureus that they have requested nasal swabs to be taken from staff to identify possible staph carriers, a routine preventative procedure. She felt it was a sick joke that they were told that there was not enough money to carry out this simple but necessary procedure.

I put that on the record tonight because it was unfair of the Chief Minister. I have not read tonight's paper. I do not know what it is in it. All I know is that there is a very good cartoon. It was unfair of the Chief Minister to suggest that, if it mentions that golden staph concern was expressed by the honourable member for Fannie Bay in this Assembly, it is a fabrication. He is wrong, and a simple perusal of page 3 of Hansard of the first day will show him he is wrong.

Mr B. COLLINS (Opposition Leader): Mr Deputy Speaker, I have risen on the same matter as the member for Nightcliff. The Chief Minister was certainly mistaken in the statement he made this afternoon. The confusion, of course, may well be that the member for Fannie Bay did not use the words 'golden staph' when she spoke about it in this Assembly. She did, as the member for Nightcliff has just pointed out, use the correct name.

Mr Deputy Speaker, as no one else seems to be worried about the passage of time in the Assembly, I came back to speak in the adjournment. As a matter of fact, I was forced back here by the member for Nightcliff. I have long been an advocate of diversification of the Territory's economic base. The reasons are obvious. The more diverse the economy, the more insulation we have against general economic downturn flowing from the depressed state of one particular sector of the economy. Along with the government, I view agriculture as an important part of any push towards economic diversification, but I have also been of the view, and I still am, that any attempt to develop agriculture must be a realistic one as must be the development of universities. That is obvious when we consider the grand programs of the past that fell as dramatically as they rose. The government's initial attempt at this appeared to suffer from the same problems as its predecessors did, and a reference to Hansard will demonstrate that that is correct.

The original proposal outlined in this Assembly was for a development costing $62m. At Adelaide River, 45 farms were to come into production which would grow only rice. In the Douglas-Daly area, 120 farms were to be established for grain, oil, seeds and peanut production - a massive project to be developed over a 10-year period. My concern was heightened when the Adelaide River rice-growing project was shown very shortly afterwards to have no scientific foundation and was dropped by the government. I expressed my concern in the debate at the time about the history of development of that kind in the Northern Territory. I spoke on it at length.

I had one more concern. The new scheme appeared to have little room to accommodate Territory growers. I am pleased to acknowledge that, despite the failure of the Adelaide River rice-growing project, progress is now being made in the Douglas-Daly where crops have been sown on the first 2 project farms. I shall have a look at these projects later this month with other members on the field day and I must say I am looking forward greatly to going there.

However, the reason for my rising to speak this afternoon is to commend the government on its contribution to agriculture through Agricultural Development and Marketing Authority crop sales and marketing service. I am confident this government initiative will make a constructive contribution to the orderly development of agriculture in the Territory, breaking the sector out of what had become a state of perpetual infancy. The key advantage of this scheme is the confidence it will generate in agriculture because markets will be guaranteed.

The scheme presently applies to 4 major crops: sorghum, maize, mung beans and peanuts. Farmers will receive 70% of the indicative price of the crop within 14 days of delivery to ADMA depots. This will allow farmers an immediate cash flow and provide the ability to budget. The final payment, less the handling charges, will be made when the crop is sold. That is similar to the arrangements that are made with crops such as wheat in the states. A further significant advantage of this scheme is that it assists established producers, many with great knowledge of Territory conditions and hence a contribution to make, a feature not apparent in ADMA's general agricultural program.

Mr Deputy Speaker, while I commend this scheme, I think we can do better. I would like to take this opportunity to put forward a few suggestions. In order to grow crops, producers in the Territory have to meet major costs. The costs of clearing the land in the Territory are extremely high in comparison with the states. The costs of fencing to a reasonable standard the area to be cropped and appropriate equipment to prepare soils and plant, harvest and transport crops all involve a long-term financial commitment by the producer. A considerable amount of money is involved. I recommend to the government that it look to extend the ADMA scheme to allow for a guarantee of markets, and hence revenue, to be more in tune with costs involved. This extension of market guarantees would also encourage service industries related to agriculture, such as machinery suppliers and transport operators, to expand their operations. This infrastructure support is vital if the agricultural project is to succeed. We certainly hope that it does.

I would suggest that the government provide a crop guarantee for a 3-year period. We have had discussions with growers who are involved in the scheme or hope to be involved in the scheme. Varying periods of time were suggested to us: 7 years and 5 years and so on. We felt, despite the obvious advantages of having it extended beyond this period of time so that growers can in fact budget - because you just cannot plan financially on a farm for 12-month periods at a time - that we would suggest as a conservative measure at least 3 years instead of 12 months.

Mr Deputy Speaker, I would certainly give a guarantee, as Leader of the Labor Party, that an incoming Labor government would honour any commitments that were made by this government in such a scheme should Labor achieve office in 1984. I would further recommend that the government look closely at expanding the number of eligible crops under the scheme. Obviously, that needs to be done with a great deal of care. In fact, it was because I intended to speak on this matter that I asked the honourable Minister for Primary Production in question time the other day what markets had been found for mung beans and what general marketing success ADMA achieved. Unfortunately, I had to place a question on notice. I look forward to receiving the reply. However, as a second measure, the government can look at extending the number of eligible crops. I would also like to commend the government on its initiative in constructing the grain receival depot at Katherine.

On the issue of public sector expenditure, I received a clear message from the comments that were made by the Chief Minister the other day in the Assembly. The message was basically that public expenditure is a net cost to the community and a burden to be carried. Of course, in many cases it can be just that. However, I point out that there are - and, obviously, the government sees this - areas where the expenditure of a considerable amount of public money can generate much more money than it costs. I believe that the Katherine grain receival depot will be an example of government spending which will represent a net gain to the community. I am sure that the grain receival depot, which will cost upwards of $0.5m, will act as a catalyst that will lead to further private sector development.

Mr Deputy Speaker, it was made patently clear by the member for Fannie Bay that the Minister for Health was reacting to tight funding by hacking away at health services in an irrational manner. I would hate to think that the Chief Minister, as he has done in the past, will step in as acting Treasurer when the going gets tough. When you consider the wide range of topics of which the Chief Minister takes control, you would think that he considers that the rest of the front bench do not have a brain between the lot of them. I hope that, if there is cutting back in the public sector, it does not involve schemes such as the one in Katherine which will generate a great deal of income. All public expenditure is not bad and I would suggest that the ADMA scheme at the Douglas-Daly area and the facility that the government has just completed in Katherine are perfect examples of wise expenditure of public money.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MATTER OF PRIVILEGE
Telecast by ABC

Mr B. COLLINS (Opposition Leader): Mr Speaker, I wish to draw the attention of the Assembly to a matter involving the actions of the Chief Minister which I believe constitutes a contempt of this Assembly in that the Chief Minister, in introducing the Evidence Amendment Bill 1982 Serial 179, did deliberately mislead this Assembly as to the motives of the government in introducing this bill and giving notice that it would proceed through the Assembly under a suspension of Standing Orders. I advise the Assembly that this is the earliest opportunity that I have had to raise this matter in the Assembly after I had become aware of it. Mr Speaker, I request that, under Standing Order 72, you refer this matter of contempt to the Privileges Committee for its consideration.

In consideration of this matter, I would draw your attention to the second-reading speech of the Chief Minister on Wednesday 10 March 1982 when he introduced the bill. I would further draw your attention to the ABC television news of Thursday 11 March which was the first opportunity I had to hear the Chief Minister's comments. The matter of the Evidence Amendment Bill and its passage through the Assembly under suspension of Standing Orders would put some onus on the Chief Minister that he would discuss fully with members the reasons for both introducing the bill and proceeding with it in such a manner. The second-reading speech clearly shows that there is no reference whatever by the Chief Minister to the Kenbi land claim nor the decision of the High Court that specifically affected that claim.

However, on Thursday night, the ABC interviewer said: 'Both the Opposition Leader and the Northern Land Council responded claiming that there was an ulterior motive and this was to deprive the court of any government documents in this case specially relating to the Kenbi land claim which covers an area of the Cox Peninsula'. The Chief Minister replied: 'I think the statements that have been made to date by the Northern Land Council, which I personally do not attribute to Mr Blitner - I attribute it to some more radical of the followers of the council - and the statement by the Opposition Leader are, in my view, out of order'. The interviewer then said: 'Why then the haste to get this amendment through?' The Chief Minister replied: 'Well, it is certainly something that is needed. It was brought home to us as a result of the Kenbi decision that all Cabinet documents, all Executive Council documents, are potentially admissible in a court of law ...'.

Mr Speaker, it is clear that the matter of the Kenbi land claim and the High Court decision was a matter of considerable substance which is very germane to the passage of this bill. The Chief Minister delivered a prepared second-reading speech. I say that because it obviously indicated that some degree of preparation was put into it.

The point that I raise in bringing this matter of contempt before the Assembly is that I believe that all members of this

Assembly have a right to be affronted when the media is given access to a greater degree of information than members of this Assembly in respect of legislation, particularly, Mr Speaker, in the case where this Assembly is sitting. I believe that it should not be necessary for the opposition - particularly as the processing of this bill is proceeding under a suspension of Standing Orders - to have to listen to the ABC television news, the radio news or After Eight in order to obtain information on a piece of legislation before the Assembly if we cannot get it in the Assembly at the time of the bill's introduction.

Mr Speaker, I believe that the Chief Minister's giving us the absolutely vital piece of information that the Kenbi land claim and the High Court decision was in fact instrumental in moving the government to introduce this legislation when he did not give that information to the members of this Assembly in introducing the bill is a contempt of this Assembly and it deserves to be referred to the Committee of Privileges for its consideration.

Mr Speaker, I proffer you a transcript of the ABC television news of that night and refer you to the debate on Wednesday 10 March 1982 which begins on page 19 of the daily Hansard. In referring you to this debate, I am sure that, in the 24 hours available to you to consider this matter under Standing Order 73, the Chief Minister would be able to make any corrections to that transcript that he would want to make.

Mr ROBERTSON (Leader of the House): Mr Speaker, I say that I am rather amazed ...

Mr B. COLLINS: A point of order, Mr Speaker! There is no debate permitted on this matter.

Mr ROBERTSON (Leader of the House): Mr Speaker, may I seek leave of the Assembly to make a short statement on the matter.

Mr B. Collins: No.

Mr SPEAKER: Leave is denied.

Honourable members, I undertake to examine the complaint made by the Leader of the Opposition and to advise the Assembly of my decision at a later hour.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent me from making a short statement on this matter to the Legislative Assembly.

Mrs O'NEIL (Fannie Bay): A point of order, Mr Speaker! We are now at the stage of proceedings of the Assembly where we are receiving messages from the Administrator if there are any. I would ask the Leader of the House if he wishes to pursue this matter further at this stage because it would seem to me to be some discourtesy to the Administrator himself. The Leader of the House will have the opportunity to debate this in accordance

with Standing Orders when you deliver your judgment on the matter, Sir. That is the appropriate time for him to pursue it if he wishes to do so.

Mr SPEAKER: There is no point of order.

Mr ROBERTSON (Leader of the House): Mr Speaker, I certainly would not indicate any discourtesy to His Honour the Administrator. I was merely discussing with one of my colleagues what line of action we should take in this matter and I did not hear you mention that a message was before you from the Administrator. I certainly would not wish to interfere with his right in this place. I have moved the motion and I seek to have it put.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I once again point out to members of the Assembly that the Leader of the House will have an opportunity to debate this matter after you have considered it, Sir. That is the procedure of Houses of Parliament which has been determined over very many years. There is a long tradition that it should not be discussed in the parliament until the Speaker has had a chance to consider it. I am sure that the Leader of the House does not wish to pre-empt your decision but, nevertheless, I urge honourable members to appreciate that they should not be discussing the matter of privilege at this time in the Assembly. It is quite against all the traditions of privilege of Houses of Parliament which have been built up over many centuries.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Mr ROBERTSON: Mr Speaker, I hope that you are not tempting fate.

Mr Speaker, I will be brief. I recognise that a matter has been put before you as a matter of privilege and you have ruled that you will consider the matter. As has been pointed out by the honourable member for Fannie Bay, it would not be for me to reflect on this matter prior to the Privileges Committee determining it. Nonetheless, I did wish to speak because of the unusual nature of the matter. I cannot recall any previous occasion where such a matter as this has been referred to a Privileges Committee. We heard from the other side of the Assembly the pious annunciation that my speaking defies the normal practice of the Westminster system. Mr Speaker, I put it to you that to use this method for an ulterior purpose does defy the normal practice

of Westminster parliaments. Where a minister has been accused of misleading the House, it is not the appropriate vehicle to refer it to the Privileges Committee; it is standard practice to do it by way of a motion of censure of that minister.

That being the case, I asked myself what motive could the Leader of the Opposition have that this matter be referred to the Privileges Committee when that is a quite improper and unusual way of going about it. There can only be one reason. As has been widely circulated in the press, this matter will go through this Assembly today. That is the intention of the government. In considering why the Leader of the Opposition would quite improperly use Standing Orders in this manner, I came to the conclusion that the only reason he would do so is so that he could argue here and before the media that the bill should not proceed through this Assembly whilst this matter is before the Privileges Committee. Mr Speaker, the matter referred to the committee has in fact nothing to do with a breach of privilege; it has to do with an opposition tactic in relation to the passage of the legislation.

Mr B. Collins: You are wrong.

Mr ROBERTSON: Of course, the Leader of the Opposition has had his thunder stolen and there is no way in the world he can annunciate this grand plan to stall this legislation by saying it is a matter which has been referred to the Privileges Committee. We certainly would not oppose a matter going to the Privileges Committee nor am I discussing the merits or otherwise of the matter as a matter of privilege. I am simply saying that the opposition has misused Standing Orders for its own purpose.

SUSPENSION OF STANDING ORDERS

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent me from replying to the inaccuracies in the Leader of the House's statement.

Mr SPEAKER: Is the member supported? The member is not supported.

MESSAGES FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I read Message No 8 from the Administrator of the Northern Territory:

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill for an act to impose a royalty on minerals recovered in the Northern Territory, and for related purposes.

Dated this 5th day of March 1982.

E.E. JOHNSTON
Administrator.

Mr SPEAKER: Honourable members, I read Message No 9 from His Honour the Administrator of the Northern Territory:

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill for an act to provide compensation for an injury as a result of a criminal act.

Dated this 9th day of March 1982.

E.E. JOHNSTON
Administrator.

PETITIONS

Protection of Children from Sexual Interference

Mr VALE (Stuart): Mr Speaker, I present a petition from 2426 residents of the Northern Territory requesting the Northern Territory government to enact legislation to protect the children of the Northern Territory from sexual interference. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. Mr Speaker, I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned residents of the Northern Territory respectfully requests that the Northern Territory government, as a matter of urgency, enact legislation to protect the children in the Northern Territory from sexual interference falling short of actual assault. Your petitioners, as in duty bound, will ever pray.

Parap Community Health Clinic

Mrs O'NEIL (Fannie Bay): Mr Speaker, I present a petition from 337 citizens of Darwin expressing their concern at the proposed moving of services provided by the Parap Community Health Clinic from its present location. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. Mr Speaker, I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of Darwin respectfully showeth their concern that to move the services provided by the Parap Community Health Clinic from its present location would greatly disadvantage many people. Your petitioners believe that the Parap Community Health Clinic is presently easily accessible for mothers with young children, who often have no private transport of their own, for the many pensioners and invalids who reside in the 2 large Housing Commission

complexes nearby and for the many ordinary people who reside in the neighbourhood. Your petitioners therefore humbly pray that the Parap Community Health Clinic remain in its present location, and your petitioners, as in duty bound, will ever pray.

Proposed Closure of East Arm Hospital

Mr DOOLAN (Victoria River): Mr Speaker, I present a petition signed by 157 citizens of the Northern Territory expressing their concern at the proposed closing down of East Arm Hospital. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. The 157 signatures were collected in just one day and there will be further petitions at the next sittings. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that it would be a tragic waste to close down the East Arm Leprosy Hospital without replacing it with other urgently needed services for Aboriginal people of the Top End on such an appropriate site. Your petitioners thereby humbly pray that the land and facilities be set aside for the use of an East Arm Aboriginal Health and Resources Centre and that no move is made to sell or otherwise dispose of the site until this option has been fully investigated and discussed by the Assembly and your petitioners, as in duty bound, will ever pray.

REPORT ON NORTHERN TERRITORY HOUSING NEEDS

Mr PERRON (Lands and Housing): Mr Speaker, I table a report on the Northern Territory housing needs. This report was prepared by a committee of Northern Territory officials at the request of government. I think it is appropriate to table the report because it contains information which will be of interest to all honourable members.

Housing is a crucial issue for the Territory and it is important for us to be clear about what we need to do to ensure that we eliminate any obstacles to improving housing and home ownership in major Territory centres. The report contains a number of important conclusions. To my mind, none is more important than the conclusion that the programs and policies now initiated by the Territory government, if achieved, can produce the land and the houses which are required to provide better opportunities for people to have permanent housing. The report notes that a continued effort will be required and that housing will have to remain a priority for the allocation of funds.

Mr Speaker, I want to make it clear to this Assembly that the government acknowledges the continuing importance of housing. The major financial initiative in the current budget is not a flash in the pan. It signals this government's firm commitment to housing. I say this in the full knowledge that home ownership prospects in Australia have probably never looked bleaker. The

report notes that the Territory is trying to swim against the national tide in promoting more rapid housing activity and a rising level of home ownership. In recent times, housing and housing finance have been very much in the news. The Territory government has participated in the recent Premiers Conference and in the special meeting of state premiers called to try to find ways of improving the availability of housing finance at prices people can afford. The problem of high interest rates can only be addressed by appropriate Commonwealth policies and we have joined with the states in urging the Commonwealth to take action to assist home buyers.

While it is up to the Commonwealth government to take decisive action, the Territory government has not been idle. I remind honourable members of the measures we have taken in the housing area. We have initiated a home loans scheme which provides finance on terms more generous than any other scheme in Australia. We have special schemes to assist public servants and Housing Commission tenants to purchase their houses. The Housing Commission has a major program of construction of units and houses for sale and for rent. We are pressing ahead with the development of subdivided land in major Territory centres to ensure that there are no land constraints on future housing needs. At Palmerston, we are developing a new town.

The report on housing needs identifies a number of areas for further action by this government. We will be giving very careful consideration to all the recommendations. In some areas, we have already taken that action consistent with the recommendations in the report. The report recommends a wider and more innovative role for the Housing Commission, particularly in promoting cheaper housing. The report specifically recommends that the Housing Commission assist in the building of a model village to show the scope for new and innovative designs in low-cost housing. I have already announced that such a village is to be built with the support of the Housing Commission and under the commission's general supervision. Members will know that work is well under way and the model village is currently scheduled to be open for inspection in May of this year. The houses in the model village have been designed and are being built by the private sector. The idea is that private builders will be able to show people what they can do in the way of cheaper housing.

The report also recommends further investigation into the possibility of a secondary mortgage market to increase the availability of finance for housing. The government is keen to follow up this suggestion and I have recently established a working party of government and private sector representatives to further develop this idea.

The Territory government has sought to promote the role of building societies in the Territory as recommended in the report. The Territory's proposals at the recent meeting of state premiers included provisions to encourage lower-cost housing finance through savings banks and building societies. The Northern Territory Development Corporation has been asked to examine the scope for incentive and assistance schemes to promote the establishment of factory-built housing and other new techniques in the

building industry. The Industries Training Commission has been asked to examine the manpower requirements for the building industry and to look at any necessary training programs. These are both steps which are fully in line with the recommendations in the report.

Mr Speaker, I am sure that honourable members will find the report on housing needs of great interest. The government considers there are many useful suggestions in the report and we will be using it as a basis for further development of our programs and policies in the housing area. We fully accept that adequate housing is the key to community stability. We believe that more and more Territorians will want to own their own homes and we will want to do all we can to make this possible.

This report will not solve all the problems and, indeed, there are many problems which are national in character and over which actions of the Territory government have little effect. We will do what we can. I think that the activities of this government in the housing area over the last few years show clearly that we are determined to promote housing and home ownership in the Territory.

I move that the report be noted.

Debate adjourned.

THIRD REPORT OF THE SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE

Mr HARRIS (Port Darwin): Mr Speaker, I present the Third Report of the Subordinate Legislation and Tabled Papers Committee. I move that the report be noted.

Motion agreed to; report noted.

MINISTERIAL STATEMENT ON NORTHERN TERRITORY - QUEENSLAND BOUNDARY

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, the purpose of this statement is to inform the Assembly of the current position in respect of the border between the Northern Territory and Queensland and to advise the Assembly of the attitude of the Northern Territory government on the question of the true location of that border.

By way of preamble, members might be aware from earlier press publicity that the surveyed boundary line between Queensland and the Northern Territory has been found to be inaccurate and is in fact located to the west of the defined boundary along its full length. It is not possible to properly understand the current position without briefly referring to the history surrounding the border. I ask members to bear with me while I give a little historical background.

The land mass we now know as the Northern Territory was originally part of the colony of New South Wales. In 1862, Queen Victoria annexed to the colony of Queensland an area of land up to the 138th meridian of east longitude. This in effect defined

the eastern boundary of the Northern Territory. That definition has continued up to the present day and the reference to the 138th meridian was confirmed when the Northern Territory was annexed to South Australia in 1863 and subsequently again confirmed when the Northern Territory was surrendered to the Commonwealth in 1911.

Following early settlement of the Barkly Tableland area last century, approaches were made to Queensland and South Australia to have the border marked on the ground. Little resulted from these approaches until 1833 when, as a result of a deputation to both colonial premiers and subsequent correspondence between the 2 colonies, it was agreed that South Australia would undertake the survey of the 138th meridian at the joint expense of both colonies. The arrangement was for the work to be subject to certain future checks on longitude including a check by Queensland from its telegraph station at Boulia.

In a piece of pioneering exploration, the South Australian surveyors carried out the survey from 1883 to when they reached the gulf in 1886. They used equipment which today might be considered fairly primitive and passed through country much of which had never been seen by non-Aboriginal people before. The work is described in the book 'To the Great Gulf' by Steele. Subsequent checks on the survey line disclosed that it was not entirely accurate although it was as accurate as the circumstances of the time and the conditions would permit. However, neither colony was prepared to move to endorse and proclaim the surveyed lines as a true boundary. By comparison, when some other state borders were surveyed, the resultant line was jointly proclaimed as the state border, a procedure that was subsequently upheld by the Privy Council as being valid.

In more recent times, the inaccuracy of the survey line has been shown by satellite mapping techniques to be at variance with the true 138th meridian by as much as 220m at the southern end and 664m at the northern end - in each case to the west of the true meridian. In total, the enclosed area amounts to a not inconsiderable portion of the Northern Territory which would be lost if the surveyed line was to be accepted as the correct boundary. The area may also include some mineral deposits of value and is the subject of current mineral exploration under the provisions of mineral exploration leases or licences issued by both the state and the Territory governments.

Following an approach by the Queensland government last year, the Northern Territory government, of necessity, had to determine its attitude on the matter. Obviously, the Queensland government is anxious to exert its authority up to the surveyed line based on its theories of the legalities of the matter. The matter is legally very complex and there is no clear answer as to whether the surveyed line is now the correct boundary as a matter of law. In the circumstances, it is clearly desirable to clarify the matter by joint action between the Territory and Queensland.

As the Northern Territory remains a territory of the Commonwealth, I have written to the Attorney-General of the Commonwealth seeking the views of his government. After careful consideration, the Northern Territory government has decided that it is not

prepared, in all the circumstances, to accede to the wishes of the Queensland government and agree to the boundary as being the surveyed line. In view of the doubt that appears to exist as to the legal position, the Northern Territory considers that it would be acting unreasonably in agreeing to the Queensland proposal. It owes a responsibility to the people of the Northern Territory to secure the borders and lands of the Territory as laid down in the founding documents. It has therefore decided on the continuance of negotiations with the Queensland government with a view to resolving the matter, hopefully on a mutually acceptable basis but in accordance with the truly defined meridian. I will undertake to keep honourable members informed of future developments as occasion arises.

NT GOVERNMENT SUBMISSION ON TELECOMMUNICATIONS POLICY

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I table a document which is a submission to the Commonwealth Inquiry on Telecommunications from the Northern Territory government. It is dated February 1982 and it contains within it a statement of proposed Northern Territory telecommunications policy. Mr Speaker, I move that the submission be noted.

One of the most striking developments in the post-war years in Australia has been the emphasis on communications and telecommunications in particular. It has touched the lives of all Australians. Over recent years, there has been a concerted effort by the Northern Territory government to establish the disadvantages suffered by Territorians in the telecommunications field and a number of initiatives have been taken to promote better telecommunications, particularly for people in remote areas. During the past 2 years, my government has been in consultation with all Northern Territory government departments and instrumentalities, the Department of Communications and relevant Commonwealth instrumentalities and social, industrial and commercial groups with an interest in telecommunications and their application in the Territory. Assessments of the Territory needs have been made and from these a policy has been designed to meet those needs. An opportunity has now been presented through the Commonwealth Inquiry into Telecommunications for the Northern Territory government to put forward its views in a submission to the inquiry.

Firstly, the submission outlines the telecommunication needs of the Northern Territory. Secondly, it considers the problems involved in meeting those needs. Thirdly, it proposes a policy to provide Territory-wide telecommunications by 1988 and, finally, it makes recommendations concerning the implementation of that telecommunication policy.

As I see it, the urgent telecommunications needs of the Territory can be classified into 4 major types. There is the social need for telecommunications. The Territory population is thinly scattered over a wide and rugged area, and telecommunications are the means by which isolated individuals and groups can be brought into the mainstream of Territory life. Telecommunications can provide social contact, health and education services, entertainment and, above all, much needed contact with the outside world in emergency situations or natural disasters. I am sure members will

agree that all Territorians, especially those living in remote areas, have been denied such amenities for too long.

Secondly, and closely linked with my first point, is the special need for telecommunications by specific groups. These groups might be considered disadvantaged in that they live or work without the benefit of modern telecommunications. Among these special cases, I would include people living at isolated homesteads, Aboriginal communities, the handicapped, the elderly, users of library and school services in remote areas, and the students of the School of the Air which provides an invaluable service often under adverse conditions. In considering these special groups, it must be borne in mind that cost effectiveness should be a major consideration in determining the type of communications system provided for them. Telecommunications must be available at a reasonable cost.

Thirdly, the Northern Territory is an area which has a particularly high potential for economic, industrial and social growth. Full development can only take place by means of a comprehensive and integrated telecommunications system, utilising the most advanced technology available. The Territory is strategically placed within the mainland of Australia to act as a gateway to South-east Asia and the Pacific region. Beyond those areas, it has access to the western coastal region of the United States and to Japan. These areas are prime regions with which to develop trade and commercial links. It is in the interest of all Australia that the Northern Territory be provided with the telecommunications facilities to accomplish this. The Territory is keen to expand its light industrial base and planning for Australian manufacture of telecommunications equipment should include location of manufacturing units in Territory centres. Our submission to the inquiry recommends that.

Fourthly, the status of the Territory as a self-governing entity is now established, despite the wishes of some of our federal Labor counterparts. A comprehensive Territory-wide telecommunications network is urgently needed to ensure the political unification of the area. The government has a policy statement which embodies the principle that the social and economic development of the Territory requires a full range of telecommunications. In particular, all residents of the Northern Territory shall be provided with a full range of telecommunications services according to need. Special consideration shall be given to the service requirements of persons in remote areas and the special needs of disadvantaged groups. A secure network of government services shall be developed specially for law and order, emergency and disaster service requirements. Industry and commerce in the Territory shall be serviced by a comprehensive range of telecommunication facilities. The Northern Territory shall be provided with the same range and quality of telecommunication services as the states.

Mr Speaker, 1988 is the Australian bi-centennial year and it is appropriate that we should make 1988 our target date for the provision of telecommunications services for all areas of the Territory. These services should cover the whole range of telecommunications from telephones through radio and TV to

electronic mail and data services. I will be proposing that the Territory committee of the Australian Bi-centennial Authority pursue these aims. A government working party of officials will develop programs to secure an integrated telecommunications system for the Territory through consultation with all interested groups within the Territory and with Commonwealth authorities. The working party will proceed immediately to examine ways of increasing Territory content on radio and television, both for home consumption and elsewhere. Specific telecommunications needs, such as those of remote areas and disadvantaged groups, will be pursued in the context of the policy statement and the submission to the inquiry.

I draw the attention of members to the present situation in telecommunications which makes it possible, with a wise commitment of resources, to achieve our telecommunications goals by 1988. Already the Territory is utilising satellite technology with a number of remote communities using the international satellite, Intelsat 4, to receive ABC television programs from Sydney or Perth. When the Australian domestic satellite is launched in 1985, a full range of telecommunication services based on the satellite will become progressively available even for the most remote areas. With proper husbandry, these services could be provided at a cost that should be within the means of all Territorians.

Field trials of Telecom's digital radio concentrator system are currently in process. DRCS is a terrestrial system which is intended to provide a telephone network to much of the Territory. Telecom expects this system to be in commercial use by 1984. The government has proposed that one of the research projects for the service be conducted in the Northern Territory. Given these dates, it is reasonable to assume that associated communications systems and installations will be completed and a Territory-wide network established by 1988.

The government has campaigned actively for better television and radio services throughout the Territory. We welcome the decision of the ABC to upgrade the level of its operations in the Territory to full branch status. We commend the initiatives of television and radio management in the private sector to extend their services. We congratulate those working with government institutions in the private sector to cater for the particular needs of Aboriginal people.

In commending to members the Northern Territory government's submission to the telecommunications inquiry and the Northern Territory government's policy statement on telecommunications, I draw the attention of members to the vital role of modern telecommunications in the Territory.

Motion agreed to.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE
Child Welfare Legislation

Mr SPEAKER: Honourable members, I have received from the honourable member for Fannie Bay a proposal that the following definite matter of public importance be discussed this day: the government's failure to introduce new child welfare legislation,

as recommended by the Report of the Welfare Needs Inquiry in 1979, which is denying the young people of the Northern Territory the benefit of effective welfare policies.

Is the honourable member supported? The honourable member is supported.

Mrs O'NEIL (Fannie Bay): Mr Speaker, in May of 1978, the Legislative Assembly of the time resolved to establish a board of inquiry into the welfare needs of the Northern Territory community. The terms of reference for that particular inquiry determined that it should investigate, in particular, the following matters: juvenile crime and the disposition of juvenile offenders; the care and treatment of juveniles, including the areas of adoption, child care and protection; the administration and development of welfare programs and services by all levels of government, voluntary agencies and other community groups or services; the human, administrative and fiscal resources required to implement satisfactory policies and programs; and the changes that should be made to the law to implement any recommendations of the inquiry and to achieve a greater involvement of parents in the care and protection of juveniles.

Honourable members who were in the Assembly then and members who have joined us since will be reminded that the Assembly at that time was particularly concerned about the care of young people and juveniles and the changes in law that were necessary in that area. Indeed, at the time, when introducing the matter in the Assembly, the Chief Minister, or Majority Leader as he was titled at the time, said: 'It is something we have been trying to give some priority to' and also 'it is timely in view of the transfer of responsibility of welfare on 1 July 1978'. Those words were welcomed by all members of the Assembly and extensive debate ensued. At the time, members pointed out the grave deficiencies of the existing legislation and the Executive Member for Community and Social Development at the time, Mr Jim Robertson, summed up the deficiencies in the existing legislation in his reply:

> *In 1958, the Child Welfare Ordinance was passed in the Legislative Council and subsequently amended in 1959, 1960, 1964, 1965, 1967, 1968, 1971 and, lastly, in 1973. The current legislation reflects this piecemeal alteration based upon what would have to be described as very outmoded legislation indeed. The philosophy of course which evolved that legislation is in no way fitting in 1978.*

How much less fitting it is in 1982, Mr Speaker? I have in front of me a copy of the Child Welfare Act to remind myself of just how true the words of the Executive Member for Community Development were at that time. It refers, for example, to 'institutions' meaning 'a mission station, reformatory, orphanage, school, home or other establishment'. Later on, it details how entry into those institutions is restricted. Ordinary members of the public would not be able to get into them. It specifies that a child welfare council should be appointed consisting of a welfare officer, 2 persons representing the interests of the Christian missions in the Northern Territory, 2 persons representing the interests of the Christian churches in the Northern Territory apart from the interests of the mission, a legal

practitioner who is a member of the public service, a member of the police force and 4 other persons at least 2 of whom are women. I believe, with some assurance, that this Assembly would not be creating a body such as that yet it still exists in our legislation and, as far as I can determine, it does not operate.

The Board of Inquiry into Welfare Needs of the Northern Territory reported to the Assembly in 1979. This was also the International Year of the Child. By that time, the portfolio had changed hands and the honourable member for Casuarina was the minister. One of its most crucial recommendations was that a new child welfare act be passed. The board enumerated a number of areas which should be covered by the act. Many of those areas have increasingly become areas of urgent need for law reform in the Northern Territory and the inadequacy of the existing legislation has become increasingly evident. The matters of adoption, fostering, juvenile justice, child-care regulations and child abuse come quickly to mind. Only last week, the minister found it necessary to introduce amendments relating to child abuse. I note with interest the petition signed by many thousands of Territorians presented this morning by the member for Stuart calling for action on sexual abuse of children. This is relevant both to child welfare legislation as well as the criminal law.

After the presentation of the Welfare Needs Inquiry Report, which was adopted by this Assembly, the portfolio passed to the Treasurer. He will recall that, on a number of occasions in the past 18 months, I directed questions to him as to when a new child welfare bill would be ready for introduction. In November 1980, I asked: 'When will a child welfare bill be ready for introduction into the Assembly?' The minister replied: 'I cannot guarantee that it will be introduced in the next sittings, but it will certainly be introduced as soon as it can be prepared and approved'. That was in November 1980.

In early 1981, I asked a similar question and the minister replied again: 'I cannot give the honourable member a specific date. The department is putting a great deal of effort into the Child Welfare Bill. The bill is complex and sensitive and it is being discussed by various people within the government. I believe the department is also consulting with people outside the government on the subject. I will be putting the matter before Cabinet as soon as practicable and there is certainly no intention whatsoever of delay in this regard by the government'.

I can perhaps expand on some of those areas referred to by the honourable minister at the time. It is true that child welfare is a sensitive matter and also a topical and controversial one. Numerous inquiries are being held in Australia and also overseas. In Australia, we have recently had this very lengthy document on child welfare produced by the Law Reform Commission. In accordance with the practice of that commission, a draft act is appended. There has been an inquiry in New South Wales. It is true that we in the Northern Territory need to take cognizance of those reports but that is no excuse for inaction. It is nearly 4 years since, in the words of the Chief Minister, it was 'a matter that the government was trying to give some priority to'.

The question of child welfare can be boiled down to the division of power between 3 potentially conflicting value positions. There are the proponents of the right of the child to self-determination, the advocates of the view that the family unit should be accorded autonomy of action and privacy and finally the proponents of state intervention as surrogate family to promote the best interests of the child or prevent delinquency and neglect. The law plays a central role in distributing power among the child, the family and the state. That distribution of power is the central issue which lies behind all child welfare legislation and attempts to reform it.

To refer back to the answer of the Treasurer when he was Minister for Community Development some time ago, it is true that child welfare legislation has been in the process of preparation by the department for a number of years and various officers of the department have devoted considerable periods of time to it. It is also true that other people have been called in to assist. One consultant spent 6 months working full time on the legislation in 1980 and another consultant worked for a lesser period. I cannot help wondering why, after all this effort, some legislation is not ready to be produced.

I asked the honourable minister yet another question at the end of 1981 and he said, among other things, 'I would hope to have it prepared for introduction in the early part of next year'. Quite clearly, it is not yet ready. In the same period, the government has been able to proceed with legislation in a wide variety of fields. In the course of the Second Assembly, nearly 400 pieces of legislation were passed. While some of these were clearly quite minor, others were indeed most significant items of law - for example, the various Aboriginal land acts, the Education Act, the Electoral Act, legislation on liquor and prisons, the Ombudsman Act and various financial acts relating to self-government. Of course, in the Third Assembly, other major legislation such as the Mining Act has been passed. If honourable members simply look at the Notice Paper in front of them, they will see many pieces of major legislation which have been presented as bills in this Assembly. The Attorney-General has produced the codification of the criminal law, an effort which makes the preparation of child welfare legislation pale into insignificance.

Following the various games of musical ministerial chairs, the responsibility is back where it started with the member for Gillen, the Minister for Community Development. Perhaps we can pray for some action because the need for action cannot be underestimated. We have had expressions of concern quite recently from members of the police force about juvenile delinquency in Darwin. We have had expressions of concern by the government about such matters as petrol sniffing which is a problem of which the community is increasingly aware. Until we have the legislation which will enunciate the policies that are to be carried out, it is quite impossible for people to act effectively while they are trying to work with the present totally inadequate legislation.

As I said before, it is not simply a matter of concern in the Northern Territory. The words of Dr Terry Carney relating

to the situation in Victoria seem to explain precisely the problem we face here. That gentleman has been very involved in producing a number of reports in Victoria on this matter and he knows what he is talking about:

> *Although the philosophic problems should not be underestimated, they cannot excuse the inaction of the past decade. A combination of political commitment to reform, adequate law reform machinery and a sensible period for inquiry and report, about 18 to 24 months, is all that is required to produce workable solutions.*
>
> *All law reform is a complex business. The task of protecting the rights of children is not significantly more complex than other areas of social policy. There is no excuse for the inaction of the past and no reason to brook further delay. The status quo already embodies the reconciliation between the competing interests of the state, the parent and the child. The balance is widely accepted to be inappropriate to modern conditions. It should be readjusted. In short, we have the wrong policies in place on these fundamental questions of legal and political values. It is therefore morally indefensible to justify a policy of past or future inaction. Precipitous action would be unwise or even naive in the circumstances but inaction is immeasurably worse.*

I believe that the delay of 4 years is a matter of concern to members of this Assembly and to the community. I bring forward this important matter, which the Assembly has considered in the past, because I believe all members of the Assembly quite genuinely wish to urge the Minister for Community Development to take some action on it.

Mr ROBERTSON (Community Development): Mr Deputy Speaker, I do not have much difficulty at all with what the honourable member for Fannie Bay has said. I agree with 99% of what she has had to say here this morning. The only part I do disagree with is her reference to inaction. May I assure the Assembly that that is not the case. As was quite rightly pointed out, we had an inquiry headed by the now Solicitor-General, Mr Brian Martin. That inquiry not only dealt with child welfare but also with a whole range of welfare needs.

In an exercise like this, let us face facts. We are not legislating for the next 12 months or the next 2 years; we are hoping to come up with legislation which will set the pattern in welfare services for the next 3 or 4 decades at least. We have to get it right the first time. It is rather like technology. I know the Minister for Health, in his capacity as member for Barkly, has had discussions with Telecom in an attempt to get telephone communications to Borroloola. Of course, one of the great frustrations with Telecom is that it keeps on saying: 'A new technology is coming. Let's wait until it arrives'. I suppose that the area of welfare is as dynamic as technology; everyone has new ideas.

It is not a matter of inactivity; it is a matter of trying to have the job done correctly the first time. I do agree with

the opposition. Indeed, I was widely quoted by the member for Fannie Bay as saying that the legislation under which all these matters are currently conducted is completely antiquated and inadequate for today's circumstances. There would be little point, though, in enacting legislation in 1982 if it was irrelevant in 1984. What the government is hoping to do is to bring forward legislation which will satisfy the needs for quite some time to come.

After the Martin inquiry report was made available to this Assembly and debated at length, it was not then just a matter of sending off that document to the Legislative Draftsman and asking him to come up with a bill which would be acceptable. At the same time as the Martin report was being debated in this place, the Australian Law Reform Commission embarked on a major exercise on behalf of the Australian Capital Territory. We were aware of that. I would expect the opposition to be aware of it too. We knew that it would be wise on our part to wait until that report was available so that we could marry it with the Martin report and with our own thinking and benefit from the wisdom of that body.

Mr John Seymour, who headed up the Australian Capital Territory inquiry in conjunction with the Australian Law Reform Commission, was one of the consultants just mentioned by the honourable member for Fannie Bay. The Australian Capital Territory report on welfare needs and requirements of legislation for that area was delivered in December last year. It would have been highly foolish of us to introduce legislation into this place without the benefit of their knowledge. In addition, there is Miss L. Foreman of the University of Melbourne's Department of Criminology who has been working over a considerable period. She was the other consultant referred to by the honourable member. In addition, there have been 2 public seminars to further discuss the issues, one in Darwin and one in Alice Springs.

The department has visited many communities and discussed in detail their views on the Martin report and their ideas in relation to welfare needs. The opposition mentions frequently the need for proper consultation, particularly with Aboriginal communities. The Leader of the Opposition is one of the great advocates for taking time in discussion with Aboriginal people. From experience we all know that one visit is not sufficient. It probably takes 3 visits on one issue for Aboriginal people to trust you and gain confidence in your sincerity. We were not prepared to bring legislation in here without that proper consultative process.

It might be worthy of note that New South Wales has recently brought in legislation in this area. It took over 2½ years even to reach a drafting stage. Queensland has been working on it since 1978 and has not reached the drafting stage. The document I am holding now, which I shall not ask to be incorporated into Hansard because it is confidential, contains detailed drafting instructions for 2 new pieces of legislation which we hope to introduce into this Assembly, probably at the next sittings. I will not guarantee that, Mr Speaker, because it is an extremely complex matter. One of the great conflicts in the present legislation is that child care and protection is hopelessly confused

with juvenile justice. It is not just a matter of taking the Martin report and throwing it at the draftsman. We are proposing to bring in 2 pieces of legislation, one called the Juvenile Justice Bill and the other the Community Welfare Bill which will deal with these problems.

The report I have before me resulted from lengthy consultation with judges, magistrates, the Department of Law, the Department of Health and many interested people over quite a long period. I would have liked to see it come sooner but I do not think we would have done justice to the legislation had we rushed it. Anyone who knows anything about drafting instructions knows that they are far briefer than the actual legislative provisions themselves. Nonetheless, the drafting instructions for the juvenile justice legislation is some 48 pages. It includes 132 definitive paragraphs and instructions to the draftsman. Incidentally, these have yet to be considered by Cabinet. The drafting instructions for the Community Welfare Bill occupy 52 typewritten pages and contain 187 points of policy. It is not a simple task at all. The legislation proposes to deal with the 2 distinct areas of juvenile crime and welfare as separate entities. They will not deal only with the issues of child welfare, the matter raised by the honourable member for Fannie Bay, but the whole range of welfare matters.

Mr Speaker, that is the current position. A lot of work has gone into it. We now have drafting instructions prepared which arrived on the desk of the Secretary of the department on 3 March. I received them on 5 March. Due to workload, the first opportunity I had to look at them was yesterday on the plane coming up and I discussed some points with my colleague, the member for Alice Springs, during the flight. We have not been inactive but we do not intend to rush this type of legislation through without proper and detailed consideration. That may take a little longer than the opposition and I would like but I think it is wise to consider the matter properly.

MINING ACT 1980 AMENDMENT BILL
(Serial 176)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

Once again, I am presenting a bill to this Assembly to amend the new Mining Act. At the last sittings, I indicated that the bill I then introduced would remove the last objections the Commonwealth had in relation to the act and that, following its passage, the new act would receive Commonwealth recommendation for assent. Unfortunately, this has not happened and further problems have been raised by the Commonwealth. These are the subject of the present amendment. I add that the amendments are of a technical nature relating to interpretation and do not represent matters of policy.

The first amendment relates to section 137 where a definition of 'negotiation' is to be included. The section relates to the

approval of an applicant entering into negotiations for the grant of an exploration licence over Aboriginal land. Subsection (3) prohibits the Minister for Mines and Energy granting approval for a second applicant to commence negotiations unless satisfied of certain things, one being that negotiations between the first applicant, the land council and the Minister for Aboriginal Affairs have taken place. The problem raised by the Commonwealth is that the role of the Commonwealth minister is to consider proposals by the applicant and not to take part in negotiations as such. The Commonwealth view is that the role of the Commonwealth minister is not one of negotiating with the other party and, if that interpretation is correct, the Territory minister could never be satisfied that negotiations have taken place between the applicant, the land council and the Commonwealth minister and therefore consent for another applicant to begin negotiation could never be given. The inclusion of a definition of 'negotiation' to cover the Commonwealth minister's role will put the matter beyond doubt.

The second amendment is to section 175(3). This subsection was included by amendment at the last sittings on the insistence of the Commonwealth. It provides that royalty paid in relation to uranium shall be at a rate determined by the Commonwealth minister and specified in the lease document. The Commonwealth is now concerned that this subsection precludes it from reviewing royalty rates during the term of any such lease. The amendment will allay the Commonwealth's concern.

The third and potentially most serious problem is in relation to section 191A where the words 'and to section 195(15) and (15)(b)' are to be omitted. Section 191A relates to applications for mining titles over Aboriginal land applied for prior to 4 June 1976. Such applications are afforded special rights under the Aboriginal Land Rights Act and section 191A in our act is designed to ensure the continuance of those rights. The Commonwealth has raised the point that the inclusion of the words 'and to section 195(15) and (15)(b)' has the effect of making section 191A subject to those subsections. The subsections relate to applications for special mineral leases applied for but not granted before the commencement of the new act. If this interpretation is correct, such applications in relation to Aboriginal land lodged prior to June 1976 would be dealt with under section 195(15) and would lose the protection afforded by section 191A. The amendment will ensure that all pre-June 1976 applications are dealt with under section 191A.

The fourth amendment is to section 191A(2) where specific reference to uranium is to be included to ensure that, in relation to any leases granted in pursuance of section 191A over uranium, royalty rates are determined by the Commonwealth. Members will recall that this subsection was amended at the last sittings for this reason. At that time, the words 'subject to section 175(3)' were included. Further consideration by the Commonwealth has revealed that the earlier amendment was not specific enough to cover all situations and therefore a direct reference to prescribed substances within the Atomic Energy Act has been included.

Mr Speaker, the amendments will clarify interpretation and do not present changes in policy. The content of the bill has been cleared by the Commonwealth and, upon its passage, I believe the

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Commonwealth will act to recommend assent to the principal act. The continued delay in bringing the Mining Act into operation was a matter of concern and frustration. To facilitate an early commencement, I would indicate to the Assembly that I propose to seek the suspension of Standing Orders to enable the passage of this bill through all stages at these sittings. I commend the bill to honourable members. I also make the offer that, if honourable members opposite would like a briefing from a legal officer during the break, I would be more than happy to see that that is provided.

Debate adjourned.

LANDS ACQUISITION AMENDMENT BILL
(Serial 189)

Bill presented and read a first time.

Mr PERRON (Lands and Housing): Mr Deputy Speaker, I move that the bill be now read a second time.

The purpose of this bill can be simply stated. It is to conform the powers to acquire land vested in the Territory government to those which were vested in the Commonwealth government prior to 1 July 1978. As the Lands Acquisition Act now stands, the minister, subject to the act, may acquire land for public purposes. 'Public purposes' is defined in section 4 as follows: '"Public purpose" means a purpose in relation to the Territory and includes a purpose related to the carrying out of a function by statutory corporations'. While the first part of this definition up to the word 'Territory' is taken from the Commonwealth Lands Acquisition Act 1955 and would alone be adequate, the addition of the reference to 'statutory corporations' may serve to limit the reference to 'Territory' to that reference in section 5 of the Northern Territory (Self-Government) Act, namely the body politic known as the Territory. The effect of this would be to restrict the minister's power to acquire land for the government and for government departments, including statutory corporations, for purposes beneficial to the Territory as a geographic entity and the people of the Territory.

Clause 4 of this bill removes the definition of 'public purpose' from the principal act. Clauses 5 and 10 remove references to 'public purposes' where they appear in the act. The remaining clauses are consequential upon the main effect of the bill and the removal of the term 'public purposes'. The result is that the bill makes it clear that land may be acquired under the principal act for purposes beneficial to the Territory and the people of the Territory. As I said earlier, there is nothing novel in this proposal. Prior to self-government, section 6 of the Commonwealth Lands Acquisition Act allowed the Commonwealth to acquire land for a public purpose. 'Public purpose' meant, and I quote from section 5 of the Commonwealth Act, 'a purpose in respect of which the Parliament', that is the Commonwealth parliament, 'has power to make laws and, in relation to land in the Territory, includes any purpose in relation to that Territory'.

Honourable members will note that this gave the Commonwealth very wide powers to acquire land in the Territory, in effect, for any purpose. Section 50 of the self-government act, which permits the Territory to acquire property, does not limit, in theory, the purposes for which land can be acquired. It is not as though this bill gives the Territory unlimited power to acquire land. The reason for this is that any actions by ministers pursuant to powers contained in acts of this Assembly must be within the executive authority of those ministers. In this context, look at section 35 of the self-government act. The matters which are within the executive authority of ministers of the Territory are specified in the Northern Territory government regulations. In short, any acquisition of land must be within the executive authority of the minister as established by the Commonwealth in the self-government regulations. In passing, I would note that section 50 of the self-government act requires that the acquisition of property be on just terms. The compensation provisions in the Northern Territory Lands Acquisition Act ensure that land is not acquired other than on just terms. Of course, this bill in no way affects those compensation provisions and neither does it affect the provisions relating to pre-acquisition hearings or acquisition procedures.

I commend the bill to honourable members.

Debate adjourned.

NURSING BILL
(Serial 180)

Bill presented and read a first time.

Mr TUXWORTH (Health): Mr Speaker, I move that the bill be now read a second time.

This bill repeals the existing Nursing Act which commenced in 1929. Since the commencement date of that act, there have been many changes in the nursing profession in the Northern Territory. As a consequence of these changes, the act has been amended many times with the result that the existing act is a somewhat cumbersome piece of legislation. Rather than amend that act still further, the government decided that it should be redrafted in toto.

This is an important piece of legislation in that it provides for the self-regulation of the nursing profession which has made a significant contribution to the development of the Northern Territory and I am sure it will continue to do so in the future. My department is currently involved in a major study of the nursing requirements of the Territory for the 1980s and 1990s in terms of needs, costs and facilities. Consequently, in redrafting the Nursing Act, care has been taken to provide sufficient flexibility for possible changes in the nursing profession.

Under the new bill, nurses will be registered or enrolled in a category of nursing as defined in clause 4. These categories include general nursing, midwifery nursing and so on. Clauses

relating to registration or enrolment are then expressed in terms of category of nursing without the need to refer to all the specific categories as is done in the current act. In this way, the act has been greatly simplified. If a new category of nursing is introduced in the future, it will be necessary only to amend the definition. With the present act, up to 20 amendments would be required.

This bill provides for the Nurses Board to be enlarged by the addition of 2 members, bringing the total membership to 8. The Royal Australian Nursing Federation will now have 2 representatives on the board rather than one. The new representative will be a practising enrolled nurse. I should mention that the term 'enrolled nurse' is used for those people formerly described as nurse aides. As enrolled nurses are trained at the Alice Springs Hospital, and many enrolled nurses are employed throughout the Northern Territory, it is considered fitting that they should be represented on the board. The registered nurse in charge of the nursing services at the Darwin Hospital has also been added to the board. Provisions relating to the appointment of members to the board have been standardised. Most of the basic provisions of the existing legislation remain unchanged but they have been streamlined.

The subject matter of regulations which may be made in accordance with the provisions of this bill has been considerably expanded. Many minor matters which were included in the old act will now be specified in regulations. In fact, before the act can be commenced, it will be necessary to redraft many of the existing regulations to comply with the provisions of this bill. The drafting effort can be justified in terms of the clarity and unity of the legislation package and the facility with which future changes can be made. Mr Speaker, I have a great deal of pleasure in commending the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr DONDAS (Transport and Works)(by leave): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent 2 bills relating to water supply services being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee report stages and a third reading of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

PLUMBERS AND DRAINERS LICENSING BILL
(Serial 181)

WATER SUPPLY AND SEWERAGE BILL
(Serial 182)

Bills presented together and read a first time.

Mr DONDAS (Transport and Works): Mr Deputy Speaker, I move that the bills be now read a second time.

The Supply of Services Act which these bills seek to repeal and replace dates back to 1952 and has become inadequate in many ways. It consists of no more than 7 sections and has some of its most vital provisions incorporated in subordinate regulations. We have been criticised because the present legislation does not allow for the adoption of new plumbing techniques and materials and because the plumbing code taught at the community college has no legal standing. Our present Plumbers and Drainers Licensing Board has been a member of the Australia New Zealand Reciprocity Association for 10 years yet it lacks the powers to enforce the minimum standard set by ANZRA. In short, a review of the supply of services legislation has long been due.

I now present in replacement of the Supply of Services Act, 2 bills dependent upon each other in their operation. The Water Supply and Sewerage Bill sets out the conditions upon which a water supply or sewerage service may be made available in the Territory. It regulates the manner in which plumbing and drainage work must be performed and provides for the adoption of the Australian uniform code for plumbing and drainage by way of regulations. Inspectors appointed under this bill are empowered to report on poor workmanship or unlicensed operations to the Licensing Board which is established under the Plumbers and Drainers Licensing Bill. The board has the power to cancel the licence of an unsatisfactory operator and to institute proceedings against unlicensed operators. Between the Licensing Board on the one hand and the inspectorate on the other hand, the industry is regulated and oversight of the quality of the workmanship is maintained. Having pointed out the interrelationship of the 2 bills, I will now address myself to the main features of each one of them separately.

The Water Supply and Sewerage Bill applies in water and sewerage planning districts and in services areas. It draws a clear line between the responsibilities of the Territory and those of the consumer in respect of the installation, maintenance, care for and repairs to a service and it contains enforcement provisions for the protection of the Territory's assets. While the bill attempts to streamline the paperwork which goes with every plumbing or drainage job, it does not relax control. All new installations or modifications to existing installations must be carried out in accordance with an approved drainage plan and must obtain an inspection certificate of compliance before they may be used. There is an innovation, however, which will save administrative red tape, the plumber's time and the householder's money. Repair or maintenance jobs which do not entail a deviation from the initial approved drainage plan for the installation may now be carried out without prior approval in writing. The licensed person responsible for the job is only required to submit a completion notice and, where excavation was necessary, leave his work uncovered for inspection. The inspection of repair jobs which did not involve excavation will be optional.

One of the most important new provisions of this bill is the

adoption of the national uniform plumbing and drainage code with adaptations to cater for Territory conditions. A comprehensive set of regulations will be made and printed in the form of a booklet which can easily be carried by an inspector or kept on the job by a tradesman.

Equally important is the new requirement that all materials intended for use in plumbing and drainage work must comply with the relevant standard set by the Standards Association of Australia and be tested and approved by the appropriate authority in the state of origin. Over and above this, the director retains the power to prohibit the use of certain materials considered unsuitable for Territory conditions. The director also holds the power to direct that specific materials shall be used either generally or in a specific case.

The new requirement that a permit must be obtained for the discharge of trade waste into a sewer is a provision designed for the future. With industry expected to establish itself in the Territory, the need arises for a mechanism to ensure that waste of a composition or temperature which could inflict damage on a sewer or sewerage treatment plant or the environment is discharged under controlled conditions. While the definition of 'trade waste' encompasses all liquid wastes other than domestic sewage, the requirement to obtain permits may be phased in over a period of time by declaring in the Gazette the trades which must comply, starting with those trades which are likely to discharge the potentially most harmful substances. A power to prohibit discharge temporarily while repair or construction work on a sewer is being carried out also forms part of the provisions.

Water supply agreements are another feature of this bill designed with the future establishment of industry in mind. Water may be supplied to landowners on special terms and conditions in accordance with an agreement which will be tailored to meet the requirements of the industry while, at the same time, taking into account the availability of water at that location.

The provisions in this bill governing the application for services, connections, disconnections, meter reading and charging are basically the same as those under the old legislation but are more clearly and concisely expressed. One change, however, will be made in the charging arena. The option that the occupier of premises may be billed for services provided instead of the owner of the land will not be perpetuated. Considerable administrative effort will be saved by holding the owner of the land solely responsible for all charges accrued in respect of his land. A power to remit charges where appropriate is contained in the bill. The absence of such a power in the old legislation has caused administrative difficulties and has been criticised by the Ombudsman.

There are two more small innovations concerning authorised personnel. Inspectors to be appointed under the new act must hold both a plumbers' and a drainers' licence and have at least 5 years experience in the industry as advanced tradesmen. Authorised persons who have the right to enter land or premises for purposes such as meter reading, connecting or disconnecting a service,

maintenance of the Territory-owned components of a service and related duties will, in future, for the benefit of the consumer, carry identification cards bearing their photographs.

Offences under this bill are clearly defined and carry realistic penalties. In most cases, it is $2000. More serious offences which may result in damage to a water main or sewer or the wilful destruction of the Territory's assets are punishable by a severe penalty of $5000. To give effect to the future act, regulations will be made in respect of fees and charges and, as mentioned before, the uniform code of workmanship.

The Plumbers and Drainers Licensing Bill establishes a new plumbers' and drainers' licensing board comprised of persons recommended by the director, 2 licensed members of the industry, a representative of the community college and a representative of the Industries Training Commission. Any of these 5 members may be appointed as chairman. The board's duties are to assess the qualities of tradesmen and their suitability to be registered or licensed to operate in the Territory. Although examinations are currently conducted by the community college, the board is empowered to conduct its own examinations should it wish to do so in the future.

The main weapons of the board in controlling the quality of workmanship are its powers to suspend or cancel a registration card or licence or to refuse an application for renewal. Before it takes action, the board must give the tradesman an opportunity to show cause why his registration or licence should not be suspended or cancelled. The tradesman has the right of appeal against an adverse decision of the board. Out of concern that a tradesman who has lost his licence may be forced into operating unlawfully, a provision has been inserted in the bill giving him the option to apply for reissue of his licence after he has continued to work in the industry under the supervision of a licensed tradesman for a specified period of time. He must convince the board that his work has improved during the qualifying period and must produce references from his employers. As its second most important function, the board is charged with the duty to enforce the provisions of the act. This makes it the appropriate authority to institute proceedings in respect of offences like unlicensed operations, operation while under suspension, insufficient supervision of skilled or unskilled employees or apprentices.

Among the long-awaited features of this bill are the eligibility criteria for certificates of competency at journeyman and advanced tradesman's level. These are the minimum standards agreed upon by the members of the Australia New Zealand Reciprocity Association for reciprocal recognition of qualifications. The status of journeyman or operative level, as it is called in some of the states, has not been recognised in the Territory. A journeyman is a tradesman who has passed his apprenticeship or equivalent examinations of plumber or drainer. In order to become an advanced tradesman, he must gain at least 2 years' practical experience in the employ of a licensed tradesman and must successfully complete a business administration and management course. Journeyman qualifications may be gained in 2 different ways: an apprenticeship and

passing of its final examinations or work in the industry under continual supervision for a specified number of years followed by the successful completion of a condensed course and the passing of examinations equivalent to the final apprenticeship examinations. A certificate of competency issued by the board at the completion of such training as well as a certificate of competency (advanced level) issued by the board on the completion of an advanced tradesman's training will be recognised throughout Australia or New Zealand. Likewise, the board will accept certificates of competency or their uniform equivalent reciprocity certificate issued in any other state or territory of Australia or New Zealand.

This bill introduces the registration of journeymen in the Territory. Sufficient publicity will be given to the fact and a period of 3 months from the commencement of the act will be allowed so that tradesmen falling into that category may put their papers in order. There are 3 types of papers issued by the board at each level of experience. A registration card at the operative level and a licence at the advanced level are permissions to operate in the Territory and as such are subject to suspension or cancellation. A certificate of competency is approved to the level of schooling in his trade gained by the holder and is therefore valid for life. The certificate of competency by itself does not entitle the holder to work in the Territory or any state. A reciprocity certificate is equivalent to a certificate of competency issued under uniform and consecutively numbered forms designed by ANZRA for easy recognition. It does not entitle the holder to work anywhere in Australia or New Zealand without being registered by or obtaining a licence from a relevant local authority. There is no such thing as a reciprocal licence as permission to work in a state or Territory can only be given by the local authority at its discretion. Since ANZRA takes care that the minimum standards of training are uniform throughout the nation, it is only a formality for an operator with an unspoilt record of good workmanship to obtain a licence in any part of Australia.

This bill provides the future board with all the powers it needs to adhere to its commitments as a member of ANZRA and to enforce high standards of workmanship in the Territory. The penalties for serious offences against this act, such as operating without a licence, have been set at $2000 or 6 months imprisonment or both, and for second or subsequent offences of the same nature at $5000 or 12 months or both. We have 2 pieces of modern enforceable legislation which are adequate in every way for today's needs while also providing scope for technical advances and developments. I commend the bills.

Debate adjourned.

MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 192)

Bill presented and read a first time.

Mr PERRON (Treasurer): I move that the bill be now read a second time.

Mr Speaker, the purpose of this bill is to correct several anomalies which have been noted in the administration of the Motor Accidents (Compensation) Act and to raise the level of lump sum benefits for injury and death as a result of motor accidents to help compensate for the effects of inflation since the initial levels were set in 1979.

Clause 3 corrects a technical weakness in the wording of section 9 of the act. As that section stands, it restricts the loss of entitlement to a person who is convicted of driving while drunk or driving dangerously and also was either racing a motor vehicle or driving when unlicensed. It was the original intention that each of these separate circumstances should have been sufficient for the exclusion of entitlements. Although no specific cases of inequity have been identified so far, the amendment is made retrospective to the date of introduction of the scheme as a precaution against that eventuality.

Doubts have been expressed in the administration of section 13 of the act as to whether benefits are payable to injured persons who subsequently leave the Territory and no longer qualify as Territorians. Part IV of the bill provides for the continuity of payment of the benefit regardless of subsequent place of residence of the victim.

Turning to clause 5 of the bill, the act currently provides under section 14 that persons who are over the age of 16 years but are full-time students are not eligible for weekly benefits as compensation for a loss of earning capacity. It was not the intention that persons who have developed an earning capacity and who then choose to undertake further studies should lose their benefits as a result of that decision nor was it intended that a disabled housewife, for example, who wishes to further her education should be prevented from doing so because of the resultant loss of benefit payments. Indeed, these may be required to meet the costs of child care or home help.

Clause 5 removes this anomaly by ensuring that persons over the age of 16 years who returned to their studies after a substantial break in their education should be eligible to receive weekly benefits. The clause is also expressed in a form which is consistent with a provision of section 14(3) of the act that married persons should be entitled to the full amount of benefit payable.

Clauses 6, 7 and 8 give effect to previously announced increases in maximum levels of injury benefits from $25,000 to $28,000, and death benefits for persons aged under 60 years from $40,000 to $45,000. There are similar rates of increase in all levels of death benefits for persons over the age of 60 years. These increases are to be backdated to 1 February 1982 being the date from which the new contribution rates took effect. The new contribution rates were set following actuarial advice which contemplated these increases in benefits.

Section 2 of the act contains a formula which is used for calculating benefits in the event of death of the head of the household or income-earning dependent spouse. Factor B in the

formula provides for the determination of the deceased's prior average income which is not lost to the spouse or dependent children. The legal fraternity has sought a rewording of the definition of Factor B to remove doubt as to its intent. In so doing, under clause 7(3), it has also been made clear that any other new income or asset effects for the surviving spouse arising from the death are to be taken into account in calculating the overall loss of average income.

These amendments are necessary to ensure that the original intentions of a just and speedy no-fault system are retained. Together with the increase in benefits, they are practical refinements of what is a national pace-setting scheme. I commend the bill to honourable members.

Debate adjourned.

BUSHFIRES AMENDMENT BILL
(Serial 183)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

This bill addresses primarily section 47 of the Bushfires Act which currently empowers the minister to require persons to establish firebreaks or remove flammable material from land under their control and imposes stiff penalties for non-compliance. It does not however contain any provision for appeal against such a notice, and the lack of an appeal provision was commented upon by the Northern Territory Ombudsman in a matter which he investigated recently.

The bill introduces a more democratic approach to the matter of individual responsibility for fire safety in rural areas. As a consequence, I hope it will not increase fire hazards in rural areas because it may not always be possible to take a democratic approach in fire control. It will, however, permit pastoralists and other landholders to have their say and receive a fair hearing prior to the formal notice taking effect. It further enables the person to take the matter up with the minister if he is still not satisfied with the direction.

Clause 3 amends section 5 of the principal act by inserting a definition of the term 'Director'. As is the case with other acts administered by the Conservation Commission, the director is the Director of Conservation. Clause 4 contains the meat of the amendment. It will require the director to notify a person in writing that it is his intention to issue a notice requiring that person to establish a firebreak or remove inflammable material from land under his control. The person has the opportunity, however, to respond to the director within 72 hours of the notice of intent being served on him outlining reasons why such a notice should not be served. The director may then defer or alter his decision to issue the notice or, if he considers insufficient cause has been shown, proceed with the instrument. Once the instrument has been issued, the person may still contest the matter and, within 7 days, appeal to the minister. The minister

has the power to confirm, cancel or vary the notice as appropriate in the circumstances. The Director of Conservation will also be required to submit notices to the next meeting of the Bushfires Council for ratification.

The bill opens the way for more cordial relationships between government and the rural sector and will give landholders the ability to appeal against any harsh application of the provisions of the Bushfires Act. I commend the bill to honourable members.

Debate adjourned.

CROWN LANDS AMENDMENT BILL
(Serial 195)

Bill presented and read a first time.

Mr PERRON (Lands and Housing): Mr Speaker, I move that the bill be now read a second time.

During the June 1981 sittings, this Assembly debated an inportant report of a public inquiry which had been commissioned by the government in 1980. I refer to the Inquiry into Pastoral Land Tenure in the Northern Territory, now more commonly called the Martin Report. The government believes that much of our inherited legislation should be aired for public review with a view to its amendment where necessary.

Such was our purpose when the Crown Lands Amendment Bill (Serial 123) was introduced on 10 June 1981, immediately after debate on the Martin Report. The government recognised the need for airing the pastoral provisions of the Crown Lands Act which have not been altered to any great degree since the inception of the act 50 years ago. Serial 123 has now been before the Assembly and public scrutiny for 9 months. The public response has clearly indicated that the bill has achieved many of the reforms recommended in the Martin Report. The government, however, after close study of the proposed legislation and further discussions with the pastoral industry, now believes that additional amendments are necessary.

Mr Speaker, instead of introducing a lengthy amendment to the bill, I wish to advise you that serial 195 will replace the withdrawn bill. As with serial 123, this bill is primarily directed at legislative reforms to the pastoral provisions of the Crown Lands Act. When this bill becomes law, it is expected that many eligible pastoral lessees will avail themselves of the new legislation and apply to convert their present term pastoral leases to the new perpetual pastoral leases.

Some properties that meet the new criteria will obtain the new form of tenure without difficulty. Others will need to be carefully assessed by the government. In addition to existing pastoral lease investigations, it is not accurately known how many pastoral leases would immediately qualify for perpetual pastoral lease. However, when applications for conversion are received by the Land Board, it is important that these be dealt with speedily. To reduce the workload on the single Land Board,

the proposed legislation provides for an increase in the number of Land Board members and will enable more than one board to sit at any one time.

Under the existing legislation, pastoralists who adjoin areas of uneconomic Crown land and who are eligible to have this land incorporated in their pastoral leases have had to undergo the lengthy processes of section 10B of the act. This section has now been amended and it is now proposed that, where there is only one qualified pastoral lease adjacent to such land, the lessee may apply for this land at any time or the board may recommend that the land be included in a perpetual pastoral lease when a conversion application is received by the board for its consideration.

Additionally, all pastoral lessees who are granted adjacent areas of uneconomic land will no longer have to submit to the costly and time-consuming process of surrendering the existing lease and having a new lease issued which incorporates the additional areas. Instead, the additional land will now be added to an existing lease by the simple procedure of lodging and registering a memorandum which describes the additional land and which is similar to the procedure in existing section 59A of the principal act.

One of the principal recommendations of the Martin Report is that a system of fines be introduced which will be an alternative to forfeiture for non-compliance with lease covenants. Such a system was introduced in serial 123 but, as my predecessor to this portfolio foreshadowed when he introduced the bill, it was not certain that the minister should be responsible for the administration and imposition of these fines. This new bill amends the proposed system of fines so that, where a lessee breaches the covenants of his pastoral lease and is guilty of an offence under the act, proceedings will be instituted by the minister for the offence to be heard before a court. Proceedings will not be instituted until necessary warnings have been given and the matter has been considered by the Land Board.

A further significant amendment concerns section 24A of the act and the penalty of forfeiture. The government has looked very closely at the problems of finance and incentive for those lessees and their families who have committed their lives and their futures to the pastoral development of the Territory. This bill, like serial 123, incorporates a provision for the granting of a perpetual pastoral lease to those pastoralists who have worked hard to bring a property up to a standard of excellence which will substantially benefit the Territory.

As a further incentive and as a security for future investments, the government has decided not to include a provision of forfeiture for the proposed new perpetual pastoral leases. It is considered that the monetary fine system properly administered is all that is necessary to effectively control a property which has been granted the ultimate in rural land lease tenure. Forfeiture provisions will remain for the term pastoral leases and other Crown leases. Serious breaches of lease covenants are possible such as the disrepair of a fence enclosing diseased stock on one lease which may endanger clean stock on an adjoining

lease. Instituting court action may take some considerable time and the government may be of the opinion that, in the interests of the clean lease and that of the Territory, the breach should be rectified as expeditiously as possible. In such circumstances, the government may need to correct a breach and, in addition to any action to be decided by a court, an amount equal to the value of work undertaken and expenses incurred shall be a debt due and payable by the lessee to the Crown.

Additionally, the government has reverted to a simpler and more acceptable form of section 24A relating to breaches of lease covenants that existed before 1979. The present section has been difficult to administer and pastoral organisations have requested the reintroduction of the former provisions. Section 124A has also been amended so that notices arising from a breach of the act or a condition of a lease under the act may be served within the Territory on a corporation which does not have a registered office in the Territory. This power is not currently available.

As I have mentioned previously, a major objective of this bill is the provision of encouragement for lessees to upgrade existing term pastoral leases so that they may be eligible for conversion to a perpetual pastoral lease. The government views this amendment as one of great importance. The term pastoral leases in existence at the commencement of this act and subject to the transitional provisions will lapse at the end of their current terms with no right of renewal if they have not reached the standard necessary for a conversion to a perpetual pastoral lease.

Serial 123 restricted the conversion of a term pastoral lease to a perpetual pastoral lease to the period known as rollover; that is, within the 20th and 40th years inclusive of the lease. This provision is now amended so that a lessee may apply at any time during the currency of a lease to surrender that lease in exchange for a perpetual pastoral lease. The only provision is that the lessee be able to meet the stringent criteria necessary for the issue of the new lease. Lessees will be granted the conversion free of charge if the first application is successful. A fee at the discretion of the minister but related to investigation costs will be charged for any subsequent applications.

Finally, Mr Speaker, a new clause has been included that will allow areas of public interest to be excluded from a perpetual pastoral lease when it is issued in exchange for a term lease. Necessary public access to these areas will also be excluded from the new lease. In all other respects, this bill is similar to serial 123. Such matters as the amount of fines, consent to mortgage, restrictions applying to pastoral leases, agricultural development and the use of land for other purposes largely remain unaltered. I commend the bill to honourable members.

Debate adjourned.

TEACHING SERVICE AMENDMENT BILL
(Serial 174)

Bill presented and read a first time.

Mr ROBERTSON (Education): Mr Speaker, I move that the bill be now read a second time.

Honourable members will recall the government's decision last year to provide for the employment of an additional 50 or so teachers when and where necessary to cope with the expected influx into the Territory of school-age migrant and refugee children. The need for those teachers quickly brought home the fact that we need a far more flexible system to provide for extra teachers at short notice without going through the procedure of Executive Council to place them formally on establishment and then having later to go back to Executive Council to have the establishment again buried upon the short term task being completed. In short, this amendment will allow the Teaching Service to employ teachers on a limited tenure basis or contract.

The amendment will formalise the existing practice of taking on emergency relief teachers with provisions for their employment on an hourly or daily basis. This in turn will facilitate ease of administration by placing contract teachers officially outside the establishment. At the risk of sounding rather like some pit boss from the early days of the industrial revolution, they will be there when we need them.

The amendment provides for the insertion of only one section, section 57A, providing for employment outside the Teaching Service. This allows the commissioner to employ on a contract a person either in an honorary capacity, one remunerated by fees, allowances or commission only or one engaged on a daily basis. I commend the bill to honourable members.

Debate adjourned.

TENANCY AMENDMENT BILL
(Serial 191)

Bill presented and read a first time.

Mr PERRON (Lands and Housing): I move that the bill be now read a second time.

Mr Speaker, this bill is a further amendment to the Tenancy Act in 3 areas. The first deals with the rights of association. Throughout Australia, small traders have been concerned about their capacity to deal with owner-managers of large shopping complexes on a more equal footing. Two state governments, South Australia and Queensland, have commissioned reports in recent months on the subject. Both reports stress that the nature of retail trading is changing and that small traders are finding themselves dealing with very big landlords. In January, the Territory Independent Small Traders Association asked the Chief Minister for legislation to help the association deal with landlords. This amendment would give commercial tenants such rights of association. As a matter of equity, residential tenants are being given similar rights of association.

The second area deals with caravan parks. The Tenancy Act presently has very limited application to caravan parks and, last November, an undertaking was given that the government would look at extending certain provisions of the Tenancy Act to caravan park dwellers. This bill brings permanent residents of caravan parks under the act, but not tourists and visitors who are considered not to need such protection. In 1979, the latest year

for which figures are available, some 3200 residents were living in caravan parks in and around Darwin. Many of these people would be among the poorer members of the community and thus most in need of protection through such provisions as fair rent and security deposit determinations.

The third area deals with leasing profits. The Tenancy Act provided for developers to be able to charge lease premiums which allowed them to recover costs including interest on funds involved. A development company has pointed out that, where land is freehold, the developer can sell the land and any associated buildings for a profit if he can find a buyer. The amendment would allow for the developer to make a profit in the case of the transfer of a lease as a reward for entrepreneurial skill and risk taking. This is fair and is a normal commercial practice throughout Australia. At the same time, the amendment would allow a transfer of a lease by way of an assignment as well as through a sublease. This is a minor technical change.

These changes are in response to submissions made since the tabling of the Tenancy Amendment Bill in November 1981. I commend the bill to honourable members.

Debate adjourned.

PLANNING AMENDMENT BILL
(Serial 193)

Bill presented and read a first time.

Mr PERRON (Lands and Housing): Mr Speaker, I move that the bill be now read a second time.

Under the current provisions of the Planning Act, development in local government areas is controlled through a town plan or planning instrument. A Planning Authority is appointed to administer the provisions of the act. In respect of small, formally-constituted towns, the minister has authority and may prepare and accept planning instruments. Since the introduction of the free-holding legislation in January 1981, development control by lease conditions, except pastoral leases, has been minimal and it is desirable that there be some form of orderly development in non-constituted centres - areas immediately outside town boundaries, along major highways and, in future, along the proposed Alice Springs to Darwin rail link.

The purpose of this bill is to amend the provisions of section 60A of the Planning Act so that the minister may prepare and approve a planning instrument in respect of any land within the Northern Territory which is not within a planning area or a local area as defined in the act, and subsequently amend such instruments. I commend the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 2 bills relating to the Lotteries and Gaming Bill and the Racing and Betting Bill (a) being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

LOTTERIES AND GAMING BILL
(Serial 184)

RACING AND BETTING BILL
(Serial 185)

Bills presented and read a first time.

Mr PERRON (Treasurer): Mr Speaker, I move that the bills be now read a second time.

Mr Speaker, gambling in Australia today is very big business. It is a very big business in which very few people do not participate in one form or another. The gross investment in all forms of legalised gambling was estimated at $10.4b in 1980-81; that is, $705 per annum per head of population in Australia. Of the $10.4b, it is assessed that $8.8b is returned in winnings - that is, $595 per head - leaving a net loss of some $110 per head of population per year. Total government revenue from gambling in Australia in 1980-81 was approximately $636m. Amounts which are handled in illegal gambling cannot even be estimated.

Within the various states and territories, there is no consistency as to what constitutes legal or illegal gambling. We have the odd situation where 1 state and 1 territory allows poker machines but not casinos, 2 states which allow casinos but not poker machines, 3 states which will not tolerate either casinos or poker machines and 1 territory allowing poker machines only in casinos. The provisions in state legislation regarding who can play or conduct bingo, lotteries, raffles and certain mechanical or electronic amusement machines are also widely varied, dependent seemingly entirely on the whims of the government of the day.

Mr Speaker, these bills pursue the policy of this government to update existing legislation to provide what the government sees as meeting the lifestyle of Territory residents. Some 800 clubs and associations were invited to make a contribution to the review of the existing act but, unfortunately, less than 20% responded. Nevertheless, care has been taken to strike a balance between changing economic conditions, acceptable forms of gambling, lottery limits for clubs and the desirability of regulatory controls.

The first of the 2 bills will provide for a new Lotteries and Gaming Act, thus repealing those provisions in the current act which deal with lotteries and making new provisions for the conduct of

lotteries, the use of gaming machines and the playing of games of chance. The second bill is cognate and is designed, in part, as preparatory drafting for a new Racing and Betting Bill to be introduced later this year. Consequently, as the Lotteries and Gaming Bill repeals part II of the Lotteries and Gaming Act, this bill retitles the remnants of that act as the Racing and Betting Act.

The increased acceptance by the Australian public of major lotteries is evidenced by statistics which show that sales in state-run or sponsored lotteries increased from around $100m to $720m during the decade to 1980-81. At a normal 60% return to players, prizes paid in the last year would have been some $432m. This increased participation is due mainly to the introduction of lotto-type games and instant lotteries where there is a quick drawing and a chance of a quick return for winning players.

In 1980-81, government revenue throughout Australia from lotteries constituted 36.6% of revenue from all forms of gambling and amounted to $233m. Estimate of outlay in the Northern Territory on foreign lotto, club lotteries, soccer pools and bingo was $3.5m in 1978-79, increasing to $6.25m last year. In 1981-82, it is estimated that Territory residents will spend $7.72m on lotteries. Mr Speaker, that is approximately $148,000 per week.

On the basis of current outlays on lotteries, the government realised that the Northern Territory could not match the multi-million dollar lottery pools in the states but, at the same time, the government was concerned that the Territory was not receiving a fair share of foreign lottery revenue from them. After exploring the options of conducting its own lotto, joining the lotto block and entering into agreement with a state, the government decided to enter into an agreement with the oldest established lottery operator in Australia: the Tattersals group in Victoria. That organisation will operate and administer, in conjunction with the Northern Territory Racing and Gaming Commission, our own Territory-sponsored sports lotto and instant sports lottery. As part of the negotiated package, the Northern Territory government has renegotiated under the scheme a bigger share of Victorian taxation revenue estimated at $2m in 1982-83, freedom to design the Territory's own distinctive tickets, appointment of the Racing and Gaming Commission as supervising agent for all Territory sales and the right for that commission to select outlets and appoint agents.

The Minister for Youth Sport and Recreation has already announced that taxation revenue from this initiative is to be made available for sport in the Northern Territory. This bill provides for a sports development fund to be established with some $2m to be realised in 1982-83 and channelled into sporting and recreational activities and facilities which can only do good for the health and well-being of Territorians. The bill also provides for approved associations to act as agents - for instance for sports lottery sales - thereby affording clubs and associations a new opportunity to increase revenue with little outlay.

In order to give full effect to Territory-sponsored lotteries, provision has been made for similar lotteries to be banned by the

minister. Under this provision, sales of South Australian Cross Lotto, Instant Money Game and New South Wales Lotto will not be allowed to operate in the Northern Territory after Territory lotteries are introduced. State Premiers have been notified accordingly. I hasten to add that interstate run art union raffle tickets purchased by Territorians will continue to be available.

I now turn to lotteries and other fund-raising gambling activities used by 800 clubs and associations throughout the Territory mentioned previously. Under the existing act, an association needs a permit to conduct a raffle if each ticket value exceeds 50 cents or the total value of tickets sold exceeds $300. As honourable members are aware most, if not all, non-profit organisations depend heavily on the favours of a handful of members acting in good faith for the benefit of members by organising and selling raffle tickets. In recognition of this, the government proposes that, once an organisation is approved, its revenue-raising may consist of minor or major lotteries. Minor lotteries are those where the total value of tickets available for sale does not exceed $600, a doubling of the existing limit. The existing limit on the value of individual tickets will be dropped altogether. The legislation provides for control of major lotteries where the total value of tickets available for sale exceeds $600 with an upper limit of $30,000. The controls are detailed in the bill.

In addition to the new provisions for club fund-raising, the government proposes allowing office raffles and sweepstakes to be conducted under conditions and within special monetary limits but without individual approval having to be sought. The existing act makes it illegal for, say, a Melbourne Cup office sweep to be run. There is possibly not one member in the Assembly who has not participated in an illegal raffle or sweep at some time. Hence, the government is proposing to legalise the small office sweep and take it a step further by allowing office raffles up to $100 where the net proceeds are appropriated for the provision of social amenities or other benefits for the welfare of persons in that employment. I believe that this will be the first time in any Australian legislation that such provisions have been made. To allay the fears of any member who is worried about the traditional Tomaris Melbourne Cup sweep, I can assure the Assembly that it is covered by the general provisions for a major lottery.

Common forms of fund-raising used by non-profit organisations, in addition to lotteries, are bingo and calcuttas. The estimated turnover on bingo in the Territory exceeds $1m per year. No figures are available for calcuttas. The bill provides for approved associations to conduct games of bingo without regulatory controls and without the tax which some state governments see fit to impose. Calcuttas are to be allowed on horse races, dog races and other prescribed sporting events.

The current legislation does not provide for ticket-dispensing machines commonly referred to as beer-ticket machines. These machines are in widespread use throughout the Territory and are popular with the patrons of licensed clubs. The government proposes to allow any club which is an approved association to have

such machines on its premises, provided the cost of a ticket does not exceed 50¢ and the proceeds of the machine benefits the club or a charitable organisation. Again, the government is not proposing to tax the proceeds from such machines at this stage as do the governments in South Australia, where a 2% turnover tax raises approximately $1m a year, or Tasmania where a 5% tax rate has recently been introduced. In addition to a club which has its own premises, any approved association without premises may apply to the Racing and Gaming Commission to place a machine at some suitable venue.

Mr Speaker, whilst beer-ticket machines are a simple, mechanical device, the same cannot be said for electronic video machines which are proliferating throughout the world and becoming more sophisticated every day. A vexing problem for all governments is the often fine line between skill and chance that is needed to play a machine leading to a decision as to whether a machine is capable of being used for amusement only or for gambling. The bill attempts to define amusement machines and gaming machines and, in respect of the latter, provision is made for regulation to control the types of machines, to determine the places where they may be played, to stipulate the conditions under which they may be played and to issue permits to give effect to the above.

The government is keen to see non-profit organisations conduct their fund-raising activities in a reasonably regulation-free environment but, at the same time, it has an obligation to ensure that the public is being adequately protected in gaming matters. It is intended that the Racing and Gaming Commission will provide Territory clubs with fund-raising guidelines based on the new legislation. On the other hand, the government recognises the need for gaming safeguards especially against unscrupulous operators. The Lotteries and Gaming Bill therefore provides for the rules and regulations to be drawn up in areas that were lacking in the past. In some cases, these may supplement the act when it comes into effect. In other cases, rules and/or regulations will only be instituted if and when the need arises.

For the benefit of honourable members, I will give a broad summary of the provisions mentioned so far. Territory-sponsored lotteries are to aid development of sport and recreation facilities and activities. Approved associations, in accordance with the provisions of the act, may sell instant sports lottery tickets, conduct major and minor lotteries, hold bingo sessions, run calcuttas and install ticket-dispensing machines and other machines allowed under the regulations. Office raffles and sweep-stakes are to become legal within certain limits. Foreign lotto is to be prohibited in favour of Territory operations. I believe that the Lotteries and Gaming Bill introduces important changes for the ability of clubs to raise funds and should be welcomed by those bodies.

Mr Speaker, I come to the provisions of the cognate bill dealing with racing and betting. As I mentioned previously, upon enactment of the Lotteries and Gaming Bill, the remnants of the existing Lottery and Gaming Act will be retitled the Racing and Betting Act. A review of racing and betting legislation is due to commence shortly and it is hoped that a bill for a new racing and

betting act will be introduced later this year. Having said that, the government is proposing some changes now to the penalty provisions for what could be broadly termed 'illegal betting'.

From recent reports in interstate newspapers, honourable members will be aware of concerted efforts by federal and state police forces to crack SP gambling which has been described by police as a multi-million dollar empire. This government is concerned at the extent of illegal betting being discovered in the states where penalties for offences are substantially higher than those existing in Territory legislation. It is considered that, unless existing penalties are upgraded from the existing $200 or 6 months jail limit, the Territory may provide a base for SP operators in the states to transfer their operations here. With this in mind, this bill provides for penalties as follows: for a first offence, a minimum of $1000, a maximum of $2500 or 6 months imprisonment or both; for a second offence, minimum $2500, maximum $5000 or 12 months imprisonment or both; and for a third offence, 2 years imprisonment. In introducing these new penalty provisions for illegal betting, I also sound a warning to Territory-registered bookmakers to beware that, on production of any proven evidence that a bookmaker is not acting properly, not only will statutory penalties be imposed but the bookmakers concerned will lose their licences.

The provisions relating to a common gaming house have not been completely reviewed but it has been necessary to bring part of the provisions into line with the form and wording used in the Lotteries and Gaming Bill. The government has also taken the opportunity to increase the penalty provisions relating to common gaming houses. This is to maintain consistency with higher penalty provisions for unlawful gaming in the Lotteries and Gaming Bill.

In conclusion, gambling is big business everywhere in Australia and the Territory is no exception. Indeed, there is reason to believe that Territorians have a propensity to gamble more than other Australians. I believe that the proposed legislation provides a broad and balanced framework within which Territorians can gamble legally to acceptable social levels but without over-regulation by government. I commend the bills to honourable members.

Debate adjourned.

CRIMES COMPENSATION BILL
(Serial 197)

Bill presented by leave and read a first time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be now read a second time.

Mr Speaker, presentation of this bill has taken some time. I do not apologise for that because I think that it was important to properly think through exactly what criminal injuries compensation scheme would best meet the needs of the Territory. The government has accepted some but not all of the ideas contained in the former Leader of the Opposition's bills. The Law Reform Committee has also made valuable suggestions to the government.

I do not intend going through all the inadequacies of the present act. Those inadequacies have already been well canvassed in this place. Suffice to say that all members will agree that the present maximum compensation of $4000 is far too low. I think all members would also agree that it is both unfair and illogical to compensate only those victims of criminals who are caught and convicted.

Mr Speaker, most if not all governments are spending ever-increasing sums on detecting crime and dealing with offenders. My government is acutely aware that not enough is being done in comparison to help the victims of crime. Ideally, of course, all victims of violent crime would be fully compensated. There has in fact in recent months been some talk of a broadly-based national compensation scheme. At the moment, however, the prime responsibility for assisting victims lies with the Commonwealth under social security legislation. Benefits payable under that legislation are means tested. If the Territory were to pay full compensation to victims, it would mean taking over Commonwealth funding responsibilities with precious little chance of reimbursement. No state in fact pays full compensation. It is unreasonable and unrealistic to expect Territory taxpayers to subsidise the Commonwealth to the tune of what could be millions of dollars. A maximum of $10,000 can, I understand, now be claimed in New South Wales, South Australia and Tasmania; $7500 can be claimed in Victoria and Western Australia; and $5000 in Queensland.

This bill proposes a maximum of $15,000. The government is proposing by far the most generous scheme in Australia, and rightly so, because this government is genuine in its concern for victims of crime. Consistent with this concern, the government believes it is right to enable all victims of violent crime to apply for compensation from the government without first having to try to recover damages from an offender.

I turn now to some important clauses in the bill. First, the definitions clause. I draw members' particular attention to the definitions of 'de facto widow', 'widower', 'relative' and 'dependant'. The government recognises that there are a large number of de facto relationships in the Territory. Members will recollect that this Assembly recently passed legislation enabling de facto widows and widowers to claim under family provision legislation. The de facto definitions in this bill are the same as in that legislation and will enable de facto spouses to claim compensation.

Clause 5 enables a victim or his dependants to apply to a local court for a compensation certificate. Clause 9 sets out fully the types of lots that are compensable.

Clauses 10 and 11 set out the matters that the court must take into consideration and types of damage which are not compensable. For example, clause 10A requires the court to take into account any conduct on the part of the victim that contributed directly or indirectly to his injury or death. Suppose someone grossly insults another person's wife and an aggrieved husband retaliates by assaulting him. The assault would be wrong but the court might well find that the victim really brought his injury upon himself and either reduce the amount of compensation or refuse to issue a certificate at all.

Clause 12 provides that the court shall not issue a compensation certificate where the injury or death is compensable under workmen's compensation or motor vehicle accident legislation.

I draw members' particular attention to part III of the bill which deals with the practice and procedures of the court. The Law Review Committee has recommended that simplicity and expedition of remedy are of paramount importance. The government agrees with this view.

Clause 15 specifically provides that the hearing of an application will be conducted with as little formality and technicality and with as much expedition as the requirements of the act and a proper consideration of the application permit. The bill provides that a hearing may be closed to the public. This is important to ensure that rape victims, for example, do not have to publicly relive their experiences. I have already made it clear that, in my view and that of the government, when money is to be paid out of the public purse, whenever reasonably possible, there should be direct ministerial responsibility. Referring back to that last statement about power in the bill for the hearing to be closed to the public, I am sure that all members would expect that power to be used sparingly.

Clause 19 gives the minister the discretion as to whether a victim is to be paid and how much. Finally, clauses 20 and 21 enable the minister to recover from offenders money paid to victims. The scheme this bill proposes will provide simple, speedy and generous relief to victims of violent crime. I would commend the bill to honourable members.

Debate adjourned.

NORTHERN TERRITORY PRODUCTS SYMBOL BILL
(Serial 190)

Bill presented by leave and read a first time.

Mr STEELE (Primary Production): Mr Speaker, I move that the bill be now read a second time.

Since the Northern Territory product symbol was developed in April 1979, it has become synonymous with locally-made or home-grown articles. The distinctive buffalo and Territory symbol has had a significant impact and it has become well known within the Territory, interstate and overseas. Originally, it was intended as a trade symbol that was available for use by any Territory business, subject to certain guidelines. The early guidelines for its use were that anyone who sells any product which has been produced and prepared substantially in the Territory is authorised to affix the symbol to the product or its container. A business operating in the Territory could use the prescribed symbol on its letterhead provided it is not altered, defaced or written across.

Since the advent of the local products campaign last year, the symbol increasingly became a Territory-made rather than a Territory-trade symbol. The extensive 'buy local' campaign on the theme of 'you are on a winner with this symbol' was aimed at educating

manufacturers to use the NT products symbol in order to identify local products and educate the consumer market to support local enterprises. Similar campaigns have been run in the states. The campaign was so successful that the trade symbol became completely identified with locally-grown or manufactured products and concern began to mount about its misuse. A similar situation happened in Western Australia where legislation was also introduced to protect their 'Look for the Birthmark' theme and accompanying symbol designed to promote locally-made products.

The Northern Territory government investigated several options that would protect the symbol including trade mark registration and the use of the Commonwealth Copyright Act. However, it was decided that legislation would provide the greatest protection for the symbol and, in addition, the symbol would become the property of all Territory manufacturers and may be freely used subject to the provisions of the bill. The proposed legislation is designed to protect the symbol for use only on local products. This bill regulates the use of the Northern Territory product symbol by defining situations in which the symbol can be used legitimately. Fundamentally, this means situations in which a product has been grown or harvested in the Territory or its waters or where it has been substantially manufactured in the Territory.

The bill requires intending users to notify the Northern Territory Development Corporation of their intentions and authorises the corporation to issue directions in relation to the size or colour of the symbol and the manner in which it may be used. The bill contains penal clauses for misuse of the symbol and allows the minister to appoint inspectors for the purposes of the act. Time will be allowed for those present users of the symbol who are not genuine manufacturers or growers of Territory products to exhaust existing supplies of stationery or advertising material incorporating the symbol. I commend the bill.

Debate adjourned.

TERRITORY DEVELOPMENT AMENDMENT BILL
(Serial 196)

Bill presented by leave and read a first time.

Mr STEELE (Primary Production): Mr Speaker, I move that the bill be now read a second time.

Members will be aware that financial markets world-wide are going through a period of rapid change and increasing sophistication. Many corporations, both domestic and international in origin, are displaying an interest in investing in the Territory and are bringing with them a range of new and complex financing techniques which can be of mutual advantage. The development of the Yulara Tourist Village is of such a size as to be able to make prudent use of these techniques. Financiers of major developments typically look to the appropriate arm of government for a foundation of ultimate support for the technique best suited in the circumstances.

The range of support we can offer is very restricted in present Territory legislation which was drafted at a time when straight-

forward loans constituted the bulk of financing arrangements. Accordingly, the bill now before the Assembly proposes there be an extension of the development corporation's powers not only to guarantee repayments of loans but also to indemnify, when appropriate, the various participants in financial arrangements according to the nature ot their participation.

An essential feature of the new provision is the requirement that these powers be exercised only with the approval of the Treasurer. The Treasurer is to be involved because of the financial implications in determining the terms and conditions of each agreement. This legislation will therefore place the Territory in the position of being able to respond promptly to private sector initiatives and so give support to those proposals which give maximum overall benefit to the Territory.

Mr Speaker, it is the government's intention for this bill to pass through all stages later this day. I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 155)

Continued from 26 November 1981.

Mr SMITH (Millner): Mr Speaker, the opposition does have some reservations about this bill. It appears to the opposition that a very general bill has been proposed to cater for a very specific purpose: to provide the Darwin city council with the power to levy an additional rate to pay for its car-parking facilities within the Darwin city council area. My investigations have revealed that no other council in the Northern Territory has expressed interest in this rate or in the provisions of the bill, yet the bill, if passed, would authorise them to use those provisions at a later date. The bill basically has the potential to allow councils the choice of rates they can strike on top of the basic unimproved capital value rates. There is no restriction on the type of local rate that can be used on top of the basic unimproved capital value rate and, in the terms of the bill as it is expressed at the moment, it is a very unfettered right to impose an additional local rate.

Mr Speaker, it is with some reluctance that the opposition supports this bill. We are concerned about its general nature. We realise the position that the Darwin city council is in but we are puzzled how the Darwin city council, over a 3 or 4-year period, could plan a project and then build the project without having the necessary legislation to pay for it. The regulations that will accompany this bill are extremely important and the opposition will look carefully at these regulations to ensure that the interests of all citizens of the Northern Territory are protected and to ensure that the purpose of the bill is properly expressed through regulations. With those reservations, the opposition supports the bill.

Mr HARRIS (Port Darwin): Mr Speaker, at the outset, I would like to declare an interest in the matter that is under discussion.

As members would be aware, I have interests in the central business district, the area that will be directly affected by this particular bill.

I have followed very closely the issue of car-parking in the central business district, not only in relation to my own feelings but also in relation to the concerns of the developers, the property owners, the small business operators and the residents in the area. I would like to concentrate on that particular issue. After all, that is the issue that has led to this bill being introduced into this Assembly today. The issue of car-parking has received a great deal of comment over recent years and I believe that it will continue to receive comment for many years to come. I have always supported the devolution of powers to the councils even though I also have had reservations on occasion. I believe that local people should be the ones to have responsibility for areas that affect them. I refer here to Darwin people having responsibility for decisions made for Darwin people and Alice Springs people having the responsibility for decisions that will affect the people of Alice Springs, and so on throughout the Territory. I support the devolution of powers in that respect.

The whole issue of councils spreading their wings and taking on more powers is indeed a very interesting one and some aldermen on the Darwin city council are already starting to realise that it is not all beer and skittles and that the money has to be found from somewhere to provide the facilities and services to the community. I would like to say that, in some local government areas, they are going down on bended knees to try to hand back their hard-won areas of responsibility. That is another issue.

Apart from the devolution of powers, we are entering into the field which, I believe, is part of growing up. As the councils grow, they need to expand their economic base and to receive additional revenue in addition to the traditional areas of revenue-raising. That is the main purpose of this bill. It enables the Darwin city council to impose a special levy on the property owners of the central business district to assist with payment for the West Lane car-park. The levy itself forms part of a total parking strategy that has been brought before the community by the council on a number of occasions.

Our parking problems are basically caused by 2 major factors. One is the large number of office employees who come into the city every day to work. There are some 8000 of them. The central business district traders are very grateful that these people come in every day because they provide their bread and butter so to speak. The other factor is the decision by the Northern Territory government to waive car-parking requirements. I believe that this was a responsible decision. It was proposed to waive provisions as an incentive to development of properties in the central business district. There were many vacant blocks in the area that would not have been developed and, in my opinion, it was a responsible decision to waive the parking requirements on these blocks. The situation that existed before these waivers came into being was incredible. For instance, buildings such as Palmerston Building, on the corner of Knuckey Street and Cavenagh Street, would require an extra 4 floors to house the cars used by

the people in it. With some smaller developments, over two-thirds of the property would have to be used for car-parking leaving only a third of the area that actually could be developed. With the high rates in the area, it was necessary to facilitate development of the total areas. I am not saying that property owners have in any way denied the responsibility that they have for provision of car-parking for the people in the central business district area. On the contrary, they accept that there is a need for them to contribute in some way towards the provision of car-parking in this area.

The other point that has not been stressed but needs to be is that the property owners themselves are not failing to provide for car-parking in the central business area. Some people perhaps do not realise this. Prior to the 1978 Darwin Town Plan, there was no requirement for property owners or developers to provide car-parking in this particular area. After the 1978 Darwin Town Plan, there were the waiver provisions. At no stage has a property owner failed to play his part. There has never been a requirement for him to provide car-parking. Another point to stress is that everyone will benefit from the car-park. It will not only be the property owners. It will benefit all the people who come into the city area to work, the residents and the traders.

One of the major contributing factors as far as payment for the car-park is concerned was the belief that there needed to be similar parking provisions in the main city area to that found in other shopping areas, and that was free parking. It was very strongly felt by traders and people in the central business district that we had to provide similar parking here for the people who use the city area. If there was a charge on that equivalent parking in the city area, people would go to the other centres where they could obtain free parking. That was one of the reasons that led us to the situation that we are in today. I think all members will recall the debate that took place on whether or not parking meters should be introduced. Again, one of the issues that came forward very strongly was a need to provide for free parking in the central business district.

Another point of contention has been the lack of alternatives for contribution. As I have already said, most businesses realise that they will have to contribute something, but it is the degree of the contribution that has caused concern in many quarters. I am very happy to see that the council is still looking at this particular issue. Some proposals that have been put forward are quite outstanding. One that comes to mind immediately was the proposal, based on the shortfall principle, that Woolworths would have to pay around $39,000 a year for the West Lane car-park. That is a lot of money to find and you can rest assured that the consumers would end up paying for that. It is those sorts of suggested rates that have frightened a number of people who have developed in this particular area. No one is arguing with the principle. The problem is in determining the shortfall; that is, the difference between the car-parks that have been provided and the car-parks that are required. When we have such a diversity of

businesses as we have in the central business district, it is very difficult for a formula to be arrived at. Originally, the formula was related specifically to the actual use of a particular area, whether it was a restaurant, a hotel or a motion picture theatre. I understand the council is now looking at relating the formula to the total tenancy area that is covered. No matter what formula is determined, someone has to pay for it. I believe the council has been reasonable in its approach to this particular matter.

Whilst the property owner is the one who will pay in the first instance, it is the ratepayer or the taxpayer who will pay in the long run. Often when an amount of money has to be found and it has to pass down the line, that amount tends to grow quite considerably. Quite often, there is a good case for saying that perhaps the total amount should have been spread over the whole community in the first place instead of allowing a snowballing effect to occur.

The council must continue to look at a number of areas. The first area relates to parking charges. At present, there is provision for short-term and long-term parking. There is a need to look also at the medium-short and medium-long term. I understand that it has introduced a monthly rate but I would urge it to consider introducing a weekly rate as well.

Another area is an alternative to the levy as far as property owners are concerned. Once an amount for each parking bay has been arrived at, and that will be arrived at by means of these formulae, I believe that the property owner or the developer should have the opportunity of paying out that number of car-parks rather than go on year after year contributing in the manner that has been suggested. They should be given the option of paying out the car-parking shortfall that they have.

Another point that needs to be raised is that, if a property owner or developer is able to find car-parking provisions in another property within the central business district, I can see no reason why that cannot be taken into account to fill his shortfall. If the property was developed at a later stage, the agreement would have to change and it may be that they will have to pay a levy in future years. If they are able to meet their commitments as far as their parking requirements are concerned, they should be allowed to do so.

Before closing on the parking issue, there are 2 points that I would like to stress. I do not believe that we should sell the car-park at this stage. I think that idea was floated to obtain comment from the community. The car-park itself really has not had a chance to get off the ground. At some later stage, it will be successful and it could indeed be a money spinner for the council. One must be responsible in these decisions and should not be hurried into making decisions such as the council is contemplating at present. I am not closing my eyes to the possibility of having to sell the car-park at a later stage but, at this time, there is no way we should be even considering it.

Secondly, I would like to give the public a gentle serve. The car-park is there; it will not be moved whatever people think of

it. It is a wonderful facility that will satisfy the immediate needs of the people in the central business district as far as parking problems are concerned. As many people as possible should start using the car-park. Perhaps I could read out the benefits of the car-park. This is from a pamphlet distributed by the council: 'Your vehicle is protected from the weather. The car-park is close to the main shopping area of the city. Pedestrian thoroughfares are sheltered from sun and rain. The car-park is quick and easy to enter and leave. Short-term parking is very economical. There is no need to service streets for parking space. The ground floor has an arcade of shops, a child care centre, women's restroom and toilets close to your car'. One of the points that has not been included is that lifts are provided. I encourage all people to make use of this wonderful facility.

Mr Speaker, the other point that I would like to comment on in relation to this particular bill is that it will open the way for differential rating. This form of rating moves away from the traditional area of property-based rating. It requires very careful consideration. We are moving into an area of selectively rating people instead of properties and it is something that I do not approve of. My view is that differential rating is a disincentive to development and, at present, development is getting one hell of a knocking in Darwin. We are trying to have development proceed in an orderly fashion, and there is a lot of lobbying against progress and development at present. That is a further impost on those people who have worked very hard to become successful. They are the ones who have provided job opportunities. They are the ones who have promoted growth and development in the Northern Territory, and here we are now proposing that a further tax be placed on them. They already pay the highest rates and, simply because they are successful, should not mean that they should pay extra money. They are the ones pushing the Territory along.

Mr Speaker, much consideration has been given to the proposal for differential rating in other states of Australia. One of the states that went to a great deal of trouble to examine the differential rating system was Western Australia. I had intended to read out sections of a submission from the Local Government Association of Western Australia and the countryside councils of Western Australia to their Minister for Local Government. However, I will not read it out. It originated through a number of discussion papers which were distributed throughout the state calling for views and opinions on differential rating. Some felt that there were ratepayers who appeared to be paying too much and some felt that there were others who were paying too little. I might say here that, as councils spread their wings, they tend to deal more with all the people and not just the ratepayers. The councils are providing facilities for everyone. It might be said that 2% of personal income tax goes towards local government, but the ratepayer is paying his rates plus the 2%. I believe that the councils have to look at spreading their wings, expanding their economic base and perhaps consider moving towards those people who only pay 2% towards local government.

The papers were looked at and the working party meeting was called. This was held in April 1980 in Western Australia. Out

of the 138 Western Australian local associations, 113 attended this particular workshop. Most speakers advocated change to the existing rating and valuation systems. The changes varied from quite minor ones to dispensing altogether with valuation as a base for local government rating.

I raise these points because this matter requires a great deal of thought and consideration. As I have already said, it is a disincentive to development. We want development to continue. Whilst I accept that people who have purchased property - for example, by strata title - should be required to pay a rate, I also believe that a levy needs to be obtained for car-parking, and that is what this bill is all about. I believe that further extensions will require a great deal more consideration. The bills that we have before us enable the councils to enter into a different area. I hope that they tread very warily and seek the opinions of all concerned before they made a final decision.

Mr ROBERTSON (Community Development): Mr Speaker, I shall be brief in my reply. I would like to make the observation for the benefit of the honourable member for Millner that the provisions of this bill will not provide to local government an unfettered power of raising revenue by rates either on the UCV basis or otherwise. The Administrator's approval for the schemes and arrangements cannot be assumed. I do take cognizance of his point that the regulations are all-important in this exercise. In fact, I would suggest that they are probably more important than the legislation itself. It will not be unfettered; it will be a matter not only for Executive Council and His Honour the Administrator to consider but this Assembly, through the Subordinate Legislation and Tabled Papers Committee, will be able to veto those schemes and arrangements.

I take note of the comments made by the member for Port Darwin. I had to cast a wry grin over the item in the pamphlet which says short-term parking is very economical. Of course, that is hardly true when parking throughout the city is free unless of course one overstays his welcome. This will probably raise the hackles of many citizens of Darwin, but I have certainly noticed around Australia that, wherever there is a multi-storey car-park of this nature, there are also parking meters to go with it. It is rather impossible to ask people to pay to use a multi-million dollar car-park when they can park in the street for nothing.

Whether or not it is the wish of the ratepayer and the council to have parking meters in order that the thing be viable is of course a matter for the council. The council really cannot come to government constantly pleading for money to run its affairs when it is abdicating its own responsibility to raise revenue through very obvious channels such as parking meters.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3 agreed to.

New clauses 3A and 3B:

Mr ROBERTSON: I move amendment 84.1.

The effect of this amendment is to extend the same option to ratepayers in a poll conducted to request a local rate. It permits aldermen or electors from a particular area to request a poll for a local rate on land that is not necessarily rateable as defined in the Local Government Act. This is at the request of Darwin city council, so the member for Millner is perfectly correct. Darwin is the only place at the moment with extensive strata titling and this new clause may have an application to that.

New clauses 3A and 3B agreed to.

Clause 4 agreed to.

New clause 4A:

Mr ROBERTSON: I move amendment 84.2

This is simply to allow for an inspector to be not only involved in an investigation but also in an appeal against a rate being levied.

New clause 4A agreed to.

Title agreed to.

Bill passed remaining stages without debate.

TENANCY AMENDMENT BILL
(Serial 157)

Continued from 1 December 1981.

Mr BELL (MacDonnell): Mr Speaker, I suppose it is true to say that the measure of success of the Tenancy Act is the clarity with which it spells out the rights and obligations of the lessor and the lessee, as they will be named in accordance with this amendment. Some 2 or 3 months ago, I criticised the promises that the Chief Minister was extending to the Small Business and Traders Association in Darwin. I suggested that, on the one hand, he was promising to legislate to prevent the use of unfair practices by landlords against the small traders while, on the other hand, this particular amendment would remove certain recourses that they might have to the law. Without reflecting on a future debate, I think that the bill that was introduced this morning may change the complexion of that particular criticism. Naturally, I will not take up any of the Assembly's time this afternoon in referring to that.

Nevertheless, there is another point along that line that needs to be made. After some considerable thought, the opposition has adopted the view that the Tenancy Act is in fact in quite a mess. There is considerable confusion between the rights and obligations of lessor and lessee with commercial tenancies as against the rights and obligations of lessor and lessee with residential

tenancies. I suggest that the government consider separating the Tenancy Act into two - one act to deal with commercial tenancies and another act to deal with residential tenancies.

The particular part in this bill which exempts certain provisions from operating over commercial leases is an amendment to part VIII of the Tenancy Act. Section 52 of the principal act has been deleted by this particular amendment so that all the miscellaneous section of the Tenancy Act no longer applies to business premises. I think it is worth making the comment that part VIII is very miscellaneous, and adds weight to our call for separating the Tenancy Act to cover residential and commercial tenancies. This section could possibly be thought of as resembling a dog's breakfast.

In case honourable members are in any doubt as to the importance of the deletion of section 52, let us have a look at a couple of the sections that no longer apply to commercial leases. For example, there is section 64 which binds both lessor and lessee to fulfill the conditions of all sections of the act. That is one area that no longer applies to business leases. Another area that no longer applies to business leases is section 65, the powers of entry and inspection of the commissioner. The commissioner may, for the purposes of this act, enter on and inspect any land or premises only if they are residential premises. Similarly, section 67 deals with records of rent. There is now no obligation on a lessor of business premises to maintain records of rent. There is no obligation in terms of the act for him to do so. I think that that is a matter for concern.

I refer honourable members to clause 17 which amends section 39 of the principal act. This refers to the payment of security deposits and the reimbursement of leases. Section 39(3) of the principal act prevents the lessee from obtaining reimbursement when the lessor is out of the Territory. That is a matter of concern to all of us. The opposition will be seeking to amend this particular bill to resolve that situation. Admittedly, section 39(3) does say that, if the lessor is out of the Northern Territory for more than 14 days, he must pay the security deposit to a land agent or someone who is acting for him. We do not believe that that is acceptable, particularly in view of the high rate of rental accommodation in the Northern Territory. Some 70% of Territorians occupy rental accommodation. Since people will be moving from one rental accommodation to another, it is an unreasonable burden on the lessee that he has to wait until the lessor returns even if it is only a week or so.

We have a similar objection to clause 17G which amends section 39(5). The effect is that the lessee cannot claim reimbursement when the lessor is out of the Territory and does not formally devolve the power of attorney on another person. It would be possible for a lessor unwittingly to leave the Territory, to be non-contactable, not devolve power of attorney and for a lessee to be left unable - short of a claim to the Commissioner for Tenancies - to seek reimbursement of any security deposit.

Another aspect of the bill that caused us particular concern was clauses 20 and 21. Clause 20 amends section 47 which gives

the grounds for notice to quit premises. Under the old section 47(2)(i), an employer would be permitted to use his accommodation for whichever of his employees he wishes. We believe that is quite acceptable. However, clause 20 now widens the provision to include an agent of the lessor approved by the commissioner. The minister defended this in his second-reading speech by saying that the new employees may be employed by a related company. I would ask the minister to enlighten us on how he sees those companies being related. Perhaps there is a need to amend the act in such a way as to define more adequately the employer-employee relationship in these cases. I would like the minister to give me his reaction to that particular clause.

I find clause 21 difficult to accept. Section 47 itself deals with the grounds on which a lessor can request a lessee to quit premises. It seems to me that section 47 is being retained by this bill quite unnecessarily because section 47A which is inserted by this bill gives the lessor the right to give notice to quit without grounds. I cannot see that that is acceptable.

Mr HARRIS (Port Darwin): Mr Speaker, it was very interesting listening to the opening remarks of the member for MacDonnell when he referred to the state of the Tenancy Act. It is a relatively new act and, if we look back at the debate which took place in December 1979, almost every speaker mentioned that the legislation was an improvement on the mess of the previous ordinances. Everyone agreed that it was an improvement yet the member for MacDonnell says that it is a 'dog's breakfast'. I think that the bill is reasonable. Every member who spoke on that particular occasion realised that, because of the emotional area that the Tenancy Act actually covered, there would be problems from time to time relating to both the lessors and the lessees. There have been problems in relation to both lessees and lessors and these amendments have resulted.

The lessee was unable to terminate a lease if the lessor had not complied with certain lease requirements. The lessee will be able now to have an order to terminate the lease if certain conditions of the lease are not complied with. In the past, the lessor has been able to keep one step ahead and it has been impossible for the lessee to determine a particular lease. For the landlord, a similar situation exists. Where the lessee was able to obtain the services of a smart lawyer and he had the Tenancy Act in his hand, it was just about impossible to have the person removed. It was possible to frustrate the efforts of the landlord for a long time even if the lessee was causing problems with other tenants in the particular development. Some would argue that it opens the door to allow discrimination against the tenant, but I think that it needs to be pointed out that the landlord or lessor is in the business of letting premises; he has his commitments to meet. He does not want his premises to stand empty. I can assure you that a landlord would not try to get rid of someone unless he were causing a problem overall in the particular development. The law at present is such that, with a smart lawyer and the act in one's hand, one can frustrate his efforts for a considerable time. I think that the lessor will think twice before using the provision that has been included in this particular bill. Sixty days is a long time and that is the

notice that has to be served. Even taking into account the provisions for rent to be received in advance and payment of a security deposit, the landlord would still lose out if the provision for termination of a lease were lost.

I agree that there needs to be some form of security for the tenant. Time is needed to look for alternative accommodation but I believe that the 60-day period is quite ample for that. In South Australia and in other states there is a 120-day period given when a notice is issued without reason. To introduce that time scale, amendments to our particular act would be required to enable the sections dealing with rent in advance and also security deposits to be lifted quite substantially. The period is far too long and the lessor would not only lose out on the tenancy creating the problem but may also lose other tenants in the particular complex.

Let us face it, when notice is served under this provision, there are 2 things that will happen almost right away. One is that the rent will cease to be paid and the other is that the property itself will be put at risk. As far as the rent is concerned, legally up to 4 weeks in advance may be held on periodical tenancies; that is, 28 days. In the case of the security deposit, again it may be held up to 4 weeks in advance. It should be pointed out that they are maximum amounts; the landlord does not have to hold those amounts. Of the 60-day period of notice to be given, only 56 days are covered by rent in advance and the security deposit; that is, if the maximum amount is held for the maximum period allowed. There is no cover for 4 days of the 60-day period, and it does not take into account any damage to the premises whatsoever. Even on those terms the landlord still loses out. Quite a few arguments have been put forward to tie the period of notice that is given to the actual rent that is being held in advance. Again, the way it is at present gives everyone a reasonable and fair chance of using that particular provision.

I have some concern about parts of the bill itself. If we turn to clause 12, which deals with the appeals tribunal, we see where previously a person was given 21 days in which to appeal after being served notice. The appeal provisions are still provided for in this particular bill but they have to be lodged within 28 days after the determination is made. Whilst the commissioner is obliged to serve notice of the determination on the applicant as well as any other person who is affected, and this is covered under section 13 of this bill, no specific time is given in which he has to do this. It may be that he does not serve that determination for 10 or 20 days and it could reduce quite considerably the number of days in which an applicant has to appeal. The 28-day period should run from the date the notice of determination is served and not from the date the determination is made.

Clause 16 deals with security deposits. I would just like to make the comment that a security deposit of 4 weeks' rent in advance is extremely low. I realise that you cannot really raise this because you would be putting accommodation out of the reach of most people. They are required to pay from $400 to $800 in

advance and this would put accommodation out of the reach of many people. Perhaps it could be seen as an incentive to good faith to allow for action to be taken if in fact the tenant does cause wilful damage.

By clause 17(c) the security deposit has to be paid into a separate trust account. This was one of the propositions put forward in the 1979 debate on the issue. I have asked the minister to consider an amendment to this particular clause to include an approved building society. It would then accord with section 51 of the Land and Business Agents Act. I am happy to see that there is an amendment circulating to that effect.

Clause 18 removes sections 42 and 43 and substitutes 2 new sections. Section 42 deals with no entry without order. The difficulty here is convincing a tribunal that a tenant is indeed troublesome. As I have already mentioned, all you require is a smart lawyer and the act and you can delay various actions. Both the lessee and the lessor should realise that it is very important to document evidence on any complaints so that there is no problem associated with convincing a tribunal that a certain problem has arisen.

The only other comment I would like to make is in relation to schedule 2. It is quite obvious that there have been a number of printing errors. I trust these errors have been noted by the minister.

I believe that, in time, further amendments will be introduced. This is an extremely emotional area, particularly residential tenancy. We all acknowledge that there is abuse on both sides of the fence and this amendment to the Tenancy Act improves the act quite considerably.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the purpose of tenancy law is to try to create a balance between rights and duties and between the interests of lessors and lessees. That was the intention of the Assembly when it debated the Tenancy Act some years ago. It is my view that these amendments alter that balance significantly in 2 particular respects and they alter it in favour of the lessor and away from the interests of the lessee.

First, the inclusion of new clause 21 will allow for notice to quit to be issued to a lessee without grounds being given. The principal act has a very large number of grounds on which a lessor can ask a lessee to quit the premises within a certain period of time: if the lessee failed to pay rent or to perform or observe a term or condition of the lease; if the lessee has damaged the premises; if he has not taken reasonable care of the premises; if the lessee has been guilty of a nuisance or annoyance; and for many other reasons. If it is the government's view that those very many grounds - there are 8 listed in the act - are insufficient to allow a reasonable lessor to gain access to the premises when he requires it, then I believe that the minister should be introducing amendments to extend those areas - and indeed he has; for example, in relation to the need for a lessor to gain access to the premises to house an employee. Nevertheless, it seems to me that it is

entirely unnecessary to put in this whole new section allowing a lessee to be evicted at the end of 60 days without grounds being given at all. It entirely negates the purpose of that section 47 which we inserted in the act some years ago to ensure that a person could not be evicted without reasonable cause.

The member for Port Darwin says it is in the interests of lessors not to evict people without cause because it is in their interests to keep their premises tenanted, and that is perfectly true. I wonder therefore why he sees it necessary to allow eviction without grounds. That seems totally unfair if we bear in mind the situation which exists throughout the Northern Territory of a shortage of rental premises which creates situations where tenants are frequently, and sometimes quite unnecessarily, in fear of not being able to gain access to premises or retain access to premises. The inclusion of this section is quite unjustified and I oppose it very strongly. I do not believe that a tenant should be evicted unless there is good cause and in terms included in the act.

As the member for MacDonnell pointed out, the other principal respect in which this bill amends the balance of rights between lessor and lessee is in relation to commercial tenancies. By the removal of the current section 52, all those protections of a commercial lessee which are provided for in part VIII of the act will no longer be available. Those commercial lessees may well operate those small businesses that the Chief Minister has said he is anxious to provide protection for. Part VIII, the miscellaneous section of the Tenancy Act, prohibits distress for rent being applied, limits rent in advance being asked for beyond a certain amount, provides implied terms for a lease, ensures that a lessee is given a copy of a written lease, makes certain terms void and generally allows for lessee access to the tribunal in the case of possible eviction. All of those protections for a commercial lessee, who might well be a small businessman, will not be removed. By the very simple clause 25, section 52 of the principal act is repealed. It looks fairly insignificant but, to a commercial tenant, it could be very significant indeed. I think that that is a most unfortunate inclusion.

I notice that the minister has circulated some further amendments which allow the commissioner to approve a written lease or proposed form of written lease where the terms are not in accordance with schedule 4 which lists the implied covenants and conditions. Bearing in mind that he has circulated that amendment which I will support when the time comes, it seems to me even more unnecessary for him to move for the repeal of section 52 which, as it stands at the moment, allows very many protections to small businesses.

Mr Speaker, I noted that the bill does not address itself to the problems in caravan parks which have been raised by the member for Sanderson on a number of occasions. I was pleased to hear this morning that the minister intends to solve that problem at a future time. Very many Territorians live permanently in caravan parks and they require the protection of the Tenancy Act in the same way as residents of flats and houses do.

There is a further group of residents that I would like to draw to the attention of the minister: permanent residents of hostels in the Northern Territory. That is a traditional form of accommodation for certain groups of people in the Territory. I know of some people who have dwelt permanently in hostels for 10 years or more. I recently had a complaint from a person who said his hostel rent was going up to $97 a week full board which is a substantial sum. He wished to object to that but he was told that he had no redress under the Tenancy Act as it does not apply to people in those circumstances. I bring that to the attention of the minister. If people are paying substantial sums of money for permanent accommodation, they may require some protection also.

There is one other item which I wish to raise and for which I have circulated an amendment. The old Landlord and Tenant Act had a provision which ensured that an incoming tenant was informed by the lessor of his or her right to a fair rent determination. It was obligatory on the landlord to inform the tenant of that in writing. That seemed to me to be a most desirable provision and it is one which unfortunately was left out of the new Tenancy Act. I have circulated amendments to this bill and I will be seeking the support of members in the committee stage.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, it seems to me that the minister covered the reasons for the introduction of these amendments very clearly. However, I would make a few brief comments.

In the Weekend Australian of about 3 weeks ago, there was a letter from a gentleman complaining about the rents in Adelaide. He said that rents in Adelaide have gone up by something like 39% in the last 12 months which makes them higher than rents for comparable real estate in Sydney. It was not because of a lack of houses to rent in Adelaide; there were houses for sale everywhere. However, for some reason, rents were very very high. He attributed the situation to an act passed in 1978 which worked very much in a tenant's favour. I had this confirmed to me by a friend in Alice Springs who has just recently bought a property in Adelaide. He is renting it out. He commented that everything favours the lessee. I believe, as does the writer of this letter, that people in Adelaide are not willing to put their properties up for rent because of the act. The supply is down in relation to the demand and hence the price is up. The writer of the letter said he would prefer to experience the occasional difficult landlord than the present situation. Obviously, the aim in passing the act was to try to help the tenants. However, the act did the very opposite: it harmed the tenant and it made rents costly. Accommodation is in very short supply. We have heard this afternoon from a member of the opposition a suggestion for rent control in the Territory. If that happened, it would be even less attractive than Adelaide or anywhere else to rent property. It would reduce the supply and make things worse.

These amendments are part of an ongoing process of improvement. The act was introduced in all good faith. Some unintended effects have resulted and these have been brought to attention by the commissioner and the tribunal. These people have commented on

the problems they encounter. The government has considered them and these amendments have been made.

I comment particularly on clause 21 relating to the lessor's ability, provided it is not on a fixed term lease, to give 60 days notice to quit without grounds. Feedback that I have had on this indicates that it is a very welcome provision. I believe it will attract more people to put properties up for rental if they know that they can get them back after this particular time. Many people are not sure of their plans. They consider whether to rent or not. If they find rental conditions difficult and it is doubtful that they can regain their property for their own purposes, they decide not to rent. Under this legislation, they will know that they will be able to resume the property in 60 days. I believe that this will put more properties on the market for rent. That will tend to lower the cost as a result of competition.

I am particularly concerned about the amendment that the member for Fannie Bay has proposed. It seems pretty good to have a suggestion that every new lessee should have the opportunity to have the fair rents tribunal go over the property and determine the rent. This basically comes back to price control which, in my opinion, will simply reduce expansion of the market. At the moment, rents are very high and this attracts people to invest in this particular area. Each person who builds premises for rental or develops a property increases the competition. That, in turn, will tend to lower the prices and the lessee will benefit. If a fair rent determination is introduced, it will be more difficult for 60 days notice to apply. I oppose that particular point. I bring it to honourable members' attention.

Mr PERRON (Lands and Housing): Mr Speaker, a number of items have been raised by various members. I start by touching on the subject which seemingly concerned the opposition most: that control over the activities of commercial lessees and lessors is being removed from the act to a fair degree. The fact that the existing act covered some of these areas has been the reason why little progress has been made in achieving home sales at Nhulunbuy. The fact that the act impinged upon what would be a purely commercial dealing between 2 parties is the reason why it has taken so long to get to where we are. I am advised that virtually nowhere else in Australia are commercial tenancies covered by legislation. Commercial tenancies are virtually exclusively covered by agreement between the parties. It would be a foolish businessman or potential businessman who would go into a tenancy agreement for a business without a written agreement as to its terms. Once 2 parties agree in writing, the government should largely keep out of their business.

The situation in the act is to deal primarily with residential tenancies or what one might call domestic tenancies. In quite a number of cases, formal agreements are not signed between the 2 parties. The act provides that, even where agreements are signed between the parties in those situations, certain covenants are implied by the legislation. That, of course, is an attempt to redress some of the perceived imbalance between the parties in negotiating for domestic tenancies.

A member expressed concern about a landlord or lessor being

able to go interstate for up to 14 days without transferring the funds in the trust account to some other agent. The member for Fannie Bay has circulated an amendment which effectively removes the 14 days qualification and says that a lessor who leaves the Territory even for 1 day would be required to transfer accounts to an agent who would take up the responsibilities. I do not think that a case was demonstrated for this change because one must consider that, with the lessor out of the Territory, the lessee presumably has possession of the premises and is not exactly badly treated in that regard. Whilst it is true that he may have to serve a notice of some description to get bond money back, in virtually all circumstances covered by the act, the period of 14 days would be much less than the notice required anyway.

The proposed new section relating to eviction without grounds drew much criticism. No doubt we will hear more of this in the committee stage. Members should bear in mind that the provisions proposed for eviction without grounds are in circumstances where there is no other agreement that provides for eviction. In most cases, where agreements are signed between the parties, they would certainly include eviction procedures and processes on both sides. A situation could arise in the Territory where 2 persons came to some verbal agreement which was very hard to verify or, indeed, did not come to a particular agreement at all about leasing and letting a premises. The law, as it stands at present, is such that the lessor may never be able to obtain possession of his premises again unless the tenant breached one of those clauses in the act which defined him as an unworthy tenant and therefore liable for receipt of an eviction notice. It is clearly improper that a person who owns premises cannot regain possession of those premises by giving some reasonable notice.

The member for Port Darwin put some of the case for lessors. He felt that the amount of security deposit which could be held was not enough and, in some cases, I guess it is not enough. In the former act, the requiring of bond money or key money of any sort was totally prohibited in the Territory. That, together with compulsory rent control, led to the situation whereby, for some 5 years in the Northern Territory, there was hardly a single piece of accommodation built for renting. One could even say that some of the problems we have today could be a flow-over from that period.

Unfortunately, there are bad lessors and bad lessees. I have seen demonstrations of the sort of damage that can be left behind by an irresponsible tenant. In a matter of a few minutes, they could leave damage that far exceeds the maximum bond money that could be demanded under the act. However, it is clear that to provide some equity you could not have an unlimited bond money. The raising of bond money as laid down in the act is probably a fair compromise between the 2 parties. The honourable member also suggested that the restriction in the act whereby security deposits could only be deposited in banks by agents was unreasonably restrictive. I agree with that and an amendment will be proposed at the appropriate time.

The honourable member for Fannie Bay has circulated an amendment. She feels that, at the time of signing an agreement,

the lessee should be served with a notice by the lessor pointing out that the lessee has the right to go to the Commissioner for Tenancies under the act and claim to have the rent reassessed. The inclusion of that in the act would require some sort of penalty if a lessor did not serve the notice. Whilst I do not have a particular objection to that per se, it is similar to requiring a notice to be given to people who buy goods that, if they have any complaints, they have a right to appeal to the Commissioner for Consumer Affairs. That is taking things a little too far on a practical basis. Most people in the Territory who come in contact with persons who need help - welfare workers and organisations such as the Salvation Army - are quite well briefed on the agencies of government that can be of help in seemingly inequitable situations. On practical grounds, it is difficult to support the amendments proposed by the member for Fannie Bay.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

New clause 5A:

Mrs O'NEIL: I move amendment 88.1.

The intention is to ensure that a lessor must advise the lessee in writing of his right to apply for a fair rent determination. This was a provision of the old Landlord and Tenant (Control of Rents) Act which seemed to work quite well. Bearing in mind that housing is essential for people's well-being and happiness, knowledge of the provisions of the Tenancy Act would not do anyone any harm and might ensure that unfortunate situations did not arise. It would be a most desirable inclusion.

Mr PERRON: Mr Chairman, I have to take issue with the honourable member for Fannie Bay who thinks that the provisions of the former act worked quite well. I do not think many of them did but she was referring to this one specifically. I cannot see where this one specifically made the act work any better. I can only reiterate that I see it as not being any more necessary than telling a person who buys goods that he may contact the Commissioner for Consumer Affairs to seek redress. Surely we can put some onus on lessees to find out about their rights in law. This amendment almost encourages tenants to submit a notice seeking a fair rent determination as a matter of course.

Mr BELL: If I might say a short word in favour of this amendment, I find the arguments of the honourable Minister for Lands and Housing singularly uncompelling. The adoption of this attitude of caveat emptor is hardly acceptable in a matter as important as housing. I quite understand that the honourable minister has a predeliction toward free market forces and is quite happy to see a lessor given every possible advantage. I really cannot see how, under these circumstances, the government can oppose such an amendment, particularly since the provision was in the former Landlord and Tenant (Control of Rents) Act.

Mr PERRON: I can assure the honourable member for MacDonnell, who obviously has not had time to learn it, that this government had no responsibility for the provisions of the former Landlord and Tenant (Control of Rents) Act which came from Commonwealth days.

As for his belief that we are taking a caveat emptor view, why do we have an act before us? We have one because we do not take that attitude in regard to tenancies.

Mrs O'NEIL: The honourable Treasurer has just argued very effectively against his own earlier argument. The nature of the Tenancy Act is precisely one which indicates that the question of housing people is a most important one. It is not like buying a cake of soap. Certainly, I would not support an argument that we should give every person who buys a cake of soap a piece of paper saying he may complain to the Commissioner for Consumer Affairs if it does not lather properly. It is an essential human requirement that people have accommodation. That is why we have the act and that is why we should make sure that people are aware of their rights to use it.

The minister suggests we are encouraging people to run off all the time to the Commissioner for Tenancies. I think that this indicates a great lack of understanding of the normal relationship between landlords and tenants. In most cases, they are quite equitable, easy-going relationships which work well. Problems only arise in a minority of the cases fortunately but, when they do, they can be considerable. This would not encourage a rush of unnecessary applications to the commissioner but it would allow those people who may have serious problems to take proper redress as is allowed for in the act.

Mrs LAWRIE: I rise to support the amendment. Surely, the Minister for Lands and Housing must agree that, over the past year, we have seen a lessening of awareness in the community - I believe as a result of government policy - that people have recourse to certain action if they believe they are being unfairly treated by a landlord or his agent. I doubt if any of the members of the Assembly could be unaware of the proportion of complaints coming to their office dealing with the very human problem of tenancies. I do not agree that the proposal enshrined in this bill would in any way lessen the problem. It may make it administratively more convenient for the landlord. I have used the simple terms as they are far more easily explicable.

Mr Perron: You mean less inconvenient.

Mrs LAWRIE: The minister asks me if I mean 'less inconvenient'. I do not want to give him a lesson in English but it is pretty clear. It may make it more administratively convenient for the person letting the property to have the amendments go through in the way proposed. It does not, in any sense, lessen the very human difficulties which people are experiencing under the Tenancy Act at present. If anything, I think it will exacerbate them.

Members, if they have anything like the work that I have, would be referring their constituents constantly to the fair rent

controller for his advice. However, in the context of this debate, may I recommend to my honourable colleagues that the people responsible for registration of land and business agents also have a responsibility to ensure that inequitable business practices are not perpetrated. I do not envisage a sudden rush of complaints because of the acceptance of the new proposals put forward by the honourable member for Fannie Bay. I am hopeful of an awareness in the community that people have recourse to advice if they feel they are disadvantaged. I certainly support the amendment.

Mr D.W. COLLINS: Mr Chairman, surely when a person seeks to rent a property, one of the matters discussed would be the conditions under which that property is rented. The intending lessee then has the right to accept the offer of the lessor or reject it. It seems rather strange to me that, if a rental of $100 has been agreed to for a particular property, the lessee should then rush to the fair rents tribunal hoping to get it knocked down. The right of acceptance or rejection of terms was available. If the terms are not suitable, another property must be sought.

Amendment negatived.

Clauses 6 to 16:

Mrs O'NEIL: I want to raise a question on clause 6 which seeks to amend section 8. I draw it to the attention of the minister. Section 8(a) is amended by omitting 'lessee' and substituting 'lessor'. This relates to caravan leases. I am puzzled as to the intention of this particular amendment. The only conclusion I can reach is that the change protects finance companies leasing caravans to be kept on a lessee's land. Previously that lessee had the protection of the act.

Mr PERRON: Mr Chairman, my notes indicate that clause 8 is a technical amendment because section 18 of the principal act is to be deleted. Section 18 of the principal act deals with a transitional period involved with the commencement of the act.

Mrs O'NEIL: I think your notes are wrong.

Mr PERRON: Mr Chairman, I cannot find any further explanation in my notes at present. If the honourable member does not have any further problems following her interpretation of the intention, perhaps the committee would be prepared to let it slide.

Clauses 6 to 16 agreed to.

Clause 17:

Mr PERRON: I move amendment 85.1.

This amendment will omit the words 'trust account in a bank' and substitute 'trust account in a bank or building society approved by the minister for that purpose'. As has been explained earlier to the Assembly, we are seeking to open up alternative opportunities for investment by lessors of security deposits held.

Amendment agreed to.

Mrs O'NEIL: I move amendment 88.2.

It inserts a new paragraph after (c) and omits from subsection (3) 'intends to leave the Territory for a period of more than 14 days' and inserts 'leaves the Territory'.

I draw members' attention to the existing provisions of section 39(3) and the proposed new subsection in clause 17. The effect of that change which will be proposed by the minister is that, if a lessor who is holding bond money is out of the Territory, then the lessee will not be able to get hold of that money. The lessee might well require that bond money immediately in order to place a security deposit with the lessor of the new premises being sought. The act currently says that, if a landlord is out of the Territory for more than 14 days, he should place the bond money with a land agent or other person. It seems to me that the lessee should have a right to get that money immediately as long as there is no dispute. That is the purpose of my amendment.

If a lessor does contravene the provisions of section 31(3) of the act and does leave the Territory for more than 14 days without leaving the bond money with a land agent or other person, he is guilty of an offence for which the penalty is $1000. That will still not mean that the lessee will get back his bond money. I think that it is most important that the lessee should be able to obtain that bond money. We are frequently dealing with people who do not have a lot of financial resources and they could well require that money quite urgently.

Mr PERRON: Because a tenant vacates a premises overnight does not necessarily mean that that person is owed the whole of the security deposit. As I understand it, the act provides in most cases for a period of notice to be provided on both sides. If a person intends to vacate accommodation and requires the security deposit back, certain notices have to be given. I would suspect that they are all in excess of 14 days. Where a landlord drove over the border to Mt Isa for a day, he would have to make arrangements to transfer the bond money to another person just for that day. That seems to be providing a little more than necessary.

Mrs O'NEIL: It certainly would encourage a lessor to place the money that he is holding in trust into the hands of a land agent or other person. Even if he only went to Mt Isa for half a day, I think that it would be a most desirable thing. I will remind the Treasurer that I argued that point when we introduced the principal act. It is most important that that money which is being held in trust - it does not belong to the lessor - should be available to the lessee. People frequently have 1-week residential tenancies and I think it is quite unjust that a lessee may not be able to get hold of his bond money.

Amendment negatived.

Clause 17 agreed to.

Clauses 18 to 26:

Mrs O'NEIL: I wish to reaffirm my objection to the provisions in clause 21 which insert a proposed new section allowing notice to quit to be given without grounds. I think this is most undesirable. It will unbalance the whole order of the Tenancy Act as we introduced it some years ago and I do not believe it serves a useful purpose.

Clauses 18 to 26 agreed to.

New clauses 26A and 26B:

Mr PERRON: I move amendment 91.1.

This amends section 55 and inserts a new section 55A. In explanation, I have stated that clause 25 provides for the exclusion of business premises from part VIII of the act. This part covers miscellaneous matters which are not appropriate to business leases.

Most important of the appropriate provisions were section 55 and schedule 4. These set out the terms for every lease covered by the act including some that business lessors and lessees both objected to. For example, a business tenant may be quite willing to maintain the premises for a lesser rent and the Tenancy Act is being amended to allow for this. The existing provision was one of those that Nabalco objected to when we were trying to arrange for it to provide subleases to the Northern Territory of their lease of Aboriginal land. Nabalco's legal people felt that part VIII of the act compelled a person subleasing to another person to maintain the premises per schedule 4 of the act. That would have caused the absurd situation of Nabalco maintaining properties for the Northern Territory and for commercial organisations subleasing from the company. They might undertake to carry out certain forms of maintenance but they would be bound by schedule 4 of the Tenancy Act which requires the lessor to maintain the property. That is clearly inappropriate.

Proposed new section 55A will allow the Commissioner for Tenancies, where he sees fit, to approve a written lease which in fact does vary from the provisions in schedule 4. That would apply to what I would term residential tenancies because we have removed commercial tenancies from this area. The intention is that, if a lessee comes to an arrangement with a lessor to pay a lesser rent because he is contributing to the maintenance of a building - that could well occur where the lessee happens to be a carpenter or a tradesman of some sort - the Commissioner for Tenancies will be able to approve a special lease which waives certain parts of schedule 4 of the act.

Mrs O'NEIL: I rise to support these amendments. There are a couple of comments that I wish to make. It is true that section 55 caused most problems in applications for business leases because of what I understand are the legal complexities of contracting out. In view of these amendments, it seems to be even less necessary to have removed section 52 from the act because this was the one that caused problems in business relationships.

With regard to the situation with Nabalco, I am not in a position to comment. I find it very difficult to believe that this simple change will make it easier for people at Nhulunbuy to have access to homes. I do not think that is the crucial issue as far as Nabalco is concerned.

Mr PERRON: Mr Chairman, by way of explanation to the honourable member for Fannie Bay, there were in fact 2 principal sections of the act which concerned the company at Gove. I just mentioned the requirement whereby the lessor undertakes to maintain the premises leased. The other one was section 37 of the principal act which prevents any developer from charging a fee other than rent. That prohibited Nabalco from charging a fee for a sublease; for example, for the Housing Commission subdivision which was undertaken there whereupon the company incurred considerable expenses. Whilst it did not actually construct that subdivision, it did incur costs. Assuming that it has constructed a subdivision in that manner, it could not charge for the cost of that subdivision until the act was amended. That section has already been amended. The problem was not just the provisions in the schedule 4.

New clauses 26A and 26B agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

MATTER OF PRIVILEGE
Telecast by ABC

Mr SPEAKER: Honourable members, I was asked this morning to rule on a matter of privilege. Before delivering my ruling on this matter, I feel that I should make some comment on the statement of the Leader of the Opposition.

As far as I am aware, the Kenbi land claim is still proceeding before Mr Justice Toohey. I am of the view that it is not prudent for this Assembly to debate or discuss that particular claim. It has long been accepted parliamentary practice that the Chair should not allow reference to a matter awaiting or under adjudication in all civil courts, especially where important matters of concern are to be debated.

I inform the Legislative Assembly that, after having examined all the relevant documents in respect to the complaint made by the Leader of the Opposition, there appears to be no matter that should be referred to the Privileges Committee and I rule accordingly.

Mr B. COLLINS (Leader of the Opposition): Mr Speaker, I move that this matter be referred to the Privileges Committee.

Mr Speaker, in speaking to this motion, I point out to you, Sir, that, under no circumstances, would I have suggested discussing the details of the Kenbi land claim or in fact any other case that was sub judice in this Assembly. I have never done so in the 5 years that I have been in here and would not seek to do so. The reason that I raised the matter this morning in the way that I did

was simply to bring to the attention of the Assembly the problem of ministers of the government, or anyone else, in providing the Assembly with one set of information in a second-reading speech as a justification for introducing legislation and, on the other hand, while the Assembly is still sitting, giving substantial information to the media. This morning, the Leader of the House made some comments on the way in which this action was taken. I wish to advise the Assembly that he was incorrect.

I also wish to point out that the matter was not raised in any sense to impede or in any other way interfere with the business of the Assembly. It was done out of a very genuine concern that members of this Assembly, particularly while the Assembly is sitting, should at least be given as equal access as the media to information about bills that have been introduced.

I would point out that there are 2 matters that can be referred to the Privileges Committee. One matter is a breach of privilege and the other is a matter of contempt. It is clear from the interpretation of the Standing Orders in the House of Representatives that these 2 matters are both competent matters for the Committee of Privileges to make a ruling on. I made it clear this morning that the particular matter that I raised was a matter of contempt and not a breach of privilege.

I would like to read from Pettifer, the authoritative text on parliamentary practice in the House of Representatives, on the distinction between breach of privilege and contempt to make clear the basis on which the matter was raised this morning. I quote: '"Contempt" and "breach of privilege" are not synonymous terms although they are often used as such'. It then goes on to state what Erskine May has to say about contempt. All honourable members would be aware that, where any interpretations of our Standing Orders are in doubt, we can refer to the practice of the federal House of Representatives. In turn, they can refer to the practice of the House of Commons. Thus, we have available to us in the Legislative Assembly a full body of practice that has been built up over many hundreds of years. Mr Speaker, Pettifer has this to say about contempt and he is quoting Erskine May:

> *It would be vain to attempt to an enumeration of every act which might be construed into a contempt, the power to punish for contempt being in its nature discretionary. Certain principles may however be collected from the journals which will serve as general declarations of the law of parliament. It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions or which obstructs or impedes any member or officer of such House in the discharge of his duty or which has a tendency directly or indirectly to produce such results may be treated as contempt even though there is no precedent of the offence.*

As you would be aware, Sir, it is the very matter of raising these matters as they occur which creates the very body of precedent and practice that we are discussing. Erskine May makes it very clear that there need be no precedent to raise this matter and, despite what the Leader of the House had to say this morning, the matter can be raised as a proper matter for consideration by

the Privileges Committee if by any act or omission the performance of the function of this Assembly is impeded either directly or indirectly. I believe that the particular complaint that we had with the actions of the Chief Minister fell fairly and squarely: he omitted to advise this Assembly when he introduced a bill of a substantial matter affecting the Evidence Act. I would suggest that a casual glance at the public gallery this afternoon would have indicated the fact that certainly a large number of the public consider that the comments that the Chief Minister made on the television news on Thursday night were deserving of attention. Correctly or incorrectly, they drew that inference. I believe it would be a good practice in this Assembly to give members all pertinent information relating to bills or certainly as much of that information as the mover of a bill is prepared to give to the media.

Along with other members, I was annoyed to find that something as substantial as the decision and the matters relating to the Kenbi land claim were raised. The Chief Minister based his action in introducing this legislation on a 1978 High Court action and then, 24 hours later, outside the Assembly, introduced another matter which is 3 months old. In fact, he specially mentioned the Kenbi case without advising honourable members in this Assembly that that in fact was the situation. He said it was 'brought home to us as a result of this particular matter'.

I want to make it clear that the Leader of the House was absolutely incorrect in stating that this matter could not properly be brought before the Privileges Committee as he did this morning. It is not necessary to handle this matter as a censure motion. In fact, deliberately, we did not seek to do so. We were not interested in censuring the government for this action. I made it clear when I spoke this morning, as reference to Hansard will show, that we were not referring the matter to the Privileges Committee as a breach of privilege but as a matter of contempt. Parliamentary Practice clearly states that contempt is within the jurisdiction of the Privileges Committee for the reasons that I have outlined.

Mr ROBERTSON (Leader of the House): Mr Speaker, let me clarify something, and I do not have the benefit of the exact words that I used this morning. What I said this morning was that I know of no record of a matter of a minister misleading the House having been treated in this fashion. I said the normal and accepted practice in Australia is for that matter to be dealt with by way of a substantive motion of censure. I did not say that what the Leader of the Opposition did was improper or outside of Standing Orders or outside of parliamentary practice. What I questioned, and still say was improper, was his motives for doing it. They are 2 quite distinct things.

I cannot understand why the Leader of the Opposition is pursuing this point in this manner. The fact is that, unless he is utterly and completely blind and stupid, and I do not think that he is, then he knows and we know and anyone who has the benefit of Year 6 social science knows that, if he was to be truthful, the Chief Minister could not have introduced the legislation in relation to the Evidence Act in an attempt to overcome

the Kenbi land claim. The legislation which we are to debate - and the Opposition Leader knows this because he has a letter from the Chief Minister - can only apply to laws or jurisdictions within which this Assembly has competence to legislate. There would have been absolutely no point in the Chief Minister belabouring the issue of the Kenbi land claim. What the Chief Minister was doing in his interview and in the introduction of the legislation was pointing out that the common law, as it has always been understood for probably 2 centuries, has been overturned overnight. Our understanding is that it has been overturned by the High Court of Australia. It is not that the matter before the High Court had anything to do with the Kenbi land claim. It was a matter before the High Court which determined that papers of an Executive Council nature and papers of a ministerial nature are subject to the scrutiny of the court. The 2 are not the same. It would not have mattered whether it was New South Wales Coal Board v the Victorian Railways. Had the High Court come to the same conclusion as to Executive Council papers in either New South Wales which runs the Coal Board or Victoria where the ministry runs the railways, the impact on Australian law would have been the same. The issue is not the Kenbi land claim; the issue is the effect on law or on Crown privilege as we understand it.

I use the exact words of the Chief Minister in the interview. They have been quite twisted by the Leader of the Opposition. They were: 'It was brought home to us as a result of the Kenbi decision' - that could be the New South Wales Coal Board v the Victorian Railways - ' that all Cabinet documents, all Executive Council documents in the Territory are potentially admissible in a court of law'. He did not say: 'In an inquiry before the Aboriginal Land Commissioner'. Of course, the Leader of the Opposition, in his usual fashion, deliberately left out that reference. He would have us believe that his implication was 'an inquiry before the Aboriginal Land Commissioner'. That is not what the Chief Minister said. He said: 'in a court of law'.

The Leader of the Opposition has moved for this to be referred to the Privileges Committee notwithstanding that you, Sir, have quite rightly ruled it is not a matter of privilege nor a matter of contempt, but indeed a devious political vehicle which flies absolutely in the face of the reality of the High Court decision, the reality of the legislation which we will debate later, the reality of the second-reading speech by the Chief Minister and the reality of what the Chief Minister said on television.

Mrs O'NEIL (Fannie Bay): Mr Speaker, perhaps it is necessary to get this debate on the track because, after that effort by the Leader of the House, I am sure people who are not familiar with the intentions of the motion and the purposes of privilege and contempt powers in Houses of Parliament are totally confused.

We are not, of course, supposed to be debating the Evidence Act at this particular time. We are debating the motion of the Leader of the Opposition to refer this contemptuous action of the Chief Minister to the Assembly Privileges Committee.

Mr ROBERTSON: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr ROBERTSON: The honourable member has described the action as being 'contemptuous' and yet, at the same time, she has said that this is a matter which ought to be referred to the Privileges Committee. Either she has cast herself in the wrong role of judge, jury and executioner or, alternatively, she says the committee has no function. She cannot have it both ways. Surely that is quite an improper thing to suggest.

Mr SPEAKER: There is no point of order.

Mrs O'NEIL: Mr Speaker, because of the action by the Chief Minister, we are debating this motion which seeks to refer the matter to the Privileges Committee. Perhaps I should advise the Leader of the House and other people in the Assembly who may not be aware of it that it is not only proper for the Leader of the Opposition to move this motion at this time, following your ruling, Sir, but indeed it is quite essential for him to do so as evidence of the seriousness with which he and other members of this Assembly view the matter. It is not a frivolous complaint; it is quite a serious complaint. Therefore, it was most essential that he should be prepared to back his belief by moving a motion as, quite properly, he has done.

To return to the substance of the complaint, I shall refer to it once again because it is essential to the point. A contempt is in the act or omission which obstructs or impedes a House of Parliament in the performance of its function or which obstructs or impedes a member or officer of the Parliament in the discharge of his duty. Only the other day, the Chief Minister, when he introduced his Evidence Amendment Bill, in effect asked members of this Assembly to do 2 things. He moved that the bill be read a second time and thus we were asked to make a judgment on that. He said that he intended to have Standing Orders suspended. In order for honourable members, in the pursuit of their duty, to make a proper judgment on those matters, they needed to know the reasons why the Chief Minister was seeking the support of the Assembly for his motions.

When the Chief Minister was asked in an interview with the ABC on Thursday his reasons for haste with this amendment, he quite clearly replied: 'Well, it certainly is something that is needed. It was brought home to us as a result of the Kenbi decision ...'. Regardless of what the Kenbi decision is or was, it influenced the Chief Minister in seeking the support of this Assembly for the motion for the second reading and suspension of Standing Orders. However, he declined to give members that information in this Assembly which was the proper place for him to give it. Of course, I would not suggest that he should have gone into the nature of the Kenbi claim. Certainly, that would have been sub judice and improper. Nevertheless, he admitted in the media that it was influencing him. He was asking for the support of honourable members who had a duty to make a decision on the matter yet he was denying them that information at the time when he should have made it available to them. It is very serious

to treat the members of this Assembly with contempt. If the Chief Minister seeks the support of honourable members for something in this Assembly and does not give them the reasons for it so that they can make a proper decision, as is their duty, that is the essence of the contempt referred to by the Leader of the Opposition. The Chief Minister omitted to inform the Assembly properly of the matters that influenced him in bringing the Evidence Amendment Bill before the Assembly and seeking suspension of Standing Orders to have it passed with some speed.

Mr PERRON (Treasurer): Mr Speaker, I move that the question be now put.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

The Assembly divided on the motion that the matter be referred to the Privileges Committee:

Ayes 8	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mr Leo	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Smith	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

SUMMARY OFFENCES BILL
(Serial 170)

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I move that the adoption of the report and the third-reading resolution on the Summary Offences Bill (Serial 170) be rescinded and that the bill be recommitted to the committee of the whole Assembly for reconsideration of new section 45D inserted in clause 2.

Motion agreed to.

In committee:

Clause 2 on recommittal:

Mr TUXWORTH: Mr Chairman, I move amendment 86.1.

The amendment proposes to delete existing section 45D and insert a new section. This corrects certain drafting errors which came to light after the passage of the bill. While this amendment appears to replace section 45D, honourable members will note that the section is substantially the same as the provision approved by honourable members last week.

The amendment makes the following changes to section 45D: the word 'the' appearing just before '2 kilometres' is deleted and the words 'under the Liquor Act' are deleted and replaced by the words 'under part III of the Liquor Act'. This fits section 45D into the scheme of the amendment by conforming it with section 45JA. The reference to part III was inadvertently omitted from the amendment schedule. A penalty is also added to the provision. This penalty appeared in the original proposed section 45D but was inadvertently omitted from the amendment schedule. Without the penalty provision, section 45D would be of no effect.

Amendment agreed to.

Clause 2, as amended, agreed to.

In Assembly:

Bill reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, this is the second time in a matter of a week that we have debated substantially the same legislation. I do appreciate that the rapid introduction of this amending piece of legislation is necessary today because we failed to provide a penalty for drinking in a public place which, on sober reflection, I thought was quite nice. However, it was clearly not the intent of the legislature to omit the penalty and therefore reasonable that the bill be tidied up as an amendment to the act before this Assembly finished its sittings, probably on Thursday evening.

However, Mr Speaker, on the third reading I ask the honourable Minister for Health if he could indicate - bearing in mind the fact that some 4 or 5 days have elapsed since the previous consideration - when the map of the greater Darwin area with all licensed premises affected by this legislation will be available for members, the press and the general public?

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank the honourable member for Nightcliff for bearing with us during this amendment. I am happy to advise her that one map is completed already. It is about the size of the desk and it will be quite suitable for putting up on the office wall. If the honourable member has such an extreme interest, I will see that she gets my map tomorrow. There will be about 30 or 40 prepared in the course of time for members of the Assembly and any other interested

parties. If members know of some particular groups of citizens who would like a map, and they send the names and addresses to me, I will see that they receive one.

Bill read a third time.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 71)

Continued from 26 November 1981.

Mr SMITH (Millner): Mr Speaker, this bill makes changes to that part of the act dealing with community government schemes and, of course, community government schemes apply in Aboriginal communities. There are 3 main changes that the bill proposes. One is to allow greater flexibility for the appointment of substitutes to act for members of councils absent from a community government area. The second gives the power to introduce on-the-spot fines for breaches of bylaws. The third change allows community government councils to make charges for work done and for services, facilities, amenities and utilities provided. Basically, the opposition supports the changes. We believe that community government is winning some measure of acceptance amongst Aboriginal communities and that these changes provide for greater flexibility in the operation of these community councils.

Mr Speaker, since you are aware of my background as a former union official, you will understand that my only reservation is that it has been a matter of some concern to a number of public servants working in these communities that service charges not be imposed on services provided for them in these communities. It behoves the government to look very closely at this issue because it does give power to community councils to levy charges. There is the issue of the quality of services provided by the community councils before power is given to them to levy charges. Secondly, and not related directly to this bill, there is the question of conditions of service for public servants in these remote areas.

In essence, the opposition supports the bill. We see it as a desirable extension to the present powers of community governments.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to speak to this legislation this afternoon I want to say at the outset it displays quite clearly the government's intention to devolve power from the government to local communities in the Northern Territory wherever they may be. Local government concerns in many ways the little things of everyday life. They all add up to very important issues when considered together.

In considering the 3 local communities on the Tiwi Islands, and in talking to the councillors and the people in those communities, it is clear that they are concerned first of all with budgeting. A certain sum of money is made available to be budgeted in a certain way. The money is made available to employ people for different purposes. This is a prime consideration in a community

where opportunities for work perhaps are not very great. In the employment of people, the end result is considered; it is not a matter of employing people for employment's sake. They are employed to clean up litter, to service the water reticulation of a particular area or to clean up the general area. In local government areas, there are matters of concern such as vandalism, the price of diesel for generators and the repair of bulldozers to grade roads. A situation arose recently which gave local communities concern about fire-fighting facilities in their area.

Not only is the employment of local people a very important consideration in the communities but also thought has to be given to the employment of people from outside the community to work within the community. They are employed as a result of the decision of the particular local community. I have been at meetings when employment opportunities were offered to people who had made applications for jobs as contractors, carpenters or tradesmen. The whole situation relating to the job application was discussed: whether adequate schooling was available for the applicant's children; what goods were available in the store; and what recreation facilities were available. To get the best person, all these matters were considered as well as the work entailed in the particular job.

In a local government community, the councils concern themselves with everything of importance to the community life. They may not be the things that our local councils concern themselves with on the mainland. They are concerned with such things as the destruction of dogs, the provision of school lunches, the rostering of football teams, liquor permits for the area and TV reception in the area. A continuing concern on the Tiwi islands is TV reception.

At the moment, each local government council operates as an entity although with wide parameters. They have a general basic agreement. I forecast that this will continue for some time. However, at some stage in the future, lobbying for a particular person will lead to the agglomeration of certain local government councils to create a voice of power which in turn will give a finer standard of agreement. From that, I can see stronger similarities arising to support multiple government council views which will finally give a more homogeneous approach to particular issues.

Mr BELL (MacDonnell): Mr Speaker, this is the first opportunity that I have had to speak in this Assembly on community government schemes. It gives me great pleasure to do so. I wish to make a few remarks by way of preface to illustrate the role that I believe community government schemes have in my own electorate and the history that precedes this particular government initiative. There are a number of different communities in my electorate, all of which have a community council of some sort that functions in many different ways. I understand that the only full community government scheme that is actually in operation is in the electorate of the member for Victoria River. That is at Lajamanu. I have not had the privilege of visiting Lajamanu but my wife has visited there and I understand from her and many people who have visited there that the scheme works particularly

well. I would suggest it would be instructive for honourable members to tease out some elements that make a community government scheme successful. I think it has much to do with a community's constitutional development. Usually we only use the term 'constitutional development' in relation to state and federal government but within my own electorate I can see that there are a number of different aspirations moving in different ways in the different communities based on the way they are interacting with other Aboriginal communities and with white agencies, non-Aboriginal organisations, government departments and the like, with which they come in contact.

We should consider community government schemes in the context of contact history between black and white in the Territory over the last 130 years. The contribution of community government schemes for constitutional development in those communities must be seen against a background, in many cases, of very severe oppression. People were shot and murdered. Whilst the cataloguing of those sort of incidents will not do us any benefit, I believe it is worth keeping in mind when we attempt to understand what may or may not be happening in terms of the adoption of community government schemes. When the shooting had died down, government policy was either smoothing the pillow of a dying race or assimilating Aboriginal people into a more acceptable way of life. What was more acceptable to the majority of society was not acceptable to Aboriginal people who always have continued to assert the integrity of their own way of life. The 1950s and the 1960s in northern Australia were characterised by an assimilationist policy that had no place for community government schemes or community councils.

The late 1960s and the 1970s saw a change of attitude and the development in non-Aboriginal thinking about Aboriginal settlements. Government agencies gave up the idea that settlements would be transitory and realised they would be permanent places because of the tie that the people had to the land that surrounded those places. I imagine the people who are with us in the gallery today would appreciate those matters a little bit better than I do and may consider some of the things that we are talking about here today with a wry grin.

The community government schemes themselves are an excellent framework for formalisation where the community believes that that is necessary for the controlling of all sorts of assets such as land of different sorts. There are problems in that regard and I am sure that everyone of us who has electorates that take in Aboriginal communities will understand what I mean about the difficulty of control of assets of all sorts. I have had personal involvement of developments at Areyonga in this regard. I know that, 10 years ago, all the decisions were taken - if the Leader of the House and his colleagues will forgive me for the use of the term - by purely expatriate staff at Areyonga. There was a little bit of tokenism in that a couple of Aboriginal people might have been associated with the group who made decisions that affected that community. I would say that that arrangement was pretty common at that time. I can see that there has been considerable development in that regard.

I was interested to hear the minister say in his second-reading speech that there had been 16 applications from different places for community government schemes. That is of great interest to me. I would be very interested to be directed to where I might find a list of which places have applied and the progress of the negotiations that have led up to that.

There is one particular place in my electorate that I believe requires special mention in this context. I refer to the community at Ayers Rock. Members will be well aware of the type of lease over the Ayers Rock Mt Olga National Park. In fact, it is a lease held by the Australian National Parks and Wildlife Service who manage the park through the agency of the Conservation Commission. I raise the matter of the Ayers Rock community because it raises serious problems for community government schemes. It is one that the minister should take into consideration. I have spoken in this Assembly before and I do not believe that it is important for me to speak at greater length at the moment about the problems of Aboriginal communities vis-a-vis the white community that is involved either in delivering government services or in the tourist industry at Ayers Rock. I would very much appreciate some indication from the minister about the sort of local government arrangements that will pertain once the new village at Yulara is developed. How would he envisage a local government arrangement for those people living in the vicinity of Ininti store? I should also mention in that context the persistent requests that that community has made for the services of a community adviser.

I have my misgivings - and that is a very moderate way to put it - about the management role of the Conservation Commission at Ayers Rock particularly vis-a-vis the Aboriginal community there. At some later stage, I intend to address this question perhaps in an adjournment debate. In the context of community government schemes, I draw attention to the appalling lack of advice available to the Aboriginal community, an appalling lack of consultation and means of consultation with a group of Aboriginal people who have been associated with that place for years. To a large extent, this has been ignored. The Conservation Commission, as managers in that context, have failed to address some very real problems in that area.

On the bill itself, I have a couple of small points that I wish to raise. Clause 4 amends section 425 by inserting new subsections (ka) and (kb). These do not seem to contribute a great deal to what is in the act. The idea of the community government scheme, which I think is an excellent one, is to provide a framework within which the Aboriginal community involved may determine a relevant form of local government for itself. Proposed new subsections (ka) and (kb) make amendments that seem to me to restrict unnecessarily the very freedom that the act wishes to confer on them. I refer the minister and honourable members to clause 4(c) of the amending bill. It seems to restrict unnecessarily the framework within which a community can operate.

I have a similar criticism of clause 8 which proposes the insertion of section 444A which says it shall not be necessary to hold a by-election. It seems again to restrict the principal act

unnecessarily. Clause 9 inserts proposed new subsections 450(f) ...

Mr Robertson: Restricts it?

Mr BELL: I would draw the attention of the honourable minister to division 3. I hasten to add it is a relatively minor criticism, but I believe it is worth making. The very openness of the framework seems to me to be unnecessarily restricted.

My final point refers to clause 14 which provides a fixed penalty for breach of bylaws. I think that the local government powers that are involved here are again excellent for the communities that can make use of them. I think that is important to consider - communities that can make use of them. Different communities are developing in different ways. It is not a one-dimensional development, I would hasten to add. I am concerned that the sum there is specified as not exceeding $20. That strikes me as a rather small amount. Off the top of my head, I am not sure what the penalty rates are in other sections of the Local Government Act but I consider that that is a pretty small amount, particularly in view of a $200 fine for drinking in a public place that we have mentioned. I think that there is a very real danger that Aboriginal communities will scoff at the smallness of that figure. I think that that should be taken into consideration too.

Mr ROBERTSON (Community Development): Mr Speaker, this is a bill under the new Administrative Arrangement Orders for which I have responsibility. I have noted the comments of honourable members but I will not deal with them at length.

The member for MacDonnell mentioned the $20 fine. I would assume that the draftsman had in mind that that is commensurate with the on-the-spot fine level. It is of interest to me to note that Aboriginal communities might scoff at the level of $20 and yet a couple of days ago we were told that any sort of fine at all in respect of the Liquor Act could not be paid because they had no money. It is a rather fascinating turnabout.

I might point out to the Assembly that I will invite defeat of the schedule to this bill as it has already been picked up in a Statute Law Revision Bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 15 agreed to.

Clause 16 negatived.

Title agreed to.

Bill passed remaining stages without debate.

STATUTE LAW REVISION BILL
(Serial 162)

Continued from 1 December 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Schedule:

Mr EVERINGHAM: I move amendment 83.1.

I am sure that honourable members do not require an explanation of these amendments.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage of the Evidence Amendment Bill 1982 (Serial 179) through all stages at this sittings of this Assembly.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition opposes the suspension of Standing Orders. I think we foreshadowed that we would be doing this. I believe that today's events have given us more reason that ever for so doing.

Mr Speaker, last night the Australian Chapter of the International Commission of Jurists met and considered the Northern Territory amendments to the Evidence Act. I would say that the Australian Chapter of the International Commission of Jurists has had as little time to give this the attention that it deserves as everybody else. Together with a number of my staff, I put in a fairly solid weekend on this particular piece of legislation because of the intention of the Chief Minister not to allow it to proceed through the Assembly in the normal way. The Executive Committee of the International Commission of Jurists Australian Chapter made the following deliberations:

> *There are 3 issues which justify disquiet: (1) the terms of the Evidence Amendment Bill itself; (2) the provision of negligible opportunity for public and parliamentary discussion of the bill before enactment; and (3) the effect of enactment of the bill on the Kenbi land claim and other Aboriginal land claims.*

It is no justification of the bill to point out that the Evidence Amendment Act in New South Wales is similar in effect. The New South Wales bill has itself been strongly condemned and the argument that it simply reinstates the law on Crown privilege as it was thought to be before Sankey v Whitlam has been refuted, and reference can be made to the report on Freedom of Information by the Standing Committee on Constitutional and Legal Affairs 1979.

The Chief Minister's reasons as expressed by telex to the Australian Council of Jurists for allowing so little time for public discussion are not persuasive. If the sole intention was to restore the general law to the pre-Sankey v Whitlam position, that could have been done at any time in the past or future and would not necessitate legislative rush. The measure is significant enough in its own terms to merit additional opportunity for public and parliamentary debate ...

I advise the Assembly that I am simply reading this as it has been given to me. The reservations that have been expressed by the International Commission of Jurists are shared by many other legal people as well. It is not an unusual situation for lawyers to disagree. Just a few weeks ago, an eminent jurist, a silk in Melbourne, told me that lawyers and whores had a great deal in common: they were 2 of the oldest professions in the world, they hired themselves out and they took on all comers. Legal opinion is like psychiatric opinion; it is divided. Certainly, on this subject, there is a great deal of debate. The New South Wales Evidence Act which was passed in 1978 occasioned this debate. It is in fact the only legislature in Australia at the moment that has this piece of legislation. It has never been used.

To further add to our case for opposition to the suspension of Standing Orders, I wish to quote from the Australian Current Law Digest of May 1979 which dealt with the New South Wales Evidence Act. Not only is the act before us very similar to this piece of legislation, there are quite remarkable similarities between the second-reading speeches of the Chief Minister and that of the Attorney-General in New South Wales. Although I must say in defence of the Attorney-General in New South Wales - although I find the New South Wales legislation equally repugnant - that that gentleman did offer the House a great deal more detail on the bill than the Chief Minister has offered. I have his speech in front of me in case I have to convince the Leader of the House of that matter.

The Australian Current Law Digest of May 1979 stated:

The stated intention of the Attorney-General was to return the law to the position obtaining immediately before Sankey v Whitlam 1978. Such a misunderstanding can only be due to inept advice or unscrupulous self-interest.

I would unreservedly apply those same comments to this legislation. It is clear from the body of evidence disputing the legal ramifications of this kind of legislation, the actual amount of this literature and from the pile of paper that has been put on my

desk today - and subsequent to the Chief Minister handing me a piece of paper from the federal parliament, I was given by my own staff the detailed answer which the federal Attorney-General gave on this matter in federal parliament this morning in response to a question - and from consideration of the fact that only one legislature in Australia has enacted this legislation that has been condemned roundly, that the very least we could expect of this government is that it allow this admittedly controversial legislation - and there is plenty of evidence in Australian law journals that it is controversial - to be given the full parliamentary scrutiny that it deserves. The ramifications between it and federal legislature should be considered as should its effect on the administration of justice in the Territory.

There are so many matters which will not be able to be covered in this debate because of the great lack of time and attention that members of this Assembly, apart from those privileged members of the government who may have had access to it earlier - although I doubt very much whether the backbenchers had much more warning of it than we did - have had to consider it. There is absolutely no justification for pushing this controversial legislation through the Assembly. A suspension of Standing Orders occurs when the rules of this Assembly are suspended and the parliament operates under the rule of the executive rather than the parliament. It should 'only be done in cases of necessity'. Mr Speaker, there is ample reference for that. We have yet to hear from any member of the government the necessity which prompts the suspension of Standing Orders.

There was some discussion today on the Kenbi land claim. I stress again that I do not intend to dwell on the details of that case. The Chief Minister has said in public that that particular case and that particular High Court decision was instrumental in his decision to bring this legislation before the Assembly. He referred to Sankey v Whitlam 1978. As I will be able to demonstrate in any ensuing debate, ample case law is available on the subject to indicate that this principle was established long before Sankey v Whitlam. There is yet to be one convincing argument from the government as to why the rules of this Assembly should be thrown out the window and we should put through a piece of legislation in the space of one week. This legislation clearly deserves the full scrutiny of this Assembly and all the legislative research and attention that we can bring to bear. The Standing Orders are there for a very good reason: to avoid hasty and ill-considered legislation. By pushing it through at this sittings, that is precisely what we will end up with.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I cannot really think of any better words to respond to the Leader of the Opposition than those of his learned colleague, Mr Frank Walker, the Attorney-General and Minister for Justice in New South Wales when he moved the first reading of the bill in the House of Assembly in Sydney:

> *The need for this legislation is most obvious and it is the government's view that the bill should be enacted during this session. The bill is certainly not massive, and can be easily read and understood in the space of a few minutes. It has one simple*

object: to restore to the Crown privileges that have been eroded over the years by the courts in relation to government communications in business at a senior level.

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the question be now put.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Harris	Mr Doolan
Mr Everingham	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Motion agreed to.

EVIDENCE AMENDMENT BILL
(Serial 179)

Continued from 10 March 1982.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that all words after 'that' be omitted and the following words be inserted in their place: 'the Assembly declines to give the bill a second reading as it is of the opinion that its passage would be detrimental to the proper administration of justice in the Northern Territory'.

Mr ROBERTSON (Leader of the House): I move that the question be now put.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Question (Mr Collins' amendment) put and negatived.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the only complimentary thing that can be said about the Chief Minister's second-reading speech is that it accurately states the 2 conflicting principles which the courts seek to reconcile under the doctrine of Crown privilege. It must be said at the outset that these amendments do nothing to improve the court's ability in that important process of reconciliation. Instead, it ensures that the Attorney-General of the day can decide whenever it suits him to refuse court access.

Mr SPEAKER: Order, order! The honourable member will resume his seat. The honourable member has spoken to the amendment and the motion.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I am sure that you are referring to Standing Order 47 which reads: 'No member may speak twice to a question before the Assembly either in explanation or reply'. Mr Speaker, I would submit to you that, while the Leader of the Opposition moved a motion, he certainly did not have an opportunity to speak to anything. He simply moved an amendment. He did not address himself to any matter. He did not make a speech. He did not speak to either the motion or the amendment.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I would point out to you that I was in fact meticulous in concluding my words at the end of the amendment. I have in fact spoken to neither the amendment nor the motion.

Mr SPEAKER: I rule that the Leader of the Opposition has spoken.

Mr B. COLLINS: Mr Speaker, I wish to move dissent from your ruling.

Mr SPEAKER: Will you give it to me in writing please?

Mrs LAWRIE (Nightcliff): Mr Speaker, I have some copious notes from the Leader of the Opposition which I wish to deliver to the Assembly.

The only complimentary thing which can be said about the Chief Minister's second-reading speech is that it accurately states 2 conflicting principles which the courts seek to reconcile under the doctrine of Crown privilege. It must be said, at the outset, that these amendments do nothing to improve the court's ability in that important process of reconciliation. Instead, it ensures that the Attorney-General of the day can decide whenever it suits him to refuse court access to any government document which he claims is covered by the seal of the Cabinet confessional. A court cannot question his ruling. It cannot even verify whether the documents in question have been before Cabinet or a Cabinet committee. We are giving to one individual an absolute power, a power with no checks and a power which can be used in the full knowledge that its use may prevent justice being done to an individual before a court. Thus the principle of equality before the law will be expendable when the Attorney-General of the Northern Territory so rules it.

Mr Speaker, the Chief Minister, in his second-reading speech, claimed that the rules in relation to Crown privilege were that, if the minister furnished the court with a certificate claiming that the document was privileged, then this was accepted by the court. That statement is not correct. It was not correct in the case of Robinson v The State of South Australia 1929, it was not correct in Conway v Rimmer 1967 and it was not correct in Sankey v Whitlam 1978. The only occasion on which a court has given such a certificate automatic acceptance in the way described by the Chief Minister was in England in 1942 at the height of the Second World War. The case was Duncan v Cammell, Laird and any reading of the circumstances surrounding that case will quickly demonstrate that it was the exception rather than the rule. The House of Lords sitting in the beleaguered Britain gave effect to a minister's certificate claiming Crown privilege. In the context of the international war then raging, the decision of the House of Lords was understandable.

However, does the situation of an imperilled Britain in 1942 compare with the position of the Northern Territory 40 years later? By hanging his argument on this particular case, the Chief Minister appears to be making that comparison. It is clear that, in a majority of decisions relating to Crown privilege, the courts have insisted that they have the right to test the minister's certificate. This was the view of the courts in Robinson v State of South Australia, Conway v Rimmer and, most recently, in Sankey v Whitlam.

The fact is that a minister's certificate had never been automatically accepted by the courts as the Chief Minister implied. As the Chief Minister has failed to adequately research his case in this regard, let me refer him to comments by Lord Branesburgh speaking for the Privy Council in Robinson v South Australia (No 2) 1931 AC704714. Lord Branesburgh stated: 'The fact that the documents, if produced, might have an effect on the fortunes of the litigation is of itself a compelling reason for their production, only to be overborne by the greatest considerations of state policy of security'.

Mr Speaker, Professor Peter Hogg states in this regard, and I quote from his authoritative work, 'Liability of the Crown': 'It is now recognised that this approach of Lord Branesburgh is the only correct one for all types of cases'. Professor Hogg continues: 'It does not seek to contradict a ministerial assertion of executive interest. On the contrary, it recognises that interest but it insists that the executive interest must be weighed in the balance with the competing interest in the administration of justice'. Professor Hogg further states that 'there can be no hard-and-fast rule about what type of evidence is privileged and what is not'. He rightly states that 'every claim must be considered on its merits'.

Mr Speaker, Professor Hogg points to 3 judgments that must be addressed: '(1) how much injury would be caused to executive interests by disclosing the evidence; (2) how much injury would be caused to the interests of justice by withholding the evidence; and (3) which interests shall prevail'. Professor Hogg states that a minister can answer question 1 but he cannot answer questions 2 and 3 and therefore his decision should not be

treated as conclusive, as the bill before this Assembly seeks to do. The Chief Minister claimed the law on Crown privilege had been made unclear in 'the last 15 years or so' by a number of decisions in courts in England and Australia. It is extremely difficult to see how he can form that view. The 2 major cases in question, Conway v Rimmer and Sankey v Whitlam, both asserted the court's right to test a claim of Crown privilege. Conway v Rimmer restored the position of the courts to the one which prevailed prior to Duncan v Cammell, Laird which was, in a sense, an aberration.

Mr Speaker, in the case of Conway v Rimmer, a court of appeal disapproved attempts to whittle down the bench ruling in the Duncan case but the court granted right to appeal to the House of Lords. On appeal, the House of Lords unanimously held that Duncan was wrong in deciding that ministerial claims were conclusive. Their Lordships held that the court had the power to inspect any documents for which privilege was claimed and decide for itself whether the claims were justified. Therefore, a reasonable assessment of what has occurred in the last 15 years is that the common law position has been clarified and not made unclear.

When the High Court of Australia handed down its judgment on Sankey v Whitlam, it was not doing anything particularly new. It upheld the principles confirmed in Conway v Rimmer. More than that, it laid down the position for Australia in considerable detail. Mr Speaker, in the May 1979 edition of the Australian Current Law Digest, the amendment to the New South Wales Evidence Act was considered. I quote from that publication:

> *The recent decision in Sankey v Whitlam has caused much concern in government but its principal effect was merely to emphasise that ministers are accountable under judicial supervision. It correctly dismissed the restrictive interpretation of Conway as fallacious and explained and gave effect to the true spirit of the case. It did not overrule it and in no way needed to do so.*

Mr Speaker, in the light of this, the Chief Minister's claim that there is a need to replace 'this common law uncertainty with a certainty of statute law' is nonsense. It is not the common law which is unclear but the Chief Minister.

Mr Speaker, the opposition does not argue with the basic proposition that good government can depend on ministers' being able to discuss and advise on matters without fear that their advice and deliberations may be laid open to public scrutiny. But when the Chief Minister talks about the public interest sometimes requiring that the public not have complete access to government discussions, he is quite blatantly misrepresenting the situation. The question of Crown privilege is not about the general public or any individual member of the public having some sort of automatic and unsupported right to demand complete access to government discussions.

It is wrong to imply, as the Chief Minister does, that we need to pass this legislation to prevent any Tom, Dick or Harry

gaining access to sensitive government information. The Chief Minister knows perfectly well that the courts will not entertain vexatious or frivolous attempts to obtain information. They will seek such information only when justice demands that it be made available. They take the view that a litigant or accused should be entitled to the best evidence available. It is clear in our view that the Sankey v Whitlam judgment handed down by the High Court did not alter, seriously or otherwise, any accepted principle. For the Chief Minister to align himself with the views expressed by the New South Wales Attorney-General at the time of amendment to the Evidence Act in that state does the Chief Minister no credit. The New South Wales action was widely condemned by the legal profession and the public, much as the Northern Territory amendments are now being criticised.

Until the Chief Minister introduced this bill last Thursday, New South Wales was the only state which had introduced such legislation. The implications of Sankey v Whitlam must have been considered by Attorneys-General around Australia but, with the exception of New South Wales, none chose to act. In fact, in response to a question in the Senate, the federal Attorney-General, Senator Durack, said no change to the law was contemplated in the light of the High Court decision. It is clear that the majority of Attorneys-General in Australia and, for that matter, the then Attorney-General in the Northern Territory were prepared at that stage to trust the discretion of Australian courts to treat with fairness, justice and propriety and, of course, delicacy the important issue of Crown privilege. Only New South Wales and now the Northern Territory apparently have so little faith in Australian judges that they feel the need to give a ministerial certificate a force of law which is unchallengeable in the courts.

For the Chief Minister to stand behind the New South Wales Attorney-General's words that 'the ministerial certificate has finally been exposed as a convention without legal authority to back it up' is simply an expediency. Conway v Rimmer made it clear that no such convention existed and claims to Crown privilege could and should be tested by the courts. The New South Wales government chose to differ from every other government in Australia which, on a day-to-day basis, rely on the impartiality, the competence and probity of their properly constituted courts of law. No government has at any stage, in Australia or elsewhere, suggested that any decision on Crown privilege in relation to a specific case has imperilled the public interest. In fact a deafening silence is an endorsement of the courts' ability to decide correctly questions of Crown privilege. I challenge the Chief Minister to name a decision which in any tangible way has upset the public interest.

In his second-reading speech, the Chief Minister spoke of 'this inability to rely on the courts'. What he meant was 'this inability to rely on the courts to do as I wish without question'. Shouldn't the question be whether the Chief Minister or other ministers can rely on their own departments? This is not an academic proposition. Only last year, the case of a complaint by the Attorney-General against a Northern Territory legal practitioner exposed what can only be described as maladministration in the Attorney-General's own department to the point

where it threatened the legal rights of a citizen of the Northern Territory. As members may be aware, that case has now been reported in volume 10 of the Northern Territory Reports which forms part of the Australian Law Reports. That case is an important one in the context of this debate. It demonstrates the competence, the probity and the delicacy of judges in dealing with the rights of a citizen of the Northern Territory vis-a-vis the state. The case makes for interesting reading and the Leader of the Opposition recommends it to all members.

The case before the full court of the Northern Territory Supreme Court concerned 2 complaints against a legal practitioner. The 2 complaints had had an appearance of spontaneity but the judges found the complaints were drafted and settled, if not initiated, within the Attorney-General's own department. In its judgment, as reported at page 14 of the Northern Territory Reports, the court said: 'It does not appear that the Attorney-General is informed of these immediate facts and it was, of course, essential that he should have been so informed'. The court went on to say further: 'We cannot understand what they were apparently concealing from him'. The court said later, at page 24 of the report: 'We wish to add that the information as to the genesis of the complaints was only provided after we had expressed in strong terms our misgivings at the way in which the investigation appeared to have been conducted by officers of the Department of Law. A somewhat greater degree of frankness would have been preferable and would have avoided the necessity of having to extract the information as we did'. The case was dismissed. Note the language, Sir. The judges found it necessary to 'extract the information' from the Attorney-General's own department.

Mr Speaker, the Chief Minister cannot have the temerity to imply that the citizens of the Northern Territory cannot rely on their judges. There are 2 points which come out of the case I have just referred to. The first is: what if this legislation now before the Assembly had been in force at the time this complaint was heard? The Attorney-General, acting on advice, could have presented to the court a certificate, as envisaged by this amendment, had the matter gone to Cabinet, which would have prevented these vital revelations being brought into the light of day. The second and closely-related point is: what if the Attorney-General was activated by misleading and erroneous advice, as was in fact the circumstance in that case? If this case demonstrates one thing very clearly, it is that we can rely upon our courts.

In his second-reading speech, the Chief Minister indulged in a hair-splitting exercise in an attempt to give some virtue to his legislation which was not apparent in the New South Wales act. The Chief Minister is playing with words and for him to claim that his bill is in some way more moderate than the New South Wales' legislation is nonsense. They are both bad pieces of legislation and should be condemned equally. I can say that the honourable Leader of the Opposition has intimated to me, without qualification, that a Labor government of the Northern Territory would not sanction such legislation. He has advised me privately that, if it is on the statute books when he comes to office in 1984, it will be amended.

According to the Chief Minister, the Northern Territory bill limits claims of privilege to documents at the highest level. But it is the opposition's view, with which I concur, that both this and the New South Wales' legislation go too far in protecting government information, and unnecessarily limit the rights of the citizen. The Chief Minister asserts that his amendments limit potential claims of privilege to matters involving Cabinet, Cabinet committees and Executive Council or Executive Council committees. On the face of it, that seems to have some comprehensive, exclusory operation - that we are only concerned with documents among the uppermost echelons of government. However, this does not square with the actual operations of government. The reality is that any matter could end up at the highest level of government in either of the following ways: by the normal operation of government departments providing information in the normal course of administration, which might include quite minor matters which we could never envisage being brought within the ambit of this legislation, or by deliberate political choice to bring certain documents within the ambit of these amendments to the Evidence Act. Mr Speaker, it is clear that the amendments provide no safeguard against the possibility of abuse.

In his second-reading speech, the Chief Minister posed the question: 'Why should the Attorney-General, instead of the courts, decide if a document should be privileged?' He said the answer was that the Attorney-General, as a member of the executive, has far greater knowledge of the contents of the document in question and its ramifications in the public interest than does a judge. The Chief Minister makes a bold assertion and proposes to convert that assertion into statute law despite the fact that the common law points in a different direction. The common law position now is that public interest in respect of Crown privilege is ultimately determined by the courts, not the Attorney-General. I say again, there has never been a case where the legislature has seen fit to overturn a specific case where the court has determined public interest against the government. And that, Mr Speaker, is very significant. If there is a specific case of public interest in the future, let the Chief Minister come back to the Assembly and let it decide on the question of public interest.

Mr Speaker, the Chief Minister uses, in support of his contention that the Attorney-General was better qualified than a judge to decide questions of public interest, the case of Gorriot v The Union of Post Office Workers 1977. This is a misleading reference because the Gorriot case was not a case of Crown privilege. The reference which the Chief Minister attributes to Lord Wilberforce is certainly about the public interest but it contains a public interest matter quite different in nature. When Lord Wilberforce, in the passage quoted by the Chief Minister, was referring to decisions made in the public interest, he was not discussing a case of Crown privilege. His Lordship was referring to a case involving an industrial dispute and litigation brought by a private individual against the unions involved. It was held by the Lords that it was a fundamental principle of English law that public rights could only be asserted in a civil action by the Attorney-General as an officer of the Crown representing the public. Except where statute otherwise

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provided, a private person could only bring action to restrain a threatened breach of the law if his claim was based on an allegation that the threatened breach would constitute an infringement of his private rights or would inflict special damage to him. Mr Gorriot's appeal was dismissed.

If this case has any relevance to the legislation before this Assembly, it is this. I said earlier that the Chief Minister implied that we needed the legislation to prevent any Tom, Dick or Harry gaining access to sensitive government information. What the Gorriot case demonstrated was that the courts would not lightly entertain an action by a litigant who could not demonstrate an infringement of his private rights or that he was suffering special damage. So it is in court involvement in cases of Crown privilege. The courts have always sought - with the exception of Duncan v Cammell, Laird - to determine whether a ministerial certificate is soundly based.

I suggest that, when Lord Wilberforce spoke of making decisions as to the public interest being matters which the courts were not fitted or equipped to make, he was referring not to the consideration of the evidence in question, as occurs in a Crown privilege case, but the question of the Attorney-General's discretionary power to act in the public interest by taking action over the threatened industrial dispute. His Lordship quite rightly pointed out that 'such decisions are of the type to attract political criticism and controversy and are outside the range of discretionary problems which the courts can resolve'. The reason, Mr Speaker, is that the discretion in the Gorriot case lay with the Attorney-General and not the courts.

Mr Speaker, the action of the Chief Minister in adopting as his own the comments of the New South Wales Attorney-General in relation to the way in which the amendments to the Evidence Act could be applied is certainly a statement of good intention. But there is a crucial difference between the statement of the New South Wales Attorney-General in 1978 and the situation of the Northern Territory in 1982. Members of the opposition feel that there is a case which is being referred back to the courts which could be affected.

We now reach the crux of the matter. In his second-reading speech, the Chief Minister laid emphasis on the outcome of the Sankey v Whitlam case as the genesis of this legislation. He did not mention the Kenbi land claim, although he did mention it in an interview with the ABC. It is suggested that what the Chief Minister said outside the Assembly is the more important contributing factor to both the appearance of this legislation and the haste with which it is proposed to pass it through this Assembly.

Mr Speaker, this statement, which will be incorporated in Hansard, was prepared by the Labor members of the opposition and put forward by myself because I know that members of the opposition wish to speak to the matter before the Chair and because of a procedural matter the Leader of the Opposition is not in a position to put his own case.

I wish to speak on this matter in my own right without the benefit of any assistance from members of the Australian Labor Party because I feel very strongly that this matter should not be put through in such a short time and because I feel the legislation is unnecessary. It certainly does not have the sanction of the people of the Northern Territory. Along with members of the opposition, I criticise the New South Wales government for its supposed justification for introducing similar legislation. I can do no more than refer members to an editorial in that estimable newspaper, the Melbourne Age, which appeared on Tuesday 5 January 1982. I wish to read that editorial into Hansard because it expresses beautifully my sentiments in this case. The headline is, 'The High Court's Bold Initiative':

> *In theory, our political system is full of checks and balances to protect us against the abuse of power by our leaders. In practice, it is not always so. The parliament, nominally independent of the executive, is in fact controlled by it on most issues. The various Ombudsman and appeals tribunals are normally limited to reviewing the decisions of bureaucrats; those of ministers are exempt. Until now, in Australia at least, the courts have held that they have no power to review decisions taken by ministers in the Queen's name. The motives of the Crown could not be questioned. In the landmark decision handed down on Christmas Eve, the High Court has now boldly reversed the rule laid down by its predecessors. By a 5 to 1 majority, the judges ruled the courts do have the power to investigate whether or not an action taken by a government is a bona fide use of the relevant power. If the courts find it is an improper use of the power - if, for example, a local council makes specious use of building regulations to try to force the closure of a business run by a political opponent - then they may intervene to quash the action on the grounds that the council does not have power over buildings for the purpose of putting its opponents out of business. In other words, courts may now prevent governments from using their power for purposes other than those for which the power is granted.*

The editorial then went on to give an illustration relating to the 1976 Larrakeyah tribe preparation of a land rights claim for Cox Peninsula. I will omit the Age reference to that as it has been referred back to the court and I do not want to prejudice the proposed reopening of the court in any way. However, the editorial goes on to state that the High Court 'has now upset politicians' calculations and, in a judgment of admirable clarity, Chief Justice Sir Harry Gibbs ruled that governments may use regulations only for the purposes such regulations are intended to serve by act of parliament'.

The editorial states further on: 'There are dangers in the courts assuming the power to overrule government decisions. Judges themselves are not immune from surreptitious motives especially in the quasi-political field of constitutional law. Some of the High Court's own decisions during the Chiffley era were an affront to common sense'. The editorial refers to Mr Justice Murphy's traditionalist view that courts should leave it to parliaments and the electorate to correct abuses of power. I believe that Mr Justice Murphy was the dissenting judge in the High Court

judgment. The editorial continues: 'On balance, however, neither now provides an effective check against such abuses. The new rules set out by the majority of judges is consistent with the court's traditional role as the guardian of constitutional propriety and imposes the standard with which none can reasonably quarrel. If it stops governments from declaring a state of emergency to allow a rugby match to take place or from borrowing $4000m over 30 years as a temporary loan, then Australia will be better off for it. It is a welcome example of judicial creativity'.

Mr Speaker, the philosophy so well expressed in that Age editorial eloquently expresses the feelings I have about this bill. I did not omit the other references in this editorial for any intention other than I did not wish to refer to the case which has been referred back by the High Court to Mr Justice Toohey for further determination.

Mr DOOLAN (Victoria River): Mr Speaker, I find that I am very much restricted and inhibited in speaking this afternoon because I had intended to speak against passage of this bill and refer to a particular claim on land rights which I am not allowed to refer to. It is quite unfortunate because quite a number of my constituents who are very deeply involved in this particular pending court case have been sitting in the gallery for the whole day. I would like to register my opinion in any case that it is quite unfair for them to have to sit there for a whole day waiting for something that is of vital interest to themselves and their future and they cannot hear their elected representative in the Assembly discuss it.

In speaking to the bill, I must say that the depth to which the Chief Minister will descend in order to achieve the ends which he sets out to achieve will never cease to amaze me. I should not be amazed any more because I have been watching his act for a long time, but this bill must surely be the ultimate in duplicity. If the bill is passed - and it looks like there is nothing we can do to prevent it - it represents nothing but theft by stealth because it takes away a right from a particular ethnic group given to them under a particular federal act in 1976.

It is my opinion and the opinion of others - I will have to let that go because I will say the dreadful name of that case. Last Friday night on the ABC Territory Tracks program, I heard the Chief Minister forced into a corner where he could not help but admit the real reason and the real purpose behind the framing of this deplorable bill. If the bill is passed, it will deny a land commissioner or in fact any judges access to government documents which they must have in order to make any sort of a reasonable decision in a case. The only possible conclusion which can be drawn from the Chief Minister's action is that he has some very dirty washing indeed and he is scared witless that it might be aired and become public knowledge. Even people who are known for their decidedly anti-ethnic feelings are condemning the Chief Minister for this despicable attempt in preventing a people from having the chance of a snowflake in hell of winning the court case. Every reasonable person knows that, had this case gone forward and had the judge had access to the particular documents which he seeks and which he will need, they would never

have got anything like the total amount of what they claimed. Why on earth is the Chief Minister acting in such a sinister way in making doubly certain that government files never see the light of day? I wonder what dreadful secrets they contain that they must be locked forever in the archives.

This piece of legislation has drawn so much attention that the general public is starting to become a little more than curious now that the Chief Minister has been flushed out into the open. The Chief Minister, in presenting this obnoxious bill completely out of the blue, giving the opposition no chance at all to study its implications, gave what only he could consider as a plausible explanation for such unseemly haste. He told us that the bill allows the Attorney-General to make a claim of privilege if he considers that, in the public interest, certain documents or communications should not be disclosed. If such a claim is made, the court cannot admit these documents or communications as evidence.

The Chief Minister went on to say that it could be asked why the Attorney-General instead of the courts should decide if a document should be privileged. That is a good question, Mr Speaker, because only a dill would not ask such a question. We heard the answer to the $64 question which the Chief Minister put to himself and it came over loud and clear: as the Attorney-General is a member of the executive, he has far greater knowledge of the contents of the document in question and its ramifications for the public than has a judge. In this case, who is the all-seeing and all-knowing deity, the Attorney-General? At the present time, Mr Speaker, it is none other than his lordship over there - the honourable Chief Minister.

I feel certain that the Chief Minister was thinking of himself as Attorney-General when he answered his own question by saying that the Attorney-General has far greater knowledge of the documents in question and its ramifications for the public than does a judge. It sounds like he is suffering from advanced megalomania. The sad part of this is that the Chief Minister does indeed have a very great knowledge of the documents concerned and their ramifications for the public. That is precisely why neither judges or the public will ever see them if the bill is passed. The Chief Minister has always shown a supreme disregard for existing laws which are not tailored to suit his own machiavellian scheming so he seeks to change them. The Chief Minister apparently considers his own intellect superior to that of the judiciary and so he disparages the judiciary and, by innuendo, he questions both their professional ethics and their integrity.

I spoke in an earlier debate of the Chief Minister's reference to the Land Commissioner, a judge of the Supreme Court of the Northern Territory, in a letter which he wrote to the Prime Minister following the Roland Report on the Aboriginal Land Rights Act. The Chief Minister refers to the Land Commissioner in his letter as 'a markedly benevolent commissioner'. Surely such a patronising reference can only be a reflection on the integrity of the commissioner. I am not a lawyer but I have heard the opinion of many lawyers in the Territory and interstate. Everyone I have spoken to considers that the Chief Minister's Criminal Code Bill is an abomination and a disgrace to anyone calling himself a lawyer.

In his second-reading speech to this Evidence Amendment Bill, which probably could be more appropriately called the 'Suppression of Evidence Bill', the Chief Minister spoke about a statement made by Lord Wilberforce in the House of Lords decision in Gorriot v The Union of Post Office Workers and Others 1977. He went on in a rather whimsical manner and reflected: 'Perhaps it is a shame that our own High Court Judges are not taking this to heart. Unfortunately, it seems the courts are now, to some extent at any event, intent on ranging over political decisions and problems as well'. How patronising can the Chief Minister get, Mr Speaker? I think that any bush lawyer from the Territory who questions the judgment and the professional ethics of 6 of Australia's most eminent jurists who comprise the bench of the High Court of Australia would have to be as game as Ned Kelly or as mad as a hatter. I think the Chief Minister falls into the second category. I think that he should resign as Attorney-General.

Whenever the Chief Minister is caught with his fingers in the cookie jar, which happens fairly frequently and which happened in this case when he was forced to admit in public why he has introduced this bill, he reacts in a typical manner. He either lashes out and belts everyone around him irrespective of the consequences or he resorts to smear or innuendo tactics. In this case, in a fury of frustration, the Chief Minister has decided to teach the High Court of Australia a thing or two by passing a Northern Territory act which is totally against the spirit and intent of the Aboriginal Land Rights Act, and which will destroy any possibility of open government in the Territory in the future. Mr Speaker, the CLP government has already brought the Northern Territory Legislative Assembly into disrepute at an international level by its proclamation by gazettal as town land of 4350km^2 of land around Darwin, including the Cox Peninsula. The area proclaimed is large enough to accommodate 10 million people, and is 30 times the existing area of Darwin.

Mr Speaker, I thank the honourable member for Nightcliff for reading that editorial from The Age, which I had ready to read. I think it is a beautiful editorial, and it explains fully the reasons behind the High Court overruling legislation. Following the decision of the High Court, it was widely held that the Northern Territory government would have to prove that Darwin needed to plan for an urban area several times the area of the city of Melbourne. This would have proved no easy task. If this bill is passed, the government will not have to prove anything at all. Its intention is to act surreptitiously again, and perhaps without the constitutional powers necessary, by secreting, with obvious malice aforethought, various documents. Obviously, the Chief Minister has great knowledge of their contents and their ramifications to the public. That is precisely why he is afraid that they may become public knowledge.

I repeat, Mr Speaker, that this bill constitutes a theft by stealth and by legislative trickery. It is a fraud and a deliberate misuse of the Chief Minister's powers as Attorney-General. It is also the death knell of any possibility of open government in the Northern Territory. If the Chief Minister persists with the passage of such a fraudulent bill, and apparently he will, he will bring further discredit on himself, his government

and this Legislative Assembly. At least he should have the grace to resign his portfolio as Attorney-General. I condemn the bill, Mr Speaker. It is a stink in the nostrils of any government pretending to be a democratic government, and an affront to the intelligence of the citizens of the Northern Territory.

Mr SPEAKER: Before you start, honourable member for MacDonnell, I repeat that it is not prudent for this Assembly to debate or discuss the Kenbi land claim. I allowed a lot of latitude with the previous speaker, but I would request you to avoid the issue.

Mr BELL (MacDonnell): Mr Speaker, I had no intention of discussing it.

I would like to commence by pointing out that it is very frequently the conservative politicians in this country, certainly in my experience, who frequently confuse their own needs for political survival with the needs of public interest. I believe that is the exact mistake that the government is making at the moment. They are confusing, in this particular case, Crown privilege with their own desperate needs as a government desperate to survive. Before I speak on the actual matter involved in this particular bill, I would say that there is absolutely no justification for this bill to be put through in the way it has. It is an affront to this Assembly, to the people of the Northern Territory and to the people of Australia.

The honourable Chief Minister has made great play of the precedent of the New South Wales legislation. In his speech, the Leader of the Opposition pointed out that the opposition does not support the particular legislation whether it has been enacted in New South Wales, South Africa or wherever. I find it a strange irony that, in 2 particular cases, the Chief Minister has found himself with rather strange bedfellows: firstly, in mentioning the case of Sankey v Whitlam and, secondly, in referring to the precedent of a similar act in New South Wales. I think it is the Chief Minister who referred in somewhat sarcastic tones to New South Wales being a socialist Utopia. It strikes me as ironic at least that he should raise New South Wales in this particular context. Of course, what is wrong with the Chief Minister's argument is that arguing in terms of precedent in this case is wrong. He cannot argue in terms of principle so he has got to argue in terms of precedent. He should be looking at the principles involved.

To turn to exactly that, the reference to other cases has already been made and I do not propose to labour that this evening. Suffice to say - whether as a result of bad advice or whatever - the effect of what the Chief Minister has said has been to mislead both the public and this Assembly, not only about his reasons for the introduction and the future uses of this particular legislation but also about the legal history of Crown privilege.

In his second-reading speech, the Chief Minister suggested that there was some sort of immutable rule involved in Crown privilege that had been holding from the dim mists of time until, as a result of some recent decisions, it descended into chaos. That was the

sort of argument the Chief Minister was trying to put to us. You know, Mr Deputy Speaker, and I know that that is not the case. I would be very interested to hear from the Chief Minister whether he personally selected particular precedents that suited his cause or whether he received poor advice. Certainly, the information I had in this regard differs, and I presume my sources of information would be infinitely less rich than those available to the Chief Minister. What I want to know is why the Chief Minister has sought to simplify this issue by saying that there was always Crown privilege but now it has descended into this mishmash of uncertainty. The fact is that there always has been that sort of uncertainty surrounding the issue of Crown privilege. If the authorities that I have read on the matter - fairly briefly I confess - are anything to go by, it is a fairly confused matter. The issue of whether decisions about Crown privilege rest with the executive or with the judiciary are matters that have been up and down like a see-saw over the last 100 years at least.

When the Chief Minister sums up in this debate, I would like him to refer to a few wider cases than the ones that have been referred to hitherto. Since the people from the honourable member for Victoria River's electorate are still with us in the public gallery, it must strike them as something of an irony that the chief precedent that the Chief Minister has chosen has been one that derived from a time of war. I wonder if those Aboriginal people do not think really that they are still at war. In the light of that, it is a little wonder that the Chief Minister seeks precedents that come from the Second World War.

Another point that came to my notice in the press debates was a rather amazing statement from the Chief Minister that was reported in yesterday's NT News. He decried the shadow Attorney-General in the federal parliament and the shadow Attorney-General in this Assembly as showing an utter lack of a basic legal knowledge which would be expected of any high school student. That sort of intellectual snobbery does not really have a place in this Assembly. It is a point well worth taking by all members of this Assembly that there are many subjects that politicians are expected to grasp in a very short time. I suggest the skill of a politician is to be able to draw on the knowledge of others. That applies no more and no less to an Attorney-General, for example, than it does for a Minister for Health or a Minister for Transport and Works. Do we expect a Minister for Health to be a doctor or a Minister for Transport and Works to be a civil engineer? No, we do not. I believe that the little jibe the Chief Minister made in the NT News yesterday was beneath his dignity.

Actually, while I am on the matter of the Chief Minister's dignity, it is probably worth mentioning that I cherished a view of the Chief Minister's ideology as being that of a small 'l' liberal: one who is prepared to look at points from both sides. I am quite sure he has convinced you, Mr Deputy Speaker, as he has convinced me and all the other members on this side, that he has blown it. If he is prepared to introduce Draconian legislation of this sort, that has been so roundly and widely condemned by not only the public but also professional legal organisations in New South Wales, I am sure that you will be convinced, as I am, that he certainly does not deserve any other title but that of a fairly hard-line right-winger.

Before I sit down I would like to reiterate the point I made initially. Once more, we have in the Northern Territory a conservative politician attempting to confuse the public by deciding his and his party's political faith is bound up with the public interest. Once more I say that the Chief Minister is confusing Crown privilege with the desperate need of his desperate government to survive.

Mrs O'NEIL (Fannie Bay): When the Chief Minister introduced this Evidence Amendment Bill into the Assembly last week, I noted with interest that he relied almost totally on the actions of the New South Wales government to justify presenting before the Assembly this legislation to amend the Evidence Act. I could not help thinking at the time, and again today when reference was made to the government of New South Wales, that politics indeed makes strange bedfellows. I can recall that it was only a few short months ago when the Chief Minister used most unparliamentary language in this Assembly with regard to the Attorney-General of New South Wales whom he has quoted at such length and so fulsomely in his second-reading speech. On Wednesday 25 November the Chief Minister said: 'The New South Wales Attorney-General is a rather impetuous young gentleman and he tends to go off at a tangent from time to time'. This could be one of those tangential trots and I would suggest that it is certainly a tangential trot by the Chief Minister of the Northern Territory. Apart from relying so heavily on the New South Wales government legislation, he has not produced any evidence for this bill at all.

Bearing in mind that he has relied on the actions of the New South Wales government to the extent that he has in his second-reading speech, I would like to have a look at precisely what happened in New South Wales at that time. Public reaction was immense. The move to secure Crown privilege, with no judicial scrutiny, in New South Wales was condemned immediately by the New South Wales Bar Council, the Law Society, the Society of Labor Lawyers and the Council for Civil Liberties. The depth of public outrage was clear in the media as indeed it has been here. On 28 April, Professor Henry Whitmore from the University of New South Wales wrote to the Editor of the Sydney Morning Herald strongly attacking the amended Evidence Act. A few days later, on 1 May, the same newspaper carried an article entitled: 'Judge says Reason for Evidence Act Not Valid'. It was quoting a criticism of the bill by Mr Justice Samuels of the New South Wales Supreme Court. Two days later, on 3 May, a Sydney solicitor, Mr Frank Hoffey, published an article 'Crown Privilege under the Law' in the Sydney Morning Herald in which he too attacked the New South Wales government's actions. The paper ran an editorial that same day entitled 'Law and State' which was also critical of the state government. Five days later, the paper ran another editorial under the heading 'State versus People' pointing to the threat to open government that would inevitably flow from the actions of the New South Wales government. This is a precedent which the Chief Minister of the Northern Territory has used in this Assembly to justify the passage of this legislation.

Subsequently, there was an article by a parliamentarian, Mr John Maddison, headed 'Citizens Rights and Evidence Amendments'

which bitterly attacked the move. He pointed to the fact that the private interest of the government appeared to be placed above the public interest of the New South Wales community. The outcry against the New South Wales legislation continued with a letter which appeared in the National Times on 19 May. The author of that letter was a Mr Brian Donovan, Secretary of the Criminal Law Committee of the Law Graduates Association. He described the amendments as intolerable. In the Australian of 24 May, Mr Michael Evans, a lecturer in law at the New South Wales Institute of Criminology, pointed to the Draconian nature of the New South Wales government's action in an article he wrote. There really was an outcry in New South Wales and I can anticipate that the outcry occurring in the Northern Territory will continue for some time too because of the outrageous nature of this legislation which the Chief Minister has presented.

On 12 June, a former judge of the New South Wales Supreme Court, Mr Simon Isaacs QC, also attacked the state government in an article headlined 'Crown Privilege and the Law'. To describe the public outcry over the New South Wales Evidence Act as 'massive' would appear to be an understatement. The reaction was remarkable for the large number of learned gentlemen from the judiciary and the legal profession who contributed. We know they are not always anxious to leap into print except when they feel very strongly about something. For the Chief Minister to look to that action by the New South Wales government as the basis of his cynical attempt to promote the concept of rule by closed government shows how he is scratching around desperately to find some justification for putting it forward, and he is not succeeding very well.

I would like also to refer honourable members to a report of the Senate Standing Committee on Constitutional and Legal Affairs in which the issue of freedom of information was considered. I add that Labor's federal shadow Attorney-General, Senator Evans, was a member of that committee along with 3 of the Chief Minister's conservative colleagues. The amendments to the New South Wales Evidence Act were considered by that committee because of their implication for the operations of open government and the issue of freedom of information. In relation to the New South Wales Evidence Amendment Act, the committee stated: 'It is readily apparent to any student of administrative law that these provisions do far more than overturn the decision in the Sankey case. Before the enactment, it was still acknowledged that a court had discretion to order the "production of any document" although judicial statements had been made to the effect that the discretion should be used only in exceptional circumstances in relation to certain categories of documents'. It continued: 'The Evidence Amendment Act abolishes that discretionary power altogether. It restores the courts to the illusory power conferred upon them by the decision of the House of Lords in 1942 in Duncan and Camell to rubber stamp any claim to privilege made by a minister'.

The Senate committee concluded the New South Wales amendment retires the New South Wales courts to a role that they never previously accepted because the ruling of the House of Lords has always been resisted in Australia in relation to claims both by the Privy Council and by the New South Wales Supreme Court. Our

Chief Minister is now attempting to do exactly the same thing to Territory courts. To use a phrase he himself introduced the other day, he is 'a traitor to Territorians' because he betrays their right to fair and open government in the Territory.

The committee stated quite clearly its position: 'We see no merit from the New South Wales approach and would not, in any circumstances, wish to see that approach taken by the Commonwealth'. I certainly do not wish to see that approach taken by the Northern Territory government. Given those statements, I really cannot understand how the Chief Minister could possibly get the idea that the introduction of this legislation in New South Wales could be considered, as he was quoted in the paper as saying, as being apparently quite acceptable to Senator Evans, a member of that committee.

What of the Chief Minister's conservative political colleagues in Canberra who demonstrated a level of principle which their Territory colleagues have not yet aspired to? In May 1979, the federal Attorney-General, Senator Durack, was asked whether the federal government intended to follow the New South Wales government and amend the Evidence Act in response to the Sankey decision. He responded as follows: 'Following the decision of the High Court in Sankey v Whitlam, I have been considering its implication in relation to claims made by the inadmissibility of documents in court proceedings under the heading known as Crown privilege'. The Commonwealth Attorney-General concluded: 'Neither the government nor I have any plans to introduce legislation similar in character to that which has been passed by the parliament of New South Wales, in very great haste I might add. I believe before contemplating legislation in relation to the decision of the High Court, we shall see how it works in the courts and whether it in fact presents any problems'. Mr Speaker, we have the Commonwealth Attorney-General, senior legal officer in the country, saying as a result of careful consideration of the Sankey case that neither he nor his government intended to introduce legislation similar in character to the New South Wales legislation. Finally, the opinion of Australia's highest law officer was that, before any action by the parliament was considered, this High Court decision must be tested in the courts to see whether or not it presented a problem.

Mr Speaker, last week Senator Durack was asked whether the Chief Minister sought advice from him or discussed the issue with him before he introduced these amendments to the New South Wales Evidence Act into this Assembly. The answer from the federal Attorney-General was no. I can only say that it is a great pity that the Chief Minister did not discuss this matter with his federal colleague because he might have been given some reasonable advice.

Having drawn members' attention to the legal outcry that occurred in New South Wales and bearing in mind the vast importance of this decision and the legal nature of the bill before us, I would like to say that it was a totally deplorable action by the Leader of the House to gag the Leader of the Opposition, the shadow Attorney-General, in debate in this Assembly on this most important matter. It was deplorable and he is to be condemned for it.

Fortunately, his thoughts were similar to those of the member for Nightcliff and we have them recorded in this Assembly now. Nevertheless, I believe that it was an action not befitting of him, a gentleman who, I had always thought, had some respect for the traditions of the parliament. To gag the shadow Attorney-General on a most important legal matter was a disgrace.

Mr LEO (Nhulunbuy): Mr Speaker, I was not going to speak in this debate but it is becoming increasingly clear that the normally vocal members from the opposite benches have declined to speak and I am quite sure that the media will report that clearly. This entire debate has been conducted by the opposition. The government members have refused to comment in any way upon the effects that this legislation will have on the judicial system of the Northern Territory. I find that appalling. It is incredible and this Assembly is becoming continuously irrelevant. There is absolutely no point in conducting business in this Assembly if the only person to speak in these debates - especially debates of this importance - is the Chief Minister in reply to a barrage of opposition considerations. Obviously, the backbench on the other side is prepared to be led along by the nose by the Chief Minister. It seems that, in the future, the judiciary will also be led along by the nose by the Chief Minister.

Mr Deputy Speaker, the Leader of the Opposition earlier today maintained that legislation should have as wide a public input as possible. I have yet to see that with this legislation. I certainly did not see it before last Wednesday. We have had very little time to consider it. It does appear to be fairly simple legislation but its import is very wide-ranging. I would urge members opposite to speak on this legislation. The importance of this legislation cannot be overstated. If they are prepared to sit there and be led along by their Chief Minister and their executive, this Assembly will continue to be irrelevant.

Mr Deputy Speaker, not only does the Chief Minister, in his role as Attorney-General, represent law and order in the Northern Territory but he must be seen to be the pinnacle of the judicial system in the Northern Territory. I dread to think of the dark secrets that the Chan Building must hold that requires the passage of this legislation. It is altogether too terrifying to contemplate.

Mr Deputy Speaker, I did not have a prepared speech. There is very little more I can contribute to the debate. Before I sit down, I would certainly urge the member for Tiwi, who is normally very vocal on these occasions, and the member for Alice Springs, who has contributed to some fairly lively debates in this Assembly, to speak on this very important matter.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, the honourable member for Victoria River raised a point which interested me. He said that it was unfortunate that people from his electorate had been sitting here all day and had not been able to hear a subject which they had been waiting to hear debated. That is what I want to talk about because the constituents of the honourable member for Victoria River have been misled. That is the reason for my comments in the press the other day and why I said that the Leader of the Opposition and the shadow federal Attorney-General were incompetent

because they had misconstrued something that even a secondary schoolboy would know. Quite frankly, having seen the publicity that has been given in relation to this particular matter, the Opposition Leader is not fit to hold himself out as being the shadow Attorney-General. He either knows the true effect of the legislation in which case he is guilty of misrepresentation to those people and misrepresentation to the press or, if he does not know - and he does know because he has been told - then he is not fit.

Mr Deputy Speaker, I prefer to believe that he does know and that he has deliberately misled all these people solely for the purpose of creating racial tension. That is the sole objective of the opposition in stirring up frenzy and dissent about this piece of legislation because the Opposition Leader knows exactly its purport. I understand his staff have handed to him - I think he referred to it earlier in debate - a copy of an answer made in relation to this legislation by the federal Attorney-General. The Opposition Leader, I believe, has known that all the time and has deliberately stirred up this matter with a view to creating nothing more than exacerbation of racial tension in this Territory.

Mr Deputy Speaker, whilst there has been quite a bit of disparagement of the honourable Attorney-General for New South Wales here by his parliamentary colleagues, the members opposite, I would like to answer some questions which the member for Fannie Bay raised by seeking leave to incorporate in Hansard an article from the Australian Law Journal Volume 53 of August 1979 entitled 'Did Sankey v Whitlam and Others Create New Law?'. I seek leave to have that document incorporated in Hansard.

Leave granted.

On 24th April, 1979, the New South Wales Parliament passed the Evidence (Amendment) Act 1979, which was designed to overcome the effect of the High Court's decision in Sankey v. Whitlam and Ors (1978) 53 A.L.J.R. 11, so far as it related to claims of privilege for Government and official documents. The enactment of this legislation led to a controversy between, on the one hand, the State Attorney-General (Mr Frank Walker), and, on the other hand, certain commentators in the press and elsewhere, as to whether the decision created new law, or was merely a reaffirmation of established principles. In an article published in the Sydney Morning Herald of 7th May, 1979, Mr Walker maintained his standpoint that the decision "made new law". In his second-reading speech on the Bill corresponding to the abovementioned Act, Mr Walker had supported this view also by reference to an editorial comment in the "Current Topics" of the February 1979 issue of the A.L.J. (see 53 A.L.J. 57-59). The point made in that editorial comment was that the High Court's decision had created new law in the domain of claims of "Crown Privilege" for Government and official documents, so far as the following category of documents was concerned, namely: "... official and Government documents relating to matters of high policy, including records of Cabinet discussions, official minutes of advice to Ministers, and inter-departmental communications". It was stated that the High Court had disposed of the notion that "invariably" a status of privilege from production in evidence is attached in an absolute manner to this class of documents, that now in this area the claim of necessity of secrecy "will not

necessarily or automatically succeed", and that it will be the function of the Australian court concerned to decide whether the alleged injury to public interest by disclosure is of such a nature as to outweigh the requirements and exigencies of the due administration of justice (ibid., at 57).

It emerges clearly from a study of the key judgment of Gibbs J. in the Sankey case (see 53 A.L.J.R. 11, especially at 22-23) that the High Court was consciously laying down new law in respect of this category of documents, and was thus departing from the limitations in this area previously acknowledged in the leading case of Conway v. Rimmer (1968) A.C. 910. This emerges also from the very close examination of the previous relevant case-law by Miss Susan Campbell in her casenote on the Sankey case in 53 A.L.J. 212-218 (see especially at 214-215; and cf. article by Mr Dennis Pearce, "The Courts and Government Information" in (1976) 50 A.L.J. 513, at 514).

The controversy over whether the Sankey case did or did not make new law can but serve to recall the hackneyed problem, studied in text books and University courses on jurisprudence, whether judges make or only declare the law. Mr Justice Holmes of the United States Supreme Court said in a now famous dictum: "I recognise without hesitation that judges do and must legislate, but they can do so only interstitially, they are confined from molar to molecular motions" (Southern Pacific Co. v. Jensen (1917) 244 U.S. 205, at 221). The matter was also dealt with by another eminent American Supreme Court Justice, Mr Justice Cardozo, in his famous Yale lectures on 1921, The Nature of the Judicial Process (pp. 113-115), where he said: "He (the judge) legislates only between gaps. He fills the open spaces of the law. How far he may go without travelling beyond the walls of the interstices cannot be staked out for him upon a chart ... Nonetheless, within the confines of those open spaces and those of precedent and traditions, choice moves with a freedom which stamps its actions as creative. The law which is the resulting product is not found, but made". Sankey's case, so far as concerns its pronouncements concerning the "gap" represented by the above-mentioned category of high level policy Government and official documents is, it is submitted, a perfect illustration of the law-creating judicial process referred to in the observations of Mr Justice Holmes and Mr Justice Cardozo. In every sense that case did make new law in regard to that class of documents.

Mr EVERINGHAM: Mr Deputy Speaker, I quite frankly confess that I will be reading from the speech the honourable New South Wales Attorney-General made to the New South Wales Legislative Assembly.

There was a time, more particularly in England than in Australia, when conventions were given the proper accord due to them, but this time has now passed. Strict legalism rules triumphant these days so that governments of all persuasions must look to their statute books for clear statements of the law. The practice to which I referred briefly before the minister furnishing the court with a certificate claiming an entitlement to resist the production of documents or the giving of evidence was accepted by

the courts both here and in England as an absolute entitlement, and the propriety of the minister's actions was never called into question. The courts simply confined themselves to stating the extent of the privilege.

This situation could not last forever and the courts gradually began to experience difficulties. In 1931, for example, the Privy Council considered a South Australian decision, Robinson v South Australia, and gave a statement of the extent of the privilege that was narrower than had previously been the case and, at the same time, stated the powers of the court more broadly. However, in 1942, in the case of Duncan v Cammell, Laird, the House of Lords held that the court must accept a minister's certificate as conclusive and could not inspect the documents itself and pronounce upon the validity of the claim of privilege. Although the House of Lords said that the minister should claim privilege only in the circumstances indicated in Robinson's case, it denied to the court the ultimate right to inspect the documents to check possible abuse of privilege. In other words, the courts expressed confidence in the executive. This was indeed a more genteel time.

Mr Speaker, there has been a lot said this afternoon about the relative capabilities of judges and politicians and, in this particular case, between judges and the Attorney-General in deciding as to who should certify what documents should be withheld in the public interest. I certainly would like to make the point that the various points made opposite that this is a surreptitious process are obviously without any foundation because the decision to issue a certificate in the circumstances of this particular proposed legislation will be a very deliberate one. The Attorney-General who takes the decision will obviously have to be prepared to withstand media criticism and criticism perhaps from other quarters. The simple fact of the matter is that politicians are far more accountable to the people than are judges. Politicians have to answer to the people once every 4 years and any politician who forgets that forgets it at his peril. Mr Speaker, judges are appointed officers.

The impact of the decision of the House of Lords in Duncan's case was considerable. It went so far as to say privilege could be claimed not only in respect of particular documents but also in respect of specified classes of documents even though the class of documents might contain some documents the disclosure of which would not be harmful. Viscount Simon, the leading judicial figure in that case, stated:

> *Objection is sometimes based on the view that the public interest requires a particular class of communications with or within a public department to be protected from publication on the ground that the candour and completeness of such communication might be prejudiced if they are ever liable to be disclosed in subsequent litigation.*

Viscount Simon drew particular attention to the possible relevance of this view in regard to the proper functioning of a public service. In Australia, the position after Duncan v Cammell, Laird was one of confusion. The courts had to choose between that decision and the authority represented by Robinson's case. In New

South Wales, unlike the other states, the Supreme Court initially took the view that the decision of the House of Lords should be followed but, in 1967, it reversed this attitude and reinstated the authority represented by Robinson's case.

Later that same year, the New South Wales Court of Appeal considered the issue again in the case ex parte Attorney-General re Cook. The case was not without political significance in its day. The Court of Appeal suggested that the court's powers to inspect documents in respect of which a class claim had been made should be exercised only if there were something to indicate that the initial claim of privilege was invalid or inappropriate if there were some overriding consideration of justice that a properly-made claim should be regarded as prima facie valid and should not be rejected out of hand.

The position in England also came to a head in 1967 when the case of Conway v Rimmer was decided by the House of Lords. The Lords were strongly of the opinion that the ultimate decision as to whether a claim to privilege should be sustained lay with the courts. Nevertheless, the key judgment of Lord Reid even then took the view that, in regard to some classes of documents, it was clear that there should be no production whatever of their documents. He said that disclosure of Cabinet minutes would create or fan ill-informed public or political criticism. The same could be said for all documents concerned with policy making within departments. Lord Reid agreed that the proper test to be applied was whether protection of the communication was really necessary for the proper functioning of a public service.

The next significant development in the area was caused by the publication of the Crossman Diaries, the diaries of the former Cabinet minister by then dead. The Radcliffe Committee Report identified certain separate categories of subjects that called for restriction. The Radcliffe Report inter alia said:

> *We asked ourselves very seriously the question whether, with all the pressures of the day in favour of openness of government and public participation in the formation of public policies, the principle itself which enjoins confidentiality in all that goes to the internal formulation of government policy ought to be regarded as an outmoded and undesirable restriction. We always came round to the same answer: it is necessary and it ought to be observed.*

Finally, in Australia we have had the benefit of the High Court view of Crown privilege. It is particularly significant that the decision had to be taken in a criminal prosecution so politically crucial as that brought by Mr Danny Sankey against a former Prime Minister of this country and some of his ministerial colleagues: the High Court decision in Sankey v Whitlam and Others. I will remind you, Mr Speaker, that the then Attorney-General of the Commonwealth, Mr Robert Ellicott, resigned his position as a consequence of decisions taken in respect of the Sankey v Whitlam case. It has been described by an editorial comment in the prestigious Australian Law Journal as 'a clear instance of judicial legislation in a significant area of Australian law'. It went on to say:

The High Court has disposed of the notion that invariably a status of privilege from production in evidence is attached in an absolute manner to official and government documents relating to matters of high policy including records of Cabinet discussions, official minutes of advice to ministers and interdepartmental communications. It will be the function of the Australian court concerned to decide whether the alleged injury to public interest is of such a nature as to outweigh the requirements and exigencies of a due administration of justice. This represents a judicial repeal by qualification of the principle that the deliberations of the Crown are secret.

Mr Speaker, the proceedings of the Cabinet are the classic model for analysing the need and purpose of confidentiality. Cabinet committees, however, are no less at the centre of the process of government and attract the same principles and so too should interdepartmental exchanges that one minister finds himself engaged in when discussing government business with one or more of his colleagues. New South Wales accepted the validity of the description of an adviser's task which Lord Bridges offered to the House of Lords after his retirement:

He has to analyse the position and set out all the courses and not cover up any uncomfortable facts. That is a job which has to be done fearlessly and frankly and, if it is going to be done as it ought to be done, the people concerned must have confidence that their advice will not be disclosed prematurely. That, of course, is the basis of the whole confidential relationship between civil servants and ministers, and likewise between ministers and the Cabinet.

So much for the relationships that we are here seeking to protect. What can be done about this judicial legislation? This legislature must restore the convention to its former strength. Such a course of action requires us to consider 2 questions: first, why should the legislature need to do this or why cannot the issue be left to the courts and, secondly, how do we do it? The basic question posed by any claim for Crown privilege revolves around competing claims of the public interest. Is it more in the public interest relevant to the legal proceedings to have the evidence disclosed or is it preferable that the wider public interest should require the evidence not be disclosed? To answer this question, one must first decide who is usually in the best position to resolve these competing claims. Are the courts? Occasionally they may be. Is the executive? Usually it will be. Let us consider why.

In many of the matters where the Crown wishes to claim privilege, it is in respect of communications that have been subpoenaed and served upon the Crown upon short notice. The Crown's objection to production would normally be dealt with by the court soon after the issue of the subpoena and usually at the commencement of the hearing of the particular recommendation. At that early stage of the proceeding, the court has not heard any evidence so it must surely be difficult to assert that the court is already in the best position, and not the minister, to decide upon the need for the production of the communications. In this situation, the Crown's position becomes very difficult as it might easily appear that it is obstructing the

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interests of justice. The subpoena is often used also as a substitute for discovery, the procedure being available only against a party to litigation. Discovery is never available against a stranger to the litigation and the subpoena framed in general terms is the means whereby a fishing expedition can be mounted. When this not uncommon procedure is used, it is difficult to assert that the court is in a position to rule on the competing public interest issue even when the party who seeks to have the evidence allowed does not know with any specificity just what the evidence is.

Mr Speaker, I think you can glean from that the reasons why some lawyers especially would be most anxious not to see legislation of this type in force. The executive, of course, knows exactly what is contained in the evidence. As I intimated before, the courts have always been willing to concede this point no matter how narrow an interpretation they were to give to privileged communications. Sankey v Whitlam and Others has changed all that, at least for Australian courts.

Here is another extract from the Ratcliffe Committee Report about the need for confidentiality:

> *The reasons that persuade us that confidentiality is a value that is most important to maintain in the special field of government relations do not lead us to think that a judge is likely to be equipped to make him the best arbiter of the issues involved. The relevant considerations are political and administrative. If enforcement is to be looked for at all, they must either be limited accordingly to a generally-received rule, such as an arbitrary time limit, or according to the opinions of persons whose experience has made them more intimately familiar with the field.*

The New South Wales Attorney-General then went on to consider the case of Gorriot v The Union of Post Office Workers. The recognition that the public interest in its broader sense is properly the domain of the executive was borne out by the emphatic decision in 1977 of the House of Lords in this landmark case. That case revolved around a relator application; that is, an application that the Attorney-General bring an action to assert a public right. The House of Lords held unanimously and strongly that it is the exclusive right of an Attorney-General to enforce the rights of the public as an officer of the Crown, these rights being vested in the Crown to represent the public interest even where individuals might be interested in a larger view of the matter. The Lords referred to the assertion of one of the parties that the whole matter could be left to the discretion of the courts. Lord Wilberforce said:

> *I cannot accept this. The decision is to be made as to the public interest and not such as courts are fitted or equipped to make. The very fact that decisions are of the type to attract political criticism and controversy shows that they are outside the range of discretionary problems which the courts can resolve. Judges are equipped to find legal rights and administer on well-known principles discretionary remedies.*

I cannot but agree more with the last sentence. Lord Diplock concluded his judgment with these words: 'The court has jurisdiction to declare public rights but only at the suit of the Attorney-General since he is the only person who is recognised by public law as entitled to represent the public in a court of justice'.

Mr Speaker, the Radcliffe Report concluded with a brief analysis of open government and how it might be affected by privilege claims or guidelines. The report said of open government:

> *It is a descriptive phrase conveying the belief that the work of democratic institutions involves a much wider section of the whole public than those who were engaged in the processes of government itself and that, to enable the policies and ideas formed by government to bear a genuine stamp of popular approval, it must be ready to share with the public much more of the information available on the official side about relevant facts and the choices before government than has always been the case in the past. But we have not found that the objectives of open government stand in any direct relation to the solution of the problems with which we have had to treat. Indeed, we have not found anyone who seriously maintains that every incident of the processes of government ought properly be conducted in open conclave.*

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Motion agreed to; bill read a second time.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move under Standing Order 156 that this bill be referred to a select committee comprising Mr Everingham, Mr Robertson, Mr B. Collins, Ms D'Rozario and Mrs Lawrie, that the committee investigate the effects of this legislation on the balance between the requirements of the Crown and those of litigants in the Northern Territory and that the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place.

Mr Speaker, in speaking to this notion, I would refer to something that the Chief Minister said earlier in debate on this bill today: 'Who do you trust? Do you trust the judiciary or do you trust the Attorney-General or do you trust the government?' Mr Speaker, unfortunately there is the reality of how a government operates. Everyone is well aware of the multiplicity of responsi-

bilities that every minister of this particular government carries. It is not simply a question of a minister having one portfolio. We do not have that luxury in the Northern Territory. All ministers in this government have a multiplicity of portfolios. Therefore, they rely very heavily on advice from their departments. The realities are that it is very often a case of who one trusts. Do you trust government departments rather than the judiciary? Mr Speaker, on the evidence that is available, and it is considerable, I would trust the judiciary every time.

I intend to quote from this document later during the debate. The accepted authority on this matter is Professor Hogg. In his text entitled 'Liability of the Crown', he speaks about this matter. I will not quote in detail from it, but he does point out that departments tend to be very protective of documents under their control.

In moving this motion for the appointment of a select committee, I wish to talk about one particular matter to avoid taking up too much of the time of the Assembly. It has been referred to earlier in debate today. I wish to expand on it a little because it is a recent and important case and because the rights of a Northern Territory citizen were at stake to the extent where he would have lost his professional employment had the court found against him.

It is a well-known case; it has been reported in the Law Reports of the Northern Territory. The case was heard by the full court of the Supreme Court from 23 July to 27 August 1981. I wish to quote from the report. The basis of the case depended really on 2 letters that appeared to indicate that a legal practitioner of the Northern Territory had seriously contravened the limits of professional conduct. No member of the Assembly needs to be reminded how serious that would have been for that individual. He found himself before the court as a result of a complaint from the Attorney-General. In this case, the Chief Minister emerges from reports covered in glory. In fact, some judicial comment was made on the judgment of the Chief Minister in this case. He comes out with some degree of credit attached to him. However, his department comes out covered in something entirely different.

It is totally germane to this debate that this case be brought to the attention of the Assembly because it is an indication of how a busy Attorney-General, with many other responsibilities, can be misled by his department - and these are the words used by the judiciary - to the extent where a legal practitioner of the Northern Territory found himself on the carpet on a very serious matter that could have affected his entire livelihood. I will quote from the case report. On 5 December 1980, the Solicitor-General attended personally on the Attorney-General with 2 complaints and a ministerial memorandum which read and I quote:

> *Your memorandum of 17 October addressed to the Deputy Secretary was handed to me for advice and a request for any necessary action. I contacted both the police and officers of the Groote Eylandt Mining Company and, as a result, have received the attached formal complaints from both sources, which I take to be made pursuant to section 45 of the Legal Practitioner's Act, together with supporting statements. They are forwarded*

herewith pursuant to the terms of that section. In addition, consideration should be given in the circumstances of this case to prosecuting the solicitor for one or more criminal offences. For example, attempting to compound the felony, etc. I await your further instructions.

Mr Speaker, I continue with a quote from this document:

So far as the Attorney-General was concerned, the 2 complaints must have had the appearance of spontaneity. Such appearance was deceptive.

This is the court talking, Mr Speaker:

As set out above, they were drafted and settled, if not initiated, within the Attorney-General's own department. It does not appear that the Attorney-General was informed of these immediate facts and it was, of course, essential that he should have been so informed. We cannot understand why they were apparently concealed from him. Indeed, the initial affidavit filed in support of the motion gave this court a very wrong appreciation of the complaints.

Mr Speaker, paragraph 45 of the document reads:

The result of the police inquiries was reported back to the Crown counsel who then considered whether the evidence was sufficient to justify the institution of any proceedings of a criminal nature against M. For various reasons, which it is unnecessary to set out, he decided that the evidence was not sufficient. The appropriate court documents were then prepared, and a memorandum forwarded to the Attorney-General by the Crown counsel on 18 June 1981, in which ...

> *Question: You were not aware of any breach of anything at all prior to receiving a call from Mr Gaffy?*
>
> *Answer: That is correct.*

Bradford says that the so-called letter of complaint was signed by him and the officers of the Department of Law. Superintendent Owens says that it was signed in his office. However this may be, the letter was drafted in the Department of Law, amended by Owens and finally signed by Bradford. Bradford said further in cross-examination that the terms of the letter of complaint did not accurately reflect his reaction to the conversation, but he would have read it more carefully before signing it, and worded it in his own terms so that it would have been more correct. The terms of the conversation are themselves contradictory and inconsistent. In all the circumstances, we would not be prepared to find that any attempt to deceive Sergeant Bradford, by informing him that the company was prepared to have those charges withdrawn ... in which Crown counsel advanced, as a reason for the delay in the institution of proceedings under the Legal Practitioner's Act, the fact that the police had endeavoured to question him about the allegations made against him 'in order to afford M the opportunity to know what they were and to give his version of what happened if he so desired'. Such a statement was false and likely to mislead the Attorney-

General as to the adequacy of the investigation. The matter had been referred to the police for the purpose of obtaining evidence which would justify the institution of criminal proceedings against M, and had nothing whatever to do with the action that the Attorney-General had already approved of referring his professional conduct to the court pursuant to the Legal Practitioner's Act. The Attorney-General was also informed that M had made it clear that he would not make himself available for an interview with Mr Pope. Likewise, this statement, if unqualified, was false.

By memorandum dated 23 June 1981, the Attorney-General observed with discerning accuracy that the matter seemed 'to be proceeding with the speed and haste of a hobbled camel'.

Mr Speaker, I recommend this particular case to all members of the Northern Territory Assembly for study. I quote:

Whatever was said, Bradford made no complaint to anyone until he was approached by an officer of the Department of Law over a month after the alleged conversation, namely 10 or 11 November 1980. He was certainly not aware of any impropriety on M's part at the time of the alleged conversation. He said in cross-examination:

Question: Why did you leave it so long to complain?

Answer: In the letter, I wasn't aware of any breach of anything at all at the time prior to receiving a call from Mr Gaffy.

We wish also to say that the information as to the genesis of the complaints of Gemco and Sergeant Bradford was only provided after we had expressed in strong terms our misgivings at the way in which the investigation appeared to have been conducted by officers of the Department of Law. A somewhat greater degree of frankness would have been preferable and would have avoided the necessity of having to extract the information as we did.

Those are the words of Justice Forster, Justice Muirhead and Justice Gallop of the Northern Territory Supreme Court. It is not a particularly pretty picture. As I said before, what it amounted to is that, on information that the Attorney-General received from his department, which he accepted and acted on in good faith, a legal practitioner of the Northern Territory was on the carpet with his livelihood at stake.

The Chief Minister prompted me to make these comments and to quote from this case which I did not do in my attempted second-reading speech. The Chief Minister asked: 'Who would you prefer to trust?' In view of the amendments that we will move in the committee stage if this motion is defeated, the full bench of the Supreme Court of the Northern Territory would be capable of providing a far more balanced assessment of that kind of decision than the Attorney-General or the Minister for Primary Production or whoever.

The cold, hard facts are that this bill is being put through this Assembly in 1982. In this Assembly we have probably the most overloaded group of ministers of any parliament in Australia. That is a fact. They have a multiplicity of portfolios and the Chief

Minister knows that when he is talking about the executive, often he is referring to departmental advisers. That is not a criticism. All of us are dependent to a very large extent on the people who advise us but, if it is a question of someone's liberty being at stake or if it is a question of someone's livelihood being at stake, I would prefer to rely on the courts.

In conclusion, I quote from a decision on this very matter which I think strikes at the heart of the case that I have just outlined. I am quoting from remarks on the Cammell, Laird case in 'Liability of the Crown' by Hogg.

> *In the course of that long chapter, the issues involved in claims of Crown privilege became much clearer than they had appeared to the House of Lords during the Second World War. One of the earliest claims of Crown privilege to achieve recognition by the courts was the claim of the Crown to withhold the names of informers in public prosecutions. But the courts would not accept that the Crown had an absolute right to withhold the names of its informers.*

It is worth quoting the words of Lord Esher in March 1980. I ask members, when they listen to these words, to reflect on the case I have just discussed and the possible effect on that case of the application of this legislation. I quote from Lord Esher:

> *I do not say it is a rule which can never be departed from. If, upon the trial of a prisoner, the judge should be of the opinion that the disclosure of the name of the informant is necessary or right in order to show the prisoner's innocence, then one public policy is in conflict with another public policy and that which says that an innocent man is not to be condemned when his innocence can be proved is the policy that must prevail.*

Mr Speaker, I suggest to you that that is a very commonsense approach to adopt in this matter. This kind of decision-making, is a 19th century decision on Crown privilege. It is not a question of reverting to what was before as the Chief Minister would suggest. That strikes at the very heart of the case that I have just recounted. In this case, it was not the man's liberty that was at stake but something equally as serious; his entire livelihood and credibility in this community was at stake. I shudder to think of what would have happened in that particular case if the necessary documents had been withheld. They could have been withheld under the terms of this legislation. For that reason, I believe a select committee should be appointed to inquire into this and the many other ramifications of this legislation.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I am not quite sure whether the Leader of the Opposition has read the legislation because we are referring here to Cabinet and Executive Council documents attracting privilege when so certified by the Attorney-General. I would have liked to have come well prepared to answer the Leader of the Opposition's critique of the case that he referred to. Unfortunately, I do not have the papers here with me and it is many months since I have had to consider the matter. I fail entirely to see the relevance of that particular case. The matter had nothing to do with Executive Council or the Cabinet.

Whatever action we take here today will have no particular relevance to that particular set of circumstances should it arise again. The case is a complete red herring.

I will recount the history of the case briefly. As I recall it, the complaint in the first instance came to me in my capacity as minister for industrial relations. A complaint was made to me on a bit of paper that a solicitor, whilst at court at Groote Eylandt, had intimidated the prosecution into withdrawing summonses against a certain accused or at least had held out the belief that he could bring to an end the industrial disputation that had arisen in respect of certain persons the subject of the particular prosecution. As a result of receiving that information, I then directed the Department of Law to investigate the matter. In my view, the Department of Law properly set out to reduce to a proper written form the complaints from the people who, it was alleged, had made them. No one forced Sergeant Bradford to append his signature to the complaint. The complaint was retyped at least once at his request. Whether the complaint, in its final written form, had turned up in my office on bark or on a sheet of galvanised iron or on a bit of paper typed in the Department of Law, it would not have had the slightest effect on me. Why should I believe that grown men would sign documents that they did not want to sign? In my humble view, the Supreme Court has not yet explained that. I accept their decision but I also think that he is a very lucky man.

This case has been raised again today and, once again, the characters of departmental officials have been smeared. I resent that. I will defend my departmental officials where I consider it necessary. In this case, I took an extreme step and issued a press release commenting on statements made by a judge. I believe at that time, and I still believe, that that step was necessary in all the circumstances. If this case is to continue to be raised as an attempt to smear officials of my department, who are men of integrity - and whatever the findings may have been, I still believe in their integrity - I will do my very best to see that what I consider to be substantial and proper justice is done. There is absolutely no case for a select committee made out by the Leader of the Opposition in his rambling reference to this particular matter. I oppose the motion.

PERSONAL EXPLANATION

Mr B. COLLINS (Opposition Leader): Mr Speaker, I seek leave to make a personal explanation. I claim to have been misquoted by the Chief Minister.

Leave granted.

Mr B. COLLINS (Opposition Leader): The Chief Minister said that I had smeared and slurred officers of his department in the addresss that I gave. I refer you, Mr Speaker, and all honourable members to the Hansard record of this debate. I did no such thing and resent that accusation very strongly. I did nothing but quote from the Northern Territory law reports which are public documents.

Mr ROBERTSON (Leader of the House): I move that the question be now put.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Ms D'Rozario
Mr Harris	Mr Doolan
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Mr Collins' motion negatived.

In committee:

Clause 1 agreed to.

Clause 2:

Mr B. COLLINS: I have a number of amendments and I also have questions to ask as I am sure other honourable members have. Could I request you, Mr Chairman, to take clause 2 part by part?

Mr Chairman, I move amendment 89.1.

This will insert after proposed section 42D the following subsections: '(3) where a certificate has issued in pursuance of section 42D, a judge shall have power to inspect the contents of a document or record in legal proceedings described in that certificate and determine in respect of those documents or record of legal proceedings whether the certificate should have been issued or otherwise'; and '(4) a reference to the contents of a document or a record of logal proceedings referred to in subsection (1) shall be read as a reference to a document or record that has come into existence after the commencement of this part'.

The amendment is clear. It codifies the common law position as we on the opposition understand it. We concede that this is 180° from the position of the Chief Minister. I stand by the arguments that have been put earlier that the Chief Minister and the Attorney-General in New South Wales are wrong. If we must have this matter before us - and I do not think we should have - the Commonwealth position should be adhered to and the judiciary should have the power to review the certificates. It has appeared during this debate that it is an all-or-nothing situation so far as the courts are concerned. They either shut the door or they open the floodgates so far as this legislation is concerned. As the Chief Minister knows, that is nonsense.

Quoting again from Crown Privilege: 'Another incorrect assumption underlying Duncan is that a claim of Crown privilege poses a choice between only two alternatives, namely, complete secrecy or unlimited publication. Indeed, Viscount Simon quoting

a dictum of Pollock CB said that a judicial inquiry into validity of a claim of Crown privilege was "an inquiry which cannot take place in private and which taking place in public may do all the mischief which it is proposed to guard against"'. The article continues: 'It is now recognised, and indeed it had been recognised before 1942, that there is no reason why a judge should not examine the documents in private without even disclosing them to the other parties if he thinks that course necessary. And, if he decides that the documents need not be absolutely withheld, there is no reason why they should not be given only limited'. It is clear that the court has established the discretion to completely withhold any documents that come into its possession or allow them to be given limited publication.

The article continues: 'If it is decided to give only a limited publication, there are a number of choices open to the court. The proceedings or part of the proceedings could be heard in camera or the documents could be edited by concealing secret parts but disclosing the balance or the documents could be disclosed to parties only on their undertaking not to reveal the contents to anyone - a breach of this undertaking would constitute contempt of court - or a mixture of these methods could be ordered. The point has been made that "the administration itself knows many classes of security documents ranging from those merely reserved for office use to those which can be seen only by a handful of ministers or officials rigorously screened and bound by oath of secrecy. There is no reason why courts should not use a similar system of grading"'. I believe that puts far more eloquently than I could the case for this amendment. The courts have had a long-established tradition of reviewing these very decisions. It has been established in law that a great deal of opportunity is available to the courts under our system - and we are a common law jurisdiction in the Northern Territory - to use their discretion.

The reference to a judge in proposed subsection (3) means a judge of the Supreme Court of the Northern Territory. The beauty of this particular amendment is that, by that reference, all of the normal appeal provisions available under the Supreme Court Act of the Northern Territory would be available to the parties in any such dispute. If the judge in a case found that the certificate should be examined, the document should be presented to him privately and, if whatever he determines is not acceptable to the Crown, his decision can be appealed. The same thing applies to the other party in the litigation. If he is not satisfied with the judge's decision, the same appeal provisions would also apply to his case. Eventually, the full court of the Supreme Court of the Northern Territory can examine this matter. I believe the amendment would encode in statute the common law situation. It is a sensible and logical way to proceed on this legislation.

Mr EVERINGHAM: Mr Chairman, I oppose the amendment. The Leader of the Opposition is thinking only of a case where the Crown is in fact a party to the action. In most cases, the Crown will not be a party but will simply have documents subpoenaed from it, a situation in which it has little standing.

I would like to read into the record the text of part of an interview on tonight's ABC news given by the Bar Association

President who spoke to Mr Bob Casey. Mr Bob Casey asked: 'What is the legal interpretation to the proposed amendments of the Evidence Act?' The Bar Association President said: 'Until 1978 it was always assumed all over Australia, in all the parliaments, and is still assumed in England that the documents that were used in Cabinet or Cabinet documents and those of the Executive Council were in a sense secret and what was called Crown privilege, and wrongly called Crown privilege, attached to it. In 1978, the decision in Whitlam v Sankey was handed down which cast serious doubt on that. Recently, in a certain land claim decision which was handed down at Christmas time last year, in some of the comments by some of the judges further doubt was cast on that. What the proposed amendments would do is to put into statutory form what was before a convention that courts regard it as binding on them'.

Mr B. COLLINS: I too have the benefit of receiving the statement of the President of the Northern Territory Bar Association. I also have the statement of the New South Wales Bar Council. I had occasion recently to visit the chambers in Sydney and, in the 13-floor building, there were 13 floors of barristers. There were 370 of them in one building. To the best of my knowledge, there are 5 people in the chambers here in the Northern Territory. In response to what the Chief Minister has said, I will go along with the decision of the New South Wales Bar Council in this matter. I say that the Northern Territory Bar Association is wrong.

Mr BELL: The Chief Minister made quite a big point of saying that the public scrutiny to which politicians were subject made them eminently suitable to decide Crown privilege in this matter. I would suggest that politicians are so subject to changes of public opinion that they are rarely afforded the opportunities of detachment and time for considered thought that is usually available to the judiciary. At any event, I would have thought that the process involved would have been that the judiciary itself is subject to the will of the people through the laws that the politicians who are elected by the people make. I think that the Chief Minister's cry that politicians are more subject to public scrutiny rings a little bit hollow.

The other point I wish to pick up, and which I regard as mischievous, is the accusation made by the Chief Minister that the Leader of the Opposition and the opposition in general has sought to stir up racial disharmony. I point out to the Chief Minister that, in fact, he was the first one who mentioned the relationship between this amendment and the operation of the federal Land Rights Act. He was the first person who mentioned that in the public debate about this particular bill.

Finally, the Chief Minister suggested that the Leader of the Opposition raised a red herring by referring to the matter of an action brought against a Darwin solicitor. It seems to me that the documents that demonstrated the innocence of the solicitor in this particular case certainly would be available to the court under this legislation but I would point out to the Chief Minister that a similar case may arise where information from minister to minister or Executive Council to ministers may determine the innocence or otherwise of a person in a similar position but the courts will in future be unable to decide on admissibility of that sort of evidence.

In that case, it is unreasonable to accuse the Leader of the Opposition of dragging a red herring across this particular debate.

Mrs LAWRIE: Mr Chairman, I will do something novel and speak to the amendment. Proposed subsection (3) appears to give the judge the right to inspect the contents of the document to determine whether the certificate should have been issued or otherwise but it does not give him the power to then use the document for the purposes of matters before the court. All the amendment does - and I am curious to know whether this was deliberate - is allow the judge to look at it and say whether in his opinion it should or should not have had the certificate attached to it. It does not give him power to then use it.

The committee divided:

Ayes 8	Noes 10
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mrs Padgham-Purich
Mr Leo	Mr Perron
Mrs O'Neil	Mr Robertson
Mr Smith	Mr Steele
	Mr Tuxworth
	Mr Vale

Mr B. COLLINS: I move amendment 89.2 which will omit subsection (3) from proposed section 42F and substitute the following: '(3) A judge may in respect of a statement by a person called upon to give evidence of a kind to which this section applies determine after hearing that evidence whether or not such a statement should be admitted as evidence'.

In speaking to this amendment, I draw members' attention to the very curious wording of this particular clause. I would like the Chief Minister to tell me where he got it from because I suspect he probably got it from the New South Wales act. 'Except with the approval in writing of the Attorney-General, a person called upon to give evidence in legal proceedings shall not give evidence or be a compellable witness in relation to the giving of evidence which, if it had been reduced to writing, would constitute a document in respect of which a certificate under section 42D(1)(b) could be given if the Attorney-General was of the opinion that its disclosure in the legal proceedings is not in the public interest ...'.

I am curious about this. I think that it supports the contention that some sort of blanket certificate is to be issued to a whole host of evidence because otherwise how could this section possibly be applied? How can the Attorney-General anticipate the questions that could be asked by counsel in a matter before the courts? I would be impossible for him to do so. It is very strange that prior to a case being heard, prior to the proceedings going ahead in court, he can determine what is to be asked of witnesses. There is no way he can do that. The only way he could do it is by issuing a blanket certificate to say that he

anticipates the counsel could ask all kinds of horrible questions and therefore that person cannot give evidence. The Chief Minister said that these amendments only apply to actions to which the Crown is a party. That is nonsense. Perhaps it is late in the day and the Chief Minister's legal brain is not clicking around as fast as it should be. It does not apply only in that situation at all. This particular amendment seeks to bring the bill in line in the oral evidence section in the same way that it brings it into line in the written evidence section.

I quote again from 'Crown Privilege': 'In litigation to which the Crown is a party, the Crown may be represented as of right and no difficulty arises as to who should make and argue any claim of privilege. In litigation to which the Crown is not a party, one of the parties may be willing or even eager to object to the production of state documents or other evidence which might injure the public interest'. The common law position, as we see it, is that the judge has the right to suppress any of that evidence even if no application has been received to do so. 'Such objections will generally be motivated by considerations of self-interest rather than public interest but that need not affect the quality of the arguments. Nevertheless it is obviously convenient for counsel to represent the Crown for the purposes of taking and arguing the privilege point especially if none of the parties is interested in objecting to the evidence. It is submitted that in all cases in which a Crown privilege claim arises that the Crown should be regarded as having sufficient standing to be represented by counsel. In two cases, however, doubts have been expressed as to whether the Crown had a right to be represented in a suit between private individuals if one of the parties objects. In one of the cases, the objection was withdrawn and, in the other, the judge adopted the happy expedient of giving counsel for the Crown leave to appeal as amicus curiae'.

It seems that counsel for the Crown has, in no case, been refused leave to appear and counsel has in fact appeared usually without any opposition from the parties. Mr Chairman, I put it to you that the comments the Chief Minister made about the inapplicability of these amendments in cases where the Crown is not a party in law is nonsense. There is an established precedent of this being done when the Crown was not a party to the dispute. I would urge support of the amendment.

Mr EVERINGHAM: Mr Chairman, the honourable Leader of the Opposition misinterpreted my remarks on the particular position of the Crown in relation to his last proposed amendment but we are not discussing that now. We are supposed to be discussing an amendment to proposed section 42F. I would refer the honourable Leader of the Opposition to the very important qualifications in 42F(1) which confines the type of oral evidence that we are talking about to disclosure of deliberations or decisions referred to in 42D(1)(b) where the oral evidence would involve the disclosure of deliberations or decisions of or matters presented to or considered by the Executive Council or a committee thereof or the Territory Cabinet or a committee thereof. I can see no good reason for watering down that particular proposal.

Mr B. COLLINS: Mr Chairman, in response to that and in response to in fact the same proposition which has been put a number

of times during this debate, I would point out to the Chief Minister something he knows very well indeed. There are 2 ways of having any matter brought into the ambit of this legislation whether it is oral evidence or written evidence. Certainly, there are sections that say that it has to be Cabinet and all the rest of it. The Chief Minister has pointed out quite rightly that in print this is not as wide-ranging as the New South Wales legislation which refers to senior public servants. However, I would point out to the Assembly that there are 2 ways that any matter can come before Cabinet and therefore qualify for this legislation. In the normal course of the administration of the Cabinet, matters come before it. That could include quite minor matters which we would never envisage as being brought within the ambit of this legislation. The other way is by deliberate political choice of the government to bring certain documents within the ambit of these amendments to the Evidence Act.

Mrs LAWRIE: I have a difficulty both with the amendment and with the proposal to insert subsection (3) into proposed new section 42D. I assume the proposed amendment attempts to give the same authority to a judge as was sought to be given regarding written documents. The difference is, of course, that there is no provision in proposed new subsection (3) for that statement to be given in camera. It would negate the whole purpose of the bill if the person giving oral evidence were to give it openly and then the judge decided whether it was admissible or not having regard to a certificate and whether or not that issued for that reason. I cannot see the Chief Minister accepting the amendment. I wonder whether he would be inclined to accept it if it had the privacy provision. I see he would not.

The committee divided:

Ayes 8	Noes 10
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mrs Padgham-Purich
Mr Leo	Mr Perron
Mrs O'Neil	Mr Robertson
Mr Smith	Mr Steele
	Mr Tuxworth
	Mr Vale

Mr EVERINGHAM: Mr Chairman, I move amendment 74.1.

The proposed amendment is a technical one to clarify the effect of the amendments on the act. The purpose of proposed section 42G is to preserve the existing common law application of Crown privilege and existing statutory restrictions on disclosure of information with respect to documents and other evidence not falling within the scope of the amending bill. The amendment merely emphasises the point that the existing law continues unchanged, except where specifically altered by the amending bill.

Amendment agreed to.

Mrs LAWRIE: Mr Chairman, I have a query relating to proposed section 42F. Proposed subsections 42F(1) and (2), taken together, give exemption from attendance and giving of oral evidence if the evidence is of the kind referred to earlier; that is, if it were in writing, it would attract a certificate of exemption. What I do not understand is how proposed subsection (3) simply allows that a statement by the person that his evidence is of that kind shall be accepted by the person presiding in the court per se. My point is that, earlier in the bill, we see where the certificate signed by the Attorney-General has to be given to the court. Here we are talking about documents being required to be produced. When we come to oral evidence under proposed subsection 42F(2), a statement by the person required to appear is sufficient. I understand that we cannot read proposed subsections (1), (2) and (3) in isolation. I feel that the statement that the oral evidence should not be given because of the application of this part should be to the court from the Attorney-General and not from the person required to appear. That is an inconsistency which I would like the Chief Minister to consider.

Mr EVERINGHAM: I can see the member's point. All I can say in answer to it is that the category of persons being called under proposed subsection (3) will be fairly limited. Who other than the person who is being called to give evidence of that type is better qualified to make that statement?

Mrs LAWRIE: The Chief Minister has touched upon my concern but he has not quite satisfied it. This whole bill means that, if evidence is not to be given, whether written or oral, that shall be on a direction and a decision of the Attorney-General. We had hours of debate on that point earlier. The Attorney-General made it quite clear that it was to be the decision of the Attorney-General of the day as to whether the evidence would be withheld from any proceedings or whether it would be allowed to be given.

Mr EVERINGHAM: I have no objection to assisting you in this matter if I can. With the leave of the committee, I propose the insertion of an amendment to proposed subsection 42F(3) so that it will read:

> *A statement by the person called upon to give evidence that the evidence if given would be of a kind to which this section applies shall, without the court having heard the evidence, if the statement is accompanied by a certificate of the Attorney-General, be accepted by the person presiding in the court ...'.*

The amendment is 'if the statement is accompanied by a certificate of the Attorney-General'.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Mr B. COLLINS: Mr Chairman, I have 3 questions for the Attorney-General.

Proposed subsection 42D(1) reads: 'Where the Attorney-General certifies in writing that, in his opinion, the disclosure of the contents of a document or record in legal proceedings described in the certificate is not in the public interest ...'. This is because it would involve the disclosure of communications between close groups of people. Mr Chairman, I freely confess that I have not been able to give the wording of this bill the attention I would like to have given it. I am prepared to be told by the Attorney-General or his draftsman that I am wrong. Perhaps he will tell me that in fact this is the intention. I would like to think it is not. My interpretation of that clause would be that it says that it is not in the public interest because it would involve communications between all of those people. Obviously, there will be many matters where it would not be against the public interest to disclose communications between all of those parties. I would suggest to the Chief Minister in all sincerity that a proper reading of that section would indicate that it would have the effect that all communications between all of the groups will become against the public interest automatically by simply being communications between those people.

Mr Everingham: That is not my interpretation.

Mr B. COLLINS: Mr Chairman, in reference to proposed section 42D(1)(b)(i), can the Attorney-General explain the nature and the function of a 'committee of the Executive Council'. I am not quite sure what a committee of the Executive Council is.

Proposed section 42D(1)(a)(ii) refers specifically to a Commonwealth minister or a minister of a state. Does this mean that we have achieved statehood in the Northern Territory: Does the term 'state' automatically apply to the Territory? If it does not, it would appear to me that this clause provides no nexus at all between the Commonwealth and the Northern Territory. The word 'Territory' is normally applied in legislation in the Territory.

Mr EVERINGHAM: I think it gives protection where a certificate is issued. This will be in a very small minority of cases. Even if there is power of delegation, I will not be delegating. I have not delegated the function of filing nolle prosequi except when I am out of the Territory. I disagree with the Opposition Leader's interpretation. I do not see my function as being to interpret. That is the function of the courts and I will leave it to them.

There is no committee of the Executive Council at present, but it is possible that one could be formed. This legislation may last a long time. The Executive Council may become a bigger body than it is at the moment. There is only one standing committee, as it were, of the Cabinet itself.

Mr B. COLLINS: Mr Chairman, despite the lateness of the hour, I must take up that quite nonsensical statement of the Chief Minister that it is not the function of this Assembly to interpret legislation. What a crass thing to say. It is the function of the government and members to interpret the legislation that we put together. It is our job to present to the courts the best piece of legislation that we can. It does not need to be given controversial interpretation by courts.

The question I asked the Chief Minister was that, if that is the interpretation, is it the intention of the government that all communications between the classes of people concerned would be in the public interest. I would like this placed on the record because the courts will interpret the wording of this section. I would like to know if it is the intent of the government to bring this about or not.

Mr EVERINGHAM: I did say that I did not agree with the Leader of the Opposition's interpretation.

Clause 2, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I move that the question be amended by omitting the word 'now' and substituting the words 'this day 6 months'.

All honourable members know that this is the only motion possible to amend a third-reading question and defeat a bill.

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the motion be put.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

The Assembly divided on Mr Collins' amendment:

Ayes 8	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mr Leo	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Smith	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

The Assembly divided on third reading:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Bill read a third time.

ELECTRICITY COMMISSION AMENDMENT BILL
(Serial 194)

Continued from 11 March 1982.

Mr SPEAKER: Honourable members, pursuant to Standing Order 153, I declare this bill to be an urgent bill because any delay would cause hardship.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill. It seeks to correct a problem that was raised late last year relating to the submission of pro rata electricity accounts by the commission. Last year, we had an amendment which had the effect that, if electricity tariffs were increased during a particular charging period, then the consumer was billed at the new higher rate for the whole of that charging period notwithstanding that the increase may have occurred quite late in that period. The minister now seeks to rectify that matter by proposed new section 30. We feel confident that consumers will obtain some relief in their electricity bills from this proposal. This matter caused much criticism and complaint when it was dealt with by this Assembly last year. We are confident that this particular bill would be supported by the community at large.

The effect of this bill is much wider than simply allowing the commission to serve pro rata accounts. It also permits electricity charges to respond rapidly to changes in the north Queensland tariffs to which the NTEC is tied. However, I can say with a reasonable degree of confidence this particular proposal is not objectionable because the terms of the Commonwealth subsidy to the Territory is well understood, if not always accepted, by the community. It is now an accepted arrangement that our charges will be kept at parity with the north Queensland tariff.

The opposition supports this bill and, in particular, commends the rectification of the matter relating to pro rata accounts.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that the bill be read a third time forthwith.

Motion agreed to; bill read a third time.

MINERAL ROYALTY BILL
(Serial 198)

Bill presented by leave and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be read a second time.

During the 1981 sittings of the Legislative Assembly, I tabled a Green Paper on mining royalty policy for the Northern Territory and a draft Mineral Royalty Bill for discussion. Subsequently, a great deal of thought and analysis has been directed towards the proposals in the draft bill, particularly in the light of the 70 written submissions that have been received and the many personal representations that have been made to myself, my colleagues and my officers.

As a result of this detailed review, the government decided that its long-term objective with regard to the development of the mining industry warrants substantial changes to certain proposals contained in the draft bill. These changes have been incorporated in the bill now before you. On the other hand, many innovative proposals in the draft bill have withstood the scrutiny of interested parties and have been retained.

The draft bill of June 1981 proposed a profits-based royalty system. The industry, and in particular the Northern Territory Chamber of Mines, gave strong support for the adoption of this base and the government intends to retain profits as the base of the new royalty system. Because a profit-based system takes cost variations into account, it is more likely to encourage production of low-grade, high-cost ore than would a revenue or tonnage based system. For the same reason, a profit-based system is more likely to encourage investment and exploration and it also charges in accordance with the capacity to pay. The industry has stressed, however, that the Territory suffers a number of disadvantages. Amongst these are remoteness, inadequate infrastructure, high cost structure and land access problems due to the Aboriginal Land Rights Act. It argued forcibly that the original definition of 'profit' and the 25% rate incorporated in the draft bill combined to produce an effective rate that substantially reduced the attractiveness of the Territory for both mineral exploration and development. The government accepts that the proposals in the draft bill may have increased short-term revenue only at the expense of a substantial long-term contraction of the royalty base. This would not be in the best interests of the Territory in the long term.

The government is determined that the new definition of 'profit' to be incorporated in the revised bill will allow full interest deductibility, immediate write-off of all exploration expenditure related to the mine, carry forward of losses, recognition of costs of rehabilitation and mine closure and a maximum depreciation period of 15 years. Operating, marketing and administrative costs attributable to the project will be allowed as originally proposed. In addition, the government has decided that, in order to further encourage exploration in the Territory, it will allow explorers to transfer expenditure on exploration work undertaken anywhere within the Territory to miners liable to pay royalty under the new system.

These miners will then be able to claim part of such expenditure as a deduction for royalty purposes to the extent that total exploration expenditure in the Territory is a legitimate Territory mining industry cost. It will involve the government in the sharing of exploration risk within the industry.

A feature of the definition of 'profit' in the draft bill of June 1981 was that returns to mineral processing activity would be exempt from royalty; that is, only profits attributable to mining and other activity necessary to produce a saleable mineral commodity were to be subject to royalty and this concept has been retained. The government has not accepted the arguments of some sectors of the industry for deductibility of payments in the nature of royalty on lease purchase costs. This will facilitate the diversion of Crown royalties to particular sectors of the community. However, the government has decided it will allow the deductibility of legitimate compensation payments as defined by sections 73 to 75 of the new Mining Act.

In addition, the bill establishes a system whereby eligible expenditure deductions can be passed on to the purchaser of a mining property by the vendor. The government has considerable sympathy for the situation of small miners who make a significant contribution to the industry through the location of new prospects and form an important part of the social fabric of the Territory. In order to encourage such miners and to assist marginal ventures, the government has decided to exempt the first $50,000 of annual profits from royalty liability.

Another area of concern to the government is the extremely high level of infrastructure and construction costs in the Territory. As a result of the government's determination to hold down building costs as much as possible, we have decided to exempt completely fixing materials from royalty liability. However, a more realistic rental will be applied to extractive authorities and leases when quarrying is carried out.

With regard to the rate at which the profits-based royalty will be applied, the government has had to take 2 major factors into consideration. First, there is the need to obtain for the people of the Territory a fair price for their mineral resources and, secondly, there is a need to ensure that the price is not so great as to discourage further development of the industry. In brief, there is a compromise position between short-term and long-term revenue.

The government has accepted the industry's argument that a rate of 35% would be more a penalty than a royalty and to persist with such a level would be to the detriment of the Territory's long-term development. At the same time, the government rejects as totally inadequate the proposal by the Chamber of Mines for a profit-based royalty of 7%. Taking all factors into account, we have determined that the royalty rate will be 18%. For a mine with Australian-average profitability, this rate approximates to a royalty of 5% f.o.b. value. However, the new Territory royalty will collect more revenue from highly profitable mines than a 5% f.o.b. royalty, and less revenue than such a royalty would from below-average-profitability operations.

A further factor which has greatly concerned the government is the royalty situation of existing mines. The Commonwealth government entered into a number of royalty agreements in respect of Territory mines. These are unsatisfactory to the Territory. At the time they were negotiated, they may have been appropriate although there is an argument to the contrary. The result is that the companies are now paying royalties at a rate far below what is today regarded as a reasonable level. Nevertheless, the government believes that obligations undertaken by the Commonwealth should be honoured even if this is distasteful. As a result, the new royalty system will not be imposed unilaterally on existing mines for the terms of any royalty arrangements pertaining to relevant existing leases. The exemption of existing mines from the new royalty system will not extend beyond the unexpired term of any existing leases or royalty agreements, and will not apply to any existing leases upon renewal. Further, the government has authorised the Department of Mines and Energy to commence negotiations with the companies concerned to encourage them to come under the new royalty system at the earliest possible date.

The Mineral Royalty Bill provides for the payment of royalty in respect of minerals owned by the Territory and therefore it will not apply to uranium until ownership of that mineral is transferred to the Territory by the Commonwealth. Royalties relating to our new uranium projects, as well as the existing ones, will continue to be set by the Commonwealth.

Mr Speaker, I turn now to the administrative aspects of the bill. The bill provides for annual royalty assessments and 2 interim 6-monthly payments in respect of each royalty year. An adjustment will be made after the end of each year to allow for the difference between the interim payments and the actual royalty liability. Additional royalty will be payable if interim payments are underestimated by more than 20%. The draft bill provides for the keeping of proper books of account, inspection of books and other documents relevant to royalty returns and full disclosure of relevant information. Significant penalties will apply for the provision of false information or failure to furnish information. Provision has been made in the bill for appeals to the secretary, and ultimately the courts, in relation to the royalty assessment. The new royalty arrangements will commence as from 1 July 1982.

In conclusion, the Mineral Royalty Bill will provide the Territory with a new royalty system that ranks far higher than any other in Australia in terms of equity and economic criteria. It will provide Territorians with a fair price for their mineral resources and charge mining companies in accordance with their capacity to pay. At the same time, the new royalty arrangements will facilitate efficient recovery of minerals and maintain a strong flow of funds into exploration and development. This will provide a large royalty base in the long term, and increase the strength of the Territory economy. Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

PET MEAT BILL
(Serial 163)

Continued from 1 December 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the debate on this bill will come as something of an anticlimax. This bill is essential to bring the Northern Territory into line with the rest of Australia. We appear to be getting so out of step with the rest of Australia in other areas of legislation that it is probably a good thing we have this before us.

The damage to Australian export trade of the recent meat substitution scandal involving our United States markets cannot be underestimated. Our national beef exports are worth $800m a year to Australia, and they must not be jeopardised. Discussions that I have had with experts in our beef industry in recent years have all indicated that the Northern Territory can no longer operate in isolation from the rest of Australia. Even to attempt to do so would result in long-term damage to our export potential, both within and without Australia.

The beef industry in the Territory has progressed slowly from a state of penury to a position of vital importance for our economy. Current indications are that, given reasonable seasons, this situation will continue to improve. This promising development cannot be put at risk. The repercussions of the meat substitution were severe and will persist for some time. The Northern Territory must play its part in ensuring, as far as humanly possible, that this situation does not recur. Considering the strength and activity of the domestic cattle lobby within the United States and fierce competition from New Zealand and South America, another scandal of similar proportions could deliver a death blow to our national economy. Mr Speaker, it really is that serious. During visits I have made to the southern states, the discussions that I have had with the Bureau of Agricultural Economics and with federal authorities indicate that the degree of political pressure from within the beef lobby itself within the United States these days is so severe that a repetition of the scandal concerning beef exports from Australia really would cut our throats.

As far back as 1974, Mr Martyn Finger, a distinguished Northern Territory public servant who was then an official member of the Legislative Council, announced that a full investigation of our pet meat industry would be undertaken. A recommendation of that investigation was that a separate act to regulate and control the industry be introduced. Eight years later, we have a bill as a result, no doubt, of the special meeting in September 1981 of the Australian Agricultural Council to discuss the effects of the meat substitution racket. Among other things, this meeting concentrated on the necessity for state and federal authorities to have uniform systems of control over the knackery, pet and game meat industries. I believe that this bill will achieve that end.

Serious problems lie ahead for the Territory in its necessary participation in the national brucellosis and tuberculosis eradication scheme. These problems will be particularly serious for the Top End. It is clear that in some areas of the Top End the pet meat industry will need to be used as a tool to cull areas

which it would be impossible and uneconomical to muster in the normal way. I do not underestimate at all the difficulties of implementing the brucellosis and tuberculosis eradication program in the Northern Territory. It will be very complicated.

The pet meat industry contributes significantly to the Territory's economy and is therefore a valuable industry in itself although accurate figures are not available. This is a situation which this bill seeks to redress by provision of these statistics. The powers provided for inspectors under this legislation are wide. It will be necessary to keep its operation under close scrutiny. Whilst providing the essential protection to our certified meat markets, the powers of the inspectors must not be used so arbitrarily that they endanger unnecessarily the pet meat industry itself. I repeat that, although the pet meat industry is a valuable industry and should not be endangered, the prime purpose of this bill is to protect an export market which is worth $800m a year to this country. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this legislation, I wish to comment on it generally before dealing with it in detail. When the legislation was first introduced by the minister, I had several reservations about it. I have spent some time with it and I thank the legal draftswoman and certain senior officers of the Department of Primary Production who helped me.

At the outset, I regret the necessity for this legislation. However, in view of the meat scandal down south and the Territory's involvement in the brucellosis and tuberculosis eradication program, I feel that it is necessary. I hope it sits lightly on the current operators of pet meat establishments. I attended a public meeting before Christmas which was very well attended by people in and people interested in the pet meat industry. Many of those people are my constituents and I have several years of experience myself in the pet meat industry. Their fears were that this legislation would place insuperable burdens on the operation of their establishments. I do not think this will happen to the legal operators. The legal operators will be able to continue their business as they are doing now.

When I first read this legislation through, there were several apparent loopholes which will be corrected by amendments. The main loophole was that there was no direct line for disposition of the meat from the slaughterer to the retailer. The licensed slaughterer had to sell his meat to a licensed process works, but it was not encumbent on the licensed process works only to buy from a licensed slaughterer. This loophole will be closed.

I am pleased to see in the amendments that times of entry and inspection have been changed to cover not only areas that might be suspect now and in the future but that have proved to be so in the past. Things that have occurred in the past which indicate the need for inspection are also covered by this bill.

Meat from abattoirs slaughtering for human consumption was mentioned as being available for the pet meat industry. I see this situation has been corrected. According to the Abattoirs and

Slaughtering Act any meat unfit for human consumption coming from an abattoir licensed to kill for that purpose must be destroyed. There are regulations dependent on the current Abattoirs and Slaughtering Act which deal with the dyeing and/or colouring of and/or denaturing of pet meat. I understand that, when this legislation is passed, regulations will be promulgated which will necessitate the repeal of the current regulations dealing with the dyeing and disposition of pet meat.

Perhaps I am worrying unnecessarily due to my ignorance of the law but I am concerned about the powers of delegation of the Chief Inspector. The legislation says that the Chief Inspector may delegate his powers to an inspector who probably will be a stock inspector or a member of the police force. I am unclear as to whether the Chief Inspector delegates all of his powers other than the power of delegation to all of these delegatees or whether he only delegates certain powers to certain delegatees. As I understand it, in law, the power of delegation often relies on the actual identity of the individual.

I see there has been a change in the definition of 'transport'. That was one of my concerns when the bill was first presented. The transportation of pet meat would have related to people buying pet meat in the supermarket and taking it home. They would have been subject to the same conditions as a commercial transporter of pet meat.

I am pleased to see a definition of 'pet meat'. It covers fresh meat, meat from abattoirs, tinned meat and dried dog food.

I was pleased to see the amendment that the minister may, by notice in the Gazette, exempt a person from the whole or a specified provision of the act when it becomes law. It is a very desirable inclusion. It may cover a pet meat operator whose meat crosses the borders. On the subject of interstate trade in pet meat, I feel that this legislation is defective.

The amendments to clause 4 state clearly that there is a clear chain of disposal of pet meat. That is very important. There is official inspection from the field to the retailer. The amendment to subclause 4(2) closes what I considered to be the biggest loop-hole in the legislation. It will now state: 'No person shall purchase pet meat unless he is the holder of a licence to process and he purchases the pet meat in accordance with his licence from a person who is the holder of a licence to slaughter ...'.

Amendments to clause 5 set out clearly the relationship between the retail situation and the wholesale situation which was a bit confusing in the original legislation.

Clause 9 relates to the powers of an inspector and covers past, present and future actions. That is important.

Mr Speaker, this bill will make it easier for inspectors and officials to control the pet meat industry without having to rely on other legislation. Search warrants are a good example. This legislation sets out clearly what the inspectors can do.

I was pleased to see that clause 10, when amended, will be much clearer on the subject of directing the driver of a vehicle to proceed to a certain spot. I queried this originally. To my way of thinking, if a person were directed to a certain spot, he could go there and continue on. The amendment will allow an inspector to direct a person to drive his vehicle to a certain spot and remain there for further inspection etc. The amendment also provides the requirement that a person who has been stopped must provide his name and address.

I feel that the onus should not be on the inspector in the field to inspect firearms because he may not be competent to inspect firearms. What is the point of inspecting firearms without having the power to seize?

Clause 13 deals with the application of a licence to slaughter. Under subclause 13(d), proof is required that a person is a licensed shooter. As I see it, if a person has to be asked if he is a licensed shooter, he should also be asked to produce registration papers for his firearms. I found the officers of the Department of Primary Production rather intransigent and obdurate about this inclusion, so we agreed to disagree about the necessity to produce registration papers for firearms.

By clause 15, the minister can waive certain processing conditions if he considers that necessary. Clause 18 also gives more latitude than the original legislation.

I must agree with comments from people in the pet meat industry that the Chief Inspector does have very wide powers. It is to be hoped that these are not abused. I feel sure that they will not be abused. I realise that wide powers need to be written into the legislation to allow some latitude.

Paragraph 38(2)(c) states that, where a person owns a licensed premises, he may have his licence cancelled if the premises are used for purposes other than those permitted under this bill. I would like that to be read with common sense because, while the premises may be licensed for process works, they could include things like recreational facilities which are not necessarily connected with the industry.

I am worried about clause 43 which states that employees are not liable. I felt that placed too great an onus on the employer. On reading it again, it appears that it is covered in subclause (c): 'An employee shall not be liable ... which would otherwise constitute the offence - the employee does not intend an offence against this act or regulations'. To my way of thinking, that implies that, if a crime is intended, then the employee is not covered.

I commented before on clause 46 which refers to transport offences. We knew it referred to commercial quantities of pet meat but that was not stated quite clearly. In the amendment, it is stated clearly.

I query subclause 52(a) which refers to meat which is unfit as pet meat. This could be open to wide argument. I have been told it has been included to cover meat that is infected and which could

be passed on to humans. I still think that, for us to define pet meat as unfit for pets, lays the definition very wide open to debate because the most common carnivore that people keep as a pet is the dog and, in most cases, dogs prefer to eat meat which is unfit for human consumption. They like it to their own specifications.

In conclusion, I say again that I regret the necessity for this legislation to control the pet meat industry but I do concede that, because of the prevailing conditions in the general meat industry, it may be necessary. I hope the legislation operates to the betterment not only of the pet meat industry but also the meat industry. Because the Territory is embarking on an active brucellosis and tuberculosis eradication program, this legislation will be called into operation quite extensively.

As I stated earlier, I am unclear how this legislation will operate with regard to interstate trade. In correspondence with Department of Primary Production officers, an interstate transfer certificate was mentioned. Perhaps it will be covered in the legislation and further comment could be invited. I understand that there will be Royal Commission hearings here in May regarding the current meat scandal. I am not certain of the terms of reference but it will also relate to the meat industry and the pet meat industry as they apply in the Territory.

Mr Speaker, I hope sincerely that there will be no charges for permits and licences. The federal government intends to impose a sales tax on pet meat commodities and an additional charge may be the straw that breaks the camel's back where profits are only marginal. I hope that this legislation will help the pet meat industry and encourage the markets both for outgoing and incoming pet meat.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr STEELE: I move amendment 90.1.

This amendment deals with the definition of 'pet' and differentiates 'pet' from an 'animal'. It also deals with the definition of 'pet meat' so that it excludes meat slaughtered which has been condemned as unfit for human consumption.

Amendment agreed to.

Clause 3, as amended, agreed to.

New clause 3A:

Mr STEELE: I move amendment 90.2.

This allows certain persons to be exempt from the selling sections of the act; for example, butcher shops selling meat for

pets such as trims, mince and bones.

Amendment agreed to.

New clause 3A agreed to.

Clause 4 negatived.

New clause 4:

Mr STEELE: I move amendment 90.3.

This will protect legal pet meat operators at all levels of the pet meat chain and stipulates where they may obtain their product.

New clause 4 agreed to.

Clause 5:

Mr STEELE: I move amendment 90.4.

This amendment allows persons to process pet meat on their own properties for consumption by their own pets provided it is not offered for sale.

Amendment agreed to.

Mr STEELE: I move amendment 90.5.

It provides for a retailer to be able to store pet meat without a licence to store and deletes the provision 'resale in the Territory'.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 8 agreed to.

Clause 9:

Mr STEELE: I move amendments 90.6 and 90.7.

These allow an inspector to enter at any time upon land or to inspect a place or facility.

Amendments agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr STEELE: I move amendment 90.8.

The amendments require a person under suspicion to provide his name and address and, if applicable, to drive the vehicle to a specified place.

Amendment agreed to.

Mrs LAWRIE: Mr Chairman, the minister might pay a little bit more attention to his notes. The amendment omitted paragraph (j) relating to the inspection of firearms but he made no mention of that. I do not mind if he repeals the provision relating to firearms but I think he should mention it so that we know what we are voting on.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13:

Mr STEELE: Mr Chairman, just a word of explanation on the question raised by the honourable member for Nightcliff. The paragraphs were omitted because the powers do not come within the scope of the qualifications of stock inspector under the act.

I move amendment 90.9.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15:

Mr STEELE: I move amendment 90.10.

This allows a slaughterer to sell meat not only to a licensed processor but to another outlet which is specifically stated in the conditions of his licence.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16:

Mr STEELE: I move amendment 90.11.

This deals with the duties of the holder of a licence to slaughter.

Mrs LAWRIE: Mr Chairman, it is patently obvious that this deals with the duties of the holder of a licence to slaughter. I want to know why we are omitting paragraph (e) and substituting another one. There is quite a difference between the 2 paragraphs. Under the bill as printed, the holder of the licence 'shall ensure that the flesh from an animal slaughtered by him is identified by dyeing or other means as prescribed at the time of cutting up and prior to delivery to a licensed processing place'. We now have: 'subject to a contrary provision in his licence, ensure that the flesh from an animal slaughtered by him is identified by dyeing or other means as prescribed at the time of cutting up the animal'.

There is an essential difference between the 2 paragraphs. I would like some explanation why we are deleting one and inserting the other.

Further consideration of clause 16 postponed.

Clause 17 agreed to.

Clause 18:

Mr STEELE: I move amendment 90.14.

This deals with an application for a licence to process, the inspection of premises and the grant of a licence to process.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 45 agreed to.

Clause 46 negatived.

New clause 46:

Mr STEELE: Mr Chairman, I move amendment 90.15.

This amendment inserts a new clause 46 to cover the transport of commercial quantities of pet meat with certification accompanying the pet meat and prescribes conditions to be complied with prior to transportation and the state of the pet meat during transport. 'Commercial quantities' is included so that pet owners can transport pet meat without the prescribed certification.

New clause 46 agreed to.

Clause 47 agreed to.

New clauses 47A and 47B:

Mr STEELE: Mr Chairman, I move amendment 90.16.

These clauses make it an offence to alter a licensed place or facility without the approval of the Chief Inspector.

New clauses 47A and 47B agreed to.

Clauses 48 to 51 agreed to.

Clause 52:

Mr STEELE: Mr Chairman, I move amendment 90.17.

This clause is amended to include the provision for species testing of the meat to determine from what species of animal the meat was derived. In her second-reading speech, the member for Tiwi raised the question of meat being unfit for human consumption and still being unfit for pet meat.

Amendment agreed to.

Clause 52, as amended, agreed to.

New clause 52A:

Mr STEELE: Mr Chairman, I move amendment 90.18.

This clause deals with evidence of intent to sell pet meat. A person cannot be in possession of a commercial quantity of pet meat other than under a licence held by him, under an exemption under the act or for consumption by pets owned by him or his employer.

New clause 52A agreed to.

Clause 53:

Mr STEELE: Mr Chairman, I move amendment 90.20.

This allows for a commercial quantity of pet meat to be prescribed in the regulations.

Amendment agreed to.

Clause 53, as amended, agreed to.

Clause 54 agreed to.

Postponed clause 16:

Mrs LAWRIE: We need to look at clause 16 and new clause 17A which has been inserted in the bill. They seem to me to be exactly the same. One says that 'a holder of a licence to slaughter shall, subject to a contrary provision in the licence, ensure the flesh from an animal slaughtered by him is identified by dyeing or other means, as prescribed, at the time of cutting up of the animal'. In 47A(1), we see the offence of failing to identify pet meat: 'Subject to a contrary intention of the licence, a person who is the holder of a licence to slaughter shall ensure the carcass, flesh or other product derived from an animal slaughtered by him is identified by dyeing or other means, as prescribed, at the time of cutting up of the animal'. They seem to be saying the same thing but in separate parts of the bill. This leaves me a little mystified. In clause 16(3), the difference seems to be we are deleting the words 'prior to delivery to a licensed processing place'.

Mr Robertson: Unnecessary words.

Mrs LAWRIE: If that is so, I would have liked that assurance when the minister was proposing the amendment. No matter how rational they might seem to someone in his department and to the minister himself, the committee likes to know why amendments are proposed.

Amendment agreed to.

Mr STEELE: I move amendment 90.12.

I did seek that both these amendments be postponed so that I could seek advice from the draftsman but it seems that my attempt to place it in perspective has been misconstrued.

Mrs LAWRIE: I have no quarrel with the deletion of the words 'and vehicles' because paragraph 16(f) says that the holder of a licence to slaughter shall ensure the prescribed containers, chilling and other equipment and vehicles are used for the storage and transport of the carcass, flesh or another product of an animal slaughtered by him. I assume that it is not the intention to start prescribing vehicles. If we are going to prescribe vehicles, the provision should be left in but, if we are not, it becomes redundant. I did not have any problem at all with the deletion of 'and vehicles'. It was subclause (3) that excited my attention.

Amendment agreed to.

Mr STEELE: I move amendment 90.13.

This deals with the duties of a holder of a licence to slaughter.

Mrs LAWRIE: Mr Chairman, we are quite aware that we are dealing with the duties of a holder of a licence to slaughter but paragraph (m) states that the holder of a licence to slaughter shall sell pet meat only to the holder of a licence to process. We are now saying that, 'subject to a contrary provision in his licence, shall sell pet meat only to the holder of the licence to process'. Quite obviously, the minister has in mind what contrary provision there could be in the licence. I have yet to hear him explain to the Assembly in what circumstances there will be contrary provisions. In other words, why are we relaxing the duties of the holder of a licence to slaughter so that, instead of having to sell to the holder of the licence to process, he has another option open? It may be a very valid one but I just want to know what it is.

Mr STEELE: I do not know at the moment.

Mr B. COLLINS: Mr Chairman, it is obviously an unsatisfactory state of affairs. I would suggest that it does need to be resolved, and it is certainly not up to the member for Tiwi to provide the explanation. I would be happy for us to adjourn for 5 minutes so that the minister can obtain an answer. I would like an answer to the same question. What are the conditions under which a licence would be weakened? I have spoken about the strength of this bill. I do not want it to be weakened unless I hear why the minister is going to weaken it.

Mrs PADGHAM-PURICH: One of the few times the minister would waive the stringent identifying conditions on the person who has the licence to slaughter would be if the conditions of the licence issued to the slaughterer were such that the beast was killed in a certain place and then taken immediately to the mobile processing works in the immediate vicinity where it would be processed and

dyed. That would be one of the times when the slaughterer would not actually dye the meat.

Mrs LAWRIE: That does not quite satisfy me. We are talking about the selling of pet meat, not the taking of it to any other place.

Mr ROBERTSON: Mr Chairman, it is quite obvious there will be other parties to whom a person may be licensed to sell pet meat. This will allow those matters to be endorsed on his licence. He may wish to sell to another slaughterer or indeed a major kennel proprietor such as the SPCA. There would be no reason why the department could not examine that as a possibility for an endorsement on his licence. In other words, it is to prevent it from being so totally rigid that he must sell only to a processor.

Mr B. COLLINS: Mr Chairman, with the greatest respect, the honourable member for Tiwi and the honourable Leader of the House have both put forward suppositions. They have said, 'it may be for this and it may be for that'. I say that the question is a very reasonable one and it requires a definitive answer from the minister. Why is he amending this clause?

Amendment agreed to.

Postponed clause 16, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

CROWN LANDS AMENDMENT BILL
(Serial 123)

Continued from 10 June 1981.

Mr ROBERTSON (Leader of the House): Mr Speaker, I seek leave of the Assembly to have this bill struck from the notice paper.

Leave granted.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly at its rising do adjourn until 10 am on Tuesday 25 May 1982 or until such other time and date that may be advised by Mr Speaker pursuant to sessional order.

Mrs LAWRIE (Nightcliff): Mr Speaker, I ask the honourable Leader of the House why we are sitting until 10 o'clock tonight and adjourning until May after one day of this second week. Why is the Assembly not sitting in its normal manner for at least 2 days this week, maybe 3? Why was it necessary to continue the conduct of business to this late hour, without a break, so that we may adjourn tonight?

Mr ROBERTSON (Leader of the House): Mr Speaker, I think the honourable member's question is perfectly reasonable. It was not

my intention that we should sit anything like this length of time. I indicated to the Clerk and through him to all of the staff that they would not be required tomorrow and that is the reason we have had to continue. I suppose it was open to me to go back to the Clerk late this afternoon and require staff members to change any plans they may have made as a result of being told the sittings would not continue beyond today. If it has been inconvenient to members, as no doubt it has, I apologise for that. It was not my intention to sit to this late hour.

Mr BELL (MacDonnell): Very briefly, I would like to add my voice to that of the member for Nightcliff.

Mr ROBERTSON (Leader of the House): A point of order, Mr Speaker! I moved a motion and I have responded. I have closed the debate.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage of the Mining Bill 1982 (Serial 176) and the Territory Development Amendment Bill 1982 (Serial 196) through all stages at this sittings.

Ms D'ROZARIO (Sanderson): Mr Speaker, I have no objection to the passage of the Mining Bill through all stages tonight because the Minister for Mines and Energy informed members on this side of the Assembly that he was proposing to suspend Standing Orders in order to allow this bill to proceed. Furthermore, the nature of the Mining Bill is not such as would materially affect the principal act and it does not amount to a change in policy or anything of that nature. It is merely a bill to clarify a few small points in the principal act.

The Territory Development Act, however, is a completely different kettle of fish. This bill was introduced without notice by the Minister for Industrial Development at 2.35 pm today. No member of the opposition was given prior indication of any urgency attaching to this bill and no member of the opposition was consulted with respect to the minister's intention to pass this bill through all stages during this sittings. While the minister was introducing this bill, the Chief Minister had a word with me and he said that this matter had been raised with the Leader of the Opposition last week. I have asked the Leader of the Opposition for his recollection on this and it transpires that a draft copy of the bill - not the bill in its final form - was thrust through the window of his car in the main street of Katherine last Friday while the Leader of the Opposition was there for the opening of the civic centre.

Without wishing to pre-empt debate on this bill, it contains a major direction in the matter of NTDC funding and this is not merely a point of clarification. Whilst not opposing the passage of the Mining Bill, the opposition will oppose the passage of the Territory Development Amendment Bill.

2905.824—24

Mr B. COLLINS (Opposition Leader): Mr Speaker, in view of what the honourable member for Sanderson has said, I feel it is necessary for me to set the record straight. I confess that I was taken aback to hear the honourable Chief Minister state, by way of interjection, that he had discussed this bill with me prior to dropping it on us today. Later, that was firmed up when I found the Chief Minister had spoken to the honourable member for Sanderson and indicated that he had had discussions with me on this bill. I would like to put the record straight on this matter.

The circumstances surrounding my receipt of this bill were these. I was in Katherine for the opening of the fine civic centre that now exists there. At the function, the Chief Minister approached me and said he had something to give me. I was doing something else at the time so he said he would give it to me later. Mr Speaker, I had no idea what he wanted to give me. I did not know if it was a punch in the nose, a piece of good advice or the crown jewels. I sought the Chief Minister when I was free and discovered that he had gone to Norforce. I could not find him so I was in a quandary as to what the Chief Minister wanted me for. The following day I was driving down the street and was pulled up by one of the Chief Minister's staff members who stepped in front of my car and flagged me down. He put the bill through the window of the car and said: 'The Chief Minister told me to give you this'. I thanked him and away I went. There was no indication as to the purpose of the piece of paper, why it was being introduced or what the government intended to do with it.

We had some discussion about it afterwards and, at that stage, we assumed it was about Yulara. We now find that it appears to involve other matters as well. We had no idea as to whether the government was simply to introduce it without notice or what. It was a complete surprise to us. I assure the Chief Minister of this. He may well be genuinely mistaken about what was said to me. It was a complete surprise to us to find that the bill was to be passed through all stages at this sittings.

For that reason, Mr Speaker, I also oppose the motion to suspend Standing Orders.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I do not claim to have had a conversation with the Leader of the Opposition about this bill. I did attempt to approach him at Katherine. He was having his photograph taken at the time and I moved away. There was no other opportunity at the civic centre reception when I could speak to him privately. Therefore, I resolved to let him have a copy of the bill in the best way I could, with a message through one of my staff members. That staff member assures me that a message was in fact given to the Leader of the Opposition at the time the bill was handed to him. I understand his car radio was playing at the time but, even so, the Leader of the Opposition was told that the bill was to be introduced this week. Certainly he was not told, as I wished him to be, that the bill was to be introduced and passed this week.

All I can say is the bill relates to the Yulara development. It is an imposition that has been imposed in respect of the borrowing of a considerable sum of money that the Treasurer be empowered

to execute the guarantees. The government does not wish to hold up the commencement of the Yulara project for several months. This matter arose late last week. The first opportunity I had to see the bill was on Friday, and I attempted to convey it to the Leader of the Opposition within hours thereafter. As the Assembly was to sit this week, the opportunity was available to pass this legislation.

Ms D'ROZARIO: I call for a division.

Mr SPEAKER: I draw the attention of members of the opposition to the fact that a motion to suspend Standing Orders can be carried by an absolute majority.

Motion agreed to.

MINING ACT 1980 AMENDMENT BILL (Serial 176)

Continued from page 2078

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this particular bill. On behalf of the opposition, I extend thanks to the honourable Minister for Mines and Energy who made available an officer of his department last Tuesday morning to brief members of the opposition on the content of this bill.

The particular provisions of this bill do not in any way alter the main principles of the Mining Act. They are fairly minor amendments to clarify points in the principal act which were not clarified to the satisfaction of the Commonwealth government. There is a clarification of the meaning of 'the Commonwealth minister'. Clause 3 defines 'the Commonwealth minister' as being the person primarily responsible for the administration of the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth. Another point of interest is the fact that a definition of 'negotiations' under the Aboriginal Land Rights Act is also included in this bill.

The bill preserves the right of the Commonwealth to collect royalties in relation to the mining of uranium and preserves the rights of those mining lessees who obtained their tenements before 4 June 1976.

These matters merely clarify the principal act. They do not alter the thrust of that act and, for that reason, the opposition supports this bill.

Motion agreed to; bill read a second time.

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I move that the bill be read a third time forthwith.

Motion agreed to; bill read a third time.

ALTERATION OF ORDER OF BUSINESS

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Territory Development Amendment Bill (Serial 196) be now taken.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

TERRITORY DEVELOPMENT AMENDMENT BILL
(Serial 196)

Continued from page 2100.

Ms D'ROZARIO (Sanderson): Mr Speaker, we have not had much time to look at the intent of the bill. I asked the Minister for Industrial Development for a copy of the second-reading speech but it did not throw much light on the matter. I accept, however, that the intention of this bill is to facilitate the development of Yulara tourist development in Central Australia. I would be the first to concede that that development is an extremely important one and will have a very large part to play in the economy of the Territory in years to come.

However, it is not my opinion that matters of so complex a nature - as was conceded by the Minister for Industrial Development in his speech this morning - can be dealt with in the short period of time which has been allowed to members of the Assembly. The minister said that firms were displaying an interest in the Territory and were bringing with them a range of new and complex financing techniques. That is about the only thing in which the Minister for Industrial Development was correct: the matters which this bill takes up do in fact contain complex financing techniques.

Our objection to the passage of this bill, which was introduced without notice earlier this afternoon, is simply that the ramifications of this bill are not able to be assessed adequately in the time that members of the Assembly have had available to them today. By expressing that view, I do not mean to oppose the Yulara tourist development. I accept that there are difficulties with the giving of guarantees by the Treasurer for this development. I also accept that financing of projects of this magnitude and this scale of development do require more modern techniques.

Perhaps I can best explain the dilemma in which I find myself by traversing an example of the issues that could be raised by this bill and which are not adequately answered either by the bill or by the explanation given this morning by the Minister for Industrial Development. The example I would like to take is the one concerning the Hilton development in Alice Springs, a matter on which I asked a series of questions this morning in question time. As the

Minister for Industrial Development would know, I was merely seeking to obtain confirmation of certain details that have become known to me about the financing of this particular development. I make it clear that the details are subject to confirmation and may even be subject to change by the parties involved, but I will state what they are in any case. Again, I make no judgment about the proposed development of a Hilton hotel in Alice Springs. I merely raise this as an example to show the types of questions that could be raised and how they were not dealt with by the explanation given in the second reading by the minister this afternoon.

As I say, there is a proposal at the moment to construct a hotel which will eventually become part of the Hilton development in central Australia. The site which is currently proposed is one in the former golf course estate at Alice Springs and is very close to the casino. There is to be formed a new company called the Central Australian Development Company Pty Ltd. This company is to be formed out of existing firms in the engineering and architectural consulting fields and in the construction field.

The participating firms are to be Kinnaird and Company Pty Ltd which is the holding company Kinhill Pty Ltd which is a firm of consulting engineers based in South Australia. A further party to the formation of this new company is the firm of Neighbour and Lapsys Pty Ltd which is a firm of consulting architects in Adelaide South Australia. The third party to this new company is to be Sitzler Brothers Pty Ltd who are active in the construction area in Alice Springs. This company has been given quite a high degree of assistance from the Northern Territory government. Again, I stress that these are the facts as they are known at the moment. They are subject to confirmation and they may well be subject to change by the Northern Territory government or at the request of any of the partners.

However, the financial support being offered by the Northern Territory government basically involves the questions I put to the minister this morning. Firstly, it is proposed that the government will loan the purchase price of the proposed site, which is to be $480,000 interest free for 10 years. Secondly, a $1m loan is to be made available to Central Australian Development Company Pty Ltd in the first half of 1982. The loan is to be interest free for 5 years and it will be repaid at a rate to be established by negotiation but expected to be around 12% in the second 5-year period of the term of the loan. Thirdly, a further $1m loan of 10 years will be made during the 1982-83 financial year. This loan will also be interest free for the first 5 years and it will be repaid in the second 5-year period at similar terms to the first $1m loan. Finally, the Northern Territory government has proposed that it will guarantee the end investor against loss of its capital invested in this project. Those are generous terms indeed.

On the face of it, the Northern Territory Development Corporation exists by the Territory Development Act to encourage industry in the Northern Territory. Certainly, I do not want to give the impression either to the Chief Minister or to the Minister for Industrial Development that I am against the development of new techniques for financing these projects in the Northern Territory.

However, there are a few questions that might be asked not only by the taxpayers of the Territory but also by other firms in the business sector. I will traverse a few of these questions. The first one is that this type of support that is being offered is very much of a first-in-best-dressed basis; that is, those firms that can come up with the proposals will do so and the government may extend to them these generous forms of assistance without any forethought as to what is the overall structure of industry required in the Northern Territory.

The second question that occurs to me, and certainly it should occur to all members of this Assembly, is the extent of possible losses to the Northern Territory. Here we have interest-free loans and end-investor guarantees against capital investment in projects. The question surely to be asked is what is the potential loss to the Northern Territory. It appears that this project will cost in the vicinity of $28.5m. That is the amount that the company is proposing will be the cost of this project by 1984 when presumably the hotel will be in operation. I am not saying that the Northern Territory government may well be left with guaranteeing the investment of $28.5m. I am certainly not saying that because we do not know how this proposal will go. From all indications, it might well be very successful.

However, Mr Speaker, there is one factor of this financing arrangement which can be calculated: the interest receivable by the Territory which will be forgone as a result of loans on these terms. These terms may well change but, in answer to a question by me this morning, the Minister for Industrial Development said: 'We are not frightened to say that we would contemplate assistance of the magnitude that the member has discussed'.

Mr Speaker, supposing the government were prepared to advance assistance of the magnitude that I have discussed, one factor which I am able to calculate is the interest receivable forgone on the loans which are to be extended to this company. If I applied a rate of 14%, the interest receivable by the Territory which would be forgone as a result of those loans being on such generous terms would be in the vicinity of $3.8m. I would like to ask the Minister for Industrial Development what security the firm is giving. I raise this question because we are proposing by this bill to introduce a new section 19A which would give guarantees of the type that I have mentioned, which could well occur in the case of the development of the Hilton Hotel, with no requirement for the company itself to put up any security.

Mr Speaker, I hear a lot from members on the other side of the Assembly about the free enterprise system. This is not free enterprise to me. As far as I am concerned, this firm will be totally risk averse. This project may well be totally riskless to them because, not only are the loans interest free or at extremely concessional rates, but also their capital investment is to be guaranteed. If all sectors of industry and all sectors of business were offered these generous terms, perhaps we may see in the Northern Territory the development of such things as a manufacturing sector. It should not be up to me to inform the Minister for Industrial Development - presumably, he has some knowledge of the profile of industry in the Northern Territory -

that the Territory manufacturing sector is extremely embryonic. If the Northern Territory Development Corporation is in the business of assisting industry, it should get down to the business of deciding what type of industry the Territory should have. As it is, any firm that crops up with a proposal that the government or the Northern Territory Development Corporation considers is a good thing is given the nod without any reference to what the demands of other sectors of industry may be.

Mr Speaker, we should all be so lucky to obtain such generous concessions from the government. We have this firm entering into a development the risks of which will be borne, by and large, by the Territory. That is not to say by the Territory government but by the Territory people. We have the proponents of free enterprise on the other side of the Assembly saying that 'profit' is not a dirty word, and I would be one of the first to agree with that. I have nothing against profits, but I am also a believer in the proposition that those people that are reaping profits must also take the risks. In this case, we have companies which will be availing themselves of this new position getting guarantees from the government through the Northern Territory Development Corporation to reap profit but without risk. The Minister for Industrial Development may well tell me that the tourist industry will be very important and that it will have a wonderful multiplier effect which, in itself, will generate money and economic activity in the Territory. I accept that this type of tourist development will produce that effect. But that is an indirect effect and here we have a direct loss to the Territory people; it is simply in interest forgone at this stage. Of course, there will be indirect effects and multiplier effects and all sorts of boom activity occurring in the Territory economy, but there will also be direct costs incurred by Territory people which so far have not been addressed by the Minister for Industrial Development.

I draw members' attention to the differences between this particular section and section 19 of the principal act. As members may know, the Northern Territory Development Corporation is already empowered to make arrangements with firms for borrowing money through banks and other financial institutions. This power is contained in section 19 of the act. Not only may the Northern Territory Development Corporation make arrangements for loans to be advanced to companies but also it may guarantee loans upon the signature of the minister.

Mr Speaker, one can take no exception with the existing section 19 of the act because in it there is provided a safeguard for Territory people. I will outline the provisions of section 19. Subsection (1) deals with the power of the corporation to make arrangements for an advance to a person or body by a bank or other lending institution. That includes a term that the Territory guarantees the repayment of the loan together with the accrued interest. Subsection (2) says that no arrangements may be made under the preceding subsection unless the minister has approved the proposal prior to the arrangements. Those 2 subsections are parallel to the subsections in proposed section 19A. To that point, one can take no offence.

In section 19 of the principal act, subsection (3) provides that, where arrangements have been made under subsection (1), that is to say where arrangements have been made by the NTDC for a loan to a person by a bank and repayments are guaranteed by the NTDC, then this will not be done unless 2 things occur. The first is that the minister shall sign the instrument of guarantee - again a parallel provision to the one provided by this bill in proposed subsection 19A(2). The second thing that must happen is not available in proposed section 19A but is available in section 19 which, of course, will not apply to the type of project that I have just outlined. That provision, and I quote in full for the benefit of members, is contained in paragraph (b) of section 19(3). It states:

> *The corporation shall arrange for the provision by the borrower to the Territory of security of such a nature and on such terms as the corporation thinks fit securing the repayment to the Territory of all money that the Territory may be required to pay under the guarantee.*

Mr B. Collins: That sounds fair enough.

Ms D'ROZARIO: Mr Speaker, as the honourable Leader of the Opposition interjects, it sounds fair enough, and indeed it is. What we require by this section is that the firm which availed itself of the Northern Territory Development Corporation's guarantee must also put up security which will be sufficient to cover that guarantee. In this bill, we stop at subsection (2). We stop at saying that a guarantee or indemnity given under proposed subsection (1) - and I am now referring to the bill not the principal act - shall be signed by the Treasurer on behalf of the corporation. No one can argue with the fact that the Treasurer should be the signatory to the instrument. But I say that this proposed section should go further and provide that security be deposited which would cover the extent of the guarantee. I repeat my point, Mr Speaker, because it cannot be said strongly enough. The companies which will avail themselves of the provisions of clause 19A will bear no risks whatsoever, particularly in view of the fact that, in some cases, the government has indicated its support to the extent that I have outlined in the case of Hilton Hotels where, in fact, the loss of capital investment will also be guaranteed.

I say that an amendment to proposed section 19A would definitely be in order but, owing to the manner in which this bill has been produced in this Assembly and the fact that, since 2.35 pm, when it was introduced by the minister without any warning at all and the fact that we have all been here since then, I have not had the opportunity to prepare an amendment. Further, I would not be competent to prepare such an amendment without having looked at all the ramifications of this particular section. I am able only to address some of the ramifications of the bill which could occur by reference to an example of which I have knowledge. There could be any number of other situations which would be covered by this particular section of which I do not have knowledge and am unable to construct a scenario. The only ramifications that I can put into the context of this bill are by way of examples of which I have knowledge.

I would say that the passage of this bill tonight would be extremely detrimental to the good government and order of the Northern Territory. I accept the Chief Minister's statement that it is required for the financing and the giving of guarantees in relation to the Yulara tourist development. However, there are a number of other circumstances and a number of other proposals which could also come within the purview of this particular section of which the Minister for Industrial Development has no knowledge. In his second-reading speech, he did not give any indication of the full extent of the effects of this bill. For that reason, I am persuaded to move an amendment to this particular motion.

Mr Speaker, I move that all words after 'that' be deleted and the following words be inserted in their place: 'this Assembly declines to give the bill a second reading until adequate time has been allowed for consideration of the effects of this major alteration to financing arrangements of the Northern Territory Development Corporation'.

I move this amendment to the second reading for the reasons I have outlined. I urge all members of the Assembly to support my amendment. If the Yulara development were to be held up because passage of this bill could not proceed tonight, I would respectfully suggest to the Leader of the House and to the Minister for Industrial Development that it is within the power of this Assembly to reconvene at a suitable time some time in the future when all members have had an opportunity to look at the content of this bill and have obtained some advice on its implications. The Minister for Industrial Development himself conceded that these can be very complex financing matters. I would say that there are very few members of this Assembly who have any expertise in dealing with complex financing matters. Most members of this Assembly would be in need of some expert assistance in determining their attitude to this particular bill. It is to be hoped that members do not follow blindly on what the Chief Minister has said or what the Minister for Industrial Development has said in his second-reading speech. I cannot state too strongly that this particular bill has implications far beyond those indicated to us by the Minister for Industrial Development. His own speech gave very little assistance to members who will diligently try to apply themselves to the content of this bill.

The final point I wish to make is that there could be quite severe losses to Territory people incurred by the provisions of this particular section.

Mr EVERINGHAM (Chief Minister): Mr Speaker, the member for Sanderson has said that this amendment contains matters of so complex a nature that they are not foreseeable. I do not think we can foresee the applications that the Northern Territory Development Corporation will receive tomorrow and, in that sense, what may happen as a result of the passage of this amendment to the Territory Development Act is not foreseeable. However, let us examine the wording of the substantive amendment: '19A(1) The corporation may, with the approval of the Treasurer, guarantee the repayment of a loan' - are there any of these words we cannot understand? - 'or give an indemnity relating to an actual or potential liability ...' - Mr Speaker, is there anything that I have read out so far that any member could claim not to understand? - '... arising out of a

financing arrangement ...' - and here I come to a point where the member for Sanderson misrepresented the position - '... on such terms and conditions as the Treasurer thinks fit, in relation to an activity designed to assist or promote the development of industry in the Territory'. What is complex about that proposed amendment? What is complex is the mishmash of accusations, half-truths and false assertions that the member for Sanderson has come out with in relation to the Hilton hotel project in Alice Springs, which has nothing at all to do with this particular amendment. The Hilton hotel project is a matter under consideration by government. I know for a fact that no government decision has been taken in relation to the Hilton hotel project and that it is still under evaluation by professionals.

We were told by the member for Sanderson that the government has agreed to give half a million here, a million there and a million elsewhere. The government has not agreed to give a cent. The member for Sanderson said that. She asserted these things as matters of positive fact and I give her the lie. But were it true, I would not be ashamed of it because the member for Sanderson said that the Northern Territory Development Corporation makes these decisions without any forethought as to the structure of industry. Ever since the day we attained government, we have sought to promote the tourist industry in the Northern Territory and have said that, as part of that policy, we are attempting to attract hotels and other tourist infrastructure to establish in the Territory. The honourable member for Sanderson makes it sound as though we are giving a fat gift to the Hilton International Hotel chain. As with most of these projects what will happen is that someone will build this hotel for a price; he will find an end owner to buy it from him and Hilton - if Hilton is successful or interested - will be the operator of the hotel.

Ms D'Rozario: We know that.

Mr EVERINGHAM: Mr Speaker, why hasn't it been said? It was known, but it was deliberately withheld as part of the calculated attempt at misrepresentation to try to destroy a project that will create employment on a massive scale in Alice Springs. I state unashamedly that I want to attract the Hilton hotel chain to Alice Springs and to Darwin if I can, and so does this government. If we get a name hotel like Hilton into Alice Springs or Darwin, the others will have to follow. It would only be a matter of time. If Hilton, Sheraton or Hyatt set up in one of the Territory centres, the other hotels, with their international links, would have to follow. It is worth paying money, Mr Speaker, to obtain that. This hotel project is to contain 250 rooms. Imagine the employment. It will accommodate in excess of 250 people. Imagine the payroll tax that the government will reap. Imagine all the benefits to the suppliers in Alice Springs. Imagine all of that. Every project handled by the development corporation is weighed on its merits. When matters involving loans in excess of $100,000 come into play, then the matter has to be referred to the minister. In cases such as these, the minister will refer them to Cabinet for final approval.

Mr Speaker, I unequivocally assure you and all members of this Assembly that this government is interested in creating industry and

jobs, not destroying, not tearing down, not pulling everything to pieces, not denying employment to people in this Territory. We will continue to entertain applications of this nature and, where we can, we will give them support. There is nothing sinister about this piece of legislation at all. The honourable member for Sanderson said this legislation was introduced without any warning at all. We have at least heard the Leader of the Opposition admit that he was given a copy of the bill on Friday in Katherine. We have heard talk about $3.5m that is to be loaned on what we are told are generous terms to whoever these people are who are putting forward a proposal. Imagine the total cost of a 250-room hotel. It will be something in the order of $25m. I think I may have even heard the honourable member say $28.5m. Imagine what that will do for the construction industry in central Australia.

Many governments around the world have guaranteed the cost of construction of hotels. The former Leader of the Opposition advocated that the Territory government build a chain of hotels itself. Would the opposition prefer that we actually directly allocated taxpayers' money to the funding of a chain of hotels when it says that there is insufficient money for education and health? What are we to believe from these people? The position is that this legislation is not in any way sinister. It is plain, it is straightforward and I urge all members to support its passage.

In relation to the tourist industry generally, I am disappointed. I am disgusted that we have seen here tonight a scurrilous attempt to torpedo what appears to be a very worthwhile project being formulated which is of vital importance to the future of Alice Springs and in fact will complement the Yulara Tourist Village. What are we to do with the jumbos of people that we want to come to this place if we do not have 250-room hotels? That hotel project is critical to the future of Alice Springs and we are witnessing tonight a cheap attempt to torpedo it for nothing but short-term political mileage.

Mrs LAWRIE (Nightcliff): Mr Speaker, that was another disgraceful performance by the Chief Minister. One can always tell when the Chief Minister is tired and rattled because he resorts to personal assaults on other members' integrity and in fact puts words into their mouths which they did not in fact utter. We saw it the other night.

Mr SPEAKER: Will the honourable member speak to the bill?

Mrs LAWRIE: I am certainly speaking to the bill, Mr Speaker, and I am speaking to the amendment at the same time. I believe it is a reasonable amendment ...

Mr Robertson: You would!

Mrs LAWRIE: I would remind the Leader of the House that he is not to interject when he is walking around the Chamber. If he wants to interject, he had better sit down and do it.

The amendment is that the Assembly declines to give the bill a second reading until adequate time has been allowed for consideration of the effects of this major alteration to financing arrangements.

This bill was introduced at approximately 2.35 this afternoon. We have sat constantly since. We have not had the opportunity to approach any draftsman with regard to other amendments to the legislation because we have been considering other complex legislation and could not leave our seats. Some mention has been made about a bill being thrust through the window of the Leader of the Opposition's car in Katherine and this apparently is to be now taken as an indicator of the legislative program for the following week. I express my utter and complete disgust at what I must say is a rather novel procedure. That is no way to treat the people of the Northern Territory whose representatives we are. The attack launched on the member for Sanderson by the Chief Minister tonight also shows scant regard for the people of the Territory and their legitimate concerns not only at the substance of legislation but the way in which it is introduced, the time given for its consideration and the time given to consult with outside experts on the full ramifications of the legislation under discussion.

The Chief Minister attempted this evening to state that the member for Sanderson, in discussion about a proposed development at Alice Springs by the Hilton hotel chain, had stated certain matters as matters of fact. That was from a trained lawyer. The member for Sanderson took pains to say at about 90-second intervals, if not less: 'These proposals may well indeed change. I understand that there may be alterations to these proposals'. She said that or words to that effect. She was fairly clear and concise. However, the Chief Minister, in answering her, chose to ignore those remarks and said that she had introduced proposals as a matter of fact. Quite obviously, the government is embarrassed that the people of the Northern Territory are getting an indication of some of the proposals which are likely to be coming forward. That is the problem.

The one question that the Chief Minister did not answer and which I hope the sponsor of the bill or the Treasurer will reply to was why, in the proposed new section 19A, inclusion is not made of the section relating to section 19 of the principal act which details that the corporation shall arrange for the provision by the borrower to the Territory of security of such a nature and on such terms as the corporation thinks fit, securing the repayment to the Territory of all money that the Territory may be required to pay under the guarantee. One would have thought that should have been included in proposed new section 19A. It should be 19A(3) but no such guarantee to the people of the Territory is in evidence. There is no need to labour the provisions of this bill at 10.55 pm but I ask specifically that the Treasurer or the minister indicate why that security clause does not appear in 19A.

Mr PERRON (Treasurer): Mr Speaker, to briefly touch upon the point that the member for Nightcliff made, the debate from the other side seems to be trying to extend the subject of the bill. The point the government is trying to make is that members should consider quite a clear, simple amendment to the act. It is an addition to existing provisions of the act; it will not repeal or replace any provisions of the act. Those provisions will continue to apply and will indeed cover the vast majority of assistance provided by the NTDC in the future. This particular section has been introduced because the government feels there is a need to go beyond the provisions of the existing act. The Assembly is being asked to approve

a provision whereby proposals that are put forward to be considered under this provision will be at the clear discretion of the Treasurer and Cabinet. We are asking exactly for what it says: 'on such terms and conditions as the Treasurer things fit'.

Mrs Lawrie: No security.

Mr PERRON: Why no security?

Mrs Lawrie: It is not there.

Mr PERRON: It does not say you need security; it does not say you do not need security.

Mrs Lawrie: Have a look at the other act.

Mr SPEAKER: Order, order!

Mr PERRON: Mr Speaker, if we had wanted to constrain the operation of this particular clause, we could have done so with as many constraints as we wanted to. We could have included a security provision, stated a percentage or stated whether there should be loans, grants or deferred interest payments.

The methods of assistance to industrial projects are almost unlimited. They increase as the financial system of the country changes, as proposals change and as taxation systems change. The types of incentives to attract industry also change; for example, a proposal may look more attractive if you assist with the provision of land as distinct from the provision of funds. There is an infinite variety of the types of assistance which can be offered. At present, there are restrictions under the act and that is why this proposal is being put forward. The Treasurer, as a minister of the government, will be as responsible about this matter and responsive to the Territory community as ministers are in any government.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I rise to support the amendment moved by the member for Sanderson. I think the crucial words in it, as indeed they are in 19A(1) of the bill, are 'financing arrangements'. The Treasurer would suggest to this Assembly that members should look at the words but not consider the implications that they have for the taxpayers of the Territory or to the financial cost or reward that might result from the financing arrangements referred to in the bill. Clearly, members would be derelict in their duties if they did not consider the financing arrangements referred to in the bill and also their implications for the people of the Northern Territory. It is perfectly clear that members do not have sufficient information available on these admittedly new and constantly altering financial arrangements that might be entered into to make a proper judgment on the possible risks or rewards involved for the people of the Territory. Therefore, it is most important that the amendment be supported because it will give members the time they need to look at the implications of this bill for the people of the Northern Territory.

Mr Speaker, as pointed out, another remarkable thing about the bill is that there is no question of security. I plead with the

government to answer why is it now thought fit, after we agreed in the past to make specific reference to the needs for security in section 19 of the act relating to guarantee of loans, not to make specific reference to security in this new clause 19A. It seems to me that that minimum security should be included in order to protect the interests of Northern Territory citizens whose money is involved. Let us not forget that, Mr Speaker. It is not the Treasurer's money or the Minister for Industrial Development's money; it is the people of the Northern Territory's money that we are putting at risk. Maybe the reward will be significant. Certainly, the reward for some developers in Alice Springs will be significant.

Listening to the clearly outlined proposal that the member for Sanderson put this evening, I could only recall the famous words of a former well-known member of the federal parliament, Mr Clyde Cameron, who referred to people who capitalise their gains and socialise their losses. That was precisely the sort of deal that was being outlined as a proposal to be considered. I congratulate the member for getting her words and her syntax so correct at this late hour of the night. I cannot achieve the same. There is no doubt that, if the bill is to introduce those sort of arrangements, those developers will take little or no risk but the people of the Northern Territory will take the risk but not receive the profit. I say to the Chief Minister in regard to the chain of hotels which he mentioned: 'Maybe we should do it because, if we take the risk with the people of the Northern Territory's money, we will reap the profit'. If you are not prepared to take the risk, you should not be receiving the profit.

It seems to me that the members of the government have not explained why there is no reference to obtaining security for the money of the people of the Northern Territory that may be made available by the provisions of clause 19A. That is absolutely essential; it is a standard commercial requirement. If you give guarantees or guarantee repayments, you demand security and that should be included in the bill. Certainly, there is no way that most of us not having in-depth knowledge of the complex financial arrangements that might be entered into, can make a sound judgment on the implications of this bill.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I would like to respond to some of the comments that were made by the Chief Minister. The Chief Minister went through this bill and explained to us how easy it was to read and to understand. No member on this side of the Assembly has had any difficulty in reading it nor did we suggest there was anything complicated about the language or the legal implications. As the member for Sanderson so clearly pointed out, it is the financial implications that are complicated.

The Chief Minister spoke again and stated again that we did not have any reason to criticise the government about not being told in advance that this legislation was before the Assembly. This has to be brought out in this debate because it is absolutely crucial to our position on this matter. I must say that, not only did the Chief Minister's explanation do his government no credit, it was straight out of Gilbert and Sullivan. I would suggest that in all seriousness. What does not seem to have been touched on by the

Chief Minister or by anyone else - perhaps the sponsor of the bill will give us his explanation - is that the fact that the government would indemnify the Yulara project has been around the traps for a long time.

I was in Alice Springs at least 2 months ago in the offices of the Centralian Advocate. In fact, I was sitting at one of the video consoles that translate press items from south to the pages of the Centralian Advocate. Lo and behold, what was on the screen on that particular day but the news that the Northern Territory Development Corporation would indemnify and underwrite the loan for the Yulara development. That was a long time ago. I am suggesting that, if the Chief Minister wants to observe the forms of parliament and give this Assembly the opportunity it needs to look at material that he is putting in front of us, he had better organise the business of his government a little bit better. We have had a whole ream of bills introduced without notice and suspensions of Standing Orders today.

The honourable Chief Minister knows full well he had all day on Monday, even though he received the bill on Friday, to give us a reasonable explanation of it. On Monday, I was a little distracted because I spent the whole day and until one o'clock Tuesday morning working on the Evidence Amendment Bill that was put through under a suspension of Standing Orders. Our time was fully occupied. The Chief Minister's explanation as to how this bill came before us does his government no credit. The bill may only apply to Yulara at this moment and that may well be the reason why it is going through the Assembly under a suspension of Standing Orders now but it clearly applies to the development outlined by the honourable member for Sanderson. The fact that the government was going to underwrite the Yulara loan was common knowledge for months.

The Chief Minister himself said that this will involve millions of dollars of public money. This legislation gives the NTDC the power to do something it could not do before: to underwrite without security. The minister has now been given the discretion to waive that security which is written into the principal act. The requirement in the legislation that loans have to be secured is an indication to any one who reads that legislation that common commercial practice will apply and any public moneys laid out by the NTDC will be covered by guarantees and securities. It is there for a sensible reason and the Treasurer knows it. He now has the discretion to forget about security.

We are talking about millions of dollars, as the member for Sanderson pointed out and the Chief Minister and the Minister for Industrial Development confirmed. It is a simple piece of paper but the financial implications are complicated and do need to be studied with more care. I would suggest that it is no way for a responsible government to run its business to shove a piece of paper through somebody's window in Katherine. The person concerned happened to be the Leader of the Opposition who was unfortunate enough, according to the Chief Minister, to have his car radio on which obscured the words while he was driving at 5 miles an hour along the street. Some very interesting material went into the public record today.

The fact is that the government intended to indemnify those Yulara loans months ago. I read it in the paper in Alice Springs months ago. If it is telling me that last Friday was the first opportunity it had to place what is, in drafting terms, a very simple piece before this Assembly, then it had better sharpen up its act a little. It has certainly demonstrated today that its act needs sharpening up to some considerable degree. I certainly hope that the honourable minister who has carriage of the bill does a better job of explaining why it is in the Assembly than he did a short time ago explaining why he was moving an amendment.

Mr Speaker, the Chief Minister has taken the predictable line on this bill, the one he said he would take. He has shown the good old Everingham muckraking style again which we have not seen for some time in the Assembly. I would suggest for the edification of the Chief Minister that, in consideration of his performance tonight in 2 matters, he should have a look at the editorial in today's Northern Territory News. It is very topical indeed on the question of the Chief Minister and how he operates.

I would like to hear the honourable member for Port Darwin speak on this legislation. I do not know the financial involvement of many of the other members but the honourable member for Port Darwin is a prominent Darwin developer. Everyone knows the Star Village; I wish him well. I would like to hear the honourable member for Port Darwin give his views about how he would like to borrow a million dollars at no interest for 5 years because I bet he is up to his ears in interest payments on that Star Village development. He is nodding his head. I would like to hear from him and other entrepreneurs in the Northern Territory about what they think of this degree of public money being lashed about with no interest and no security. I would like to ask the operators of the Angliss Meatworks at Berrimah who told me how interested they would be in low-interest loans - not no-interest loans but something like 5% or 6% - in order to turn that abattoir into an export abattoir again. That is what they want to do in response to the initiatives of the Chief Minister and myself in regard to beef production in the Northern Territory. They will be very interested. In fact, I will send them a copy of the debate as soon as I can so that they can line up for some of this money.

I would advise the Chief Minister that we are perfectly aware of how the Hilton hotel chain operates. There are many Territorians who have been round the traps for years trying to make a go of it who will be more than interested in this legislation. We have not been given enough time to consider it. The Chief Minister's explanation as to how we got it is laughable and does neither him nor his government any credit. The reason that he has given - the Yulara village - for introducing it has been around for months, yet he is telling me that the first chance he has had to do it was last Friday. What nonsense!

Here we are debating this matter at 15 minutes past 11 at night on the first sitting day of what should have been a 3-day week. I stated my position on sitting days and it has been mentioned by the Chief Minister. I have stated that it is nonsense to suggest that we should extend our sitting days from the miserable 24 days a year

that we now sit if there is no business before this Assembly. I would suggest to you, Mr Speaker, that it is a disgraceful performance by the government, when there is serious business before the Assembly and we have ploughed through a fair amount of it today under suspensions of Standing Orders, that we should be finishing this sittings on Tuesday with 2 more full days allocated out of that miserable 24 days a year. There is plenty of business to discuss and it should not need to be discussed at 15 minutes past 11 at night after we started at 10 o'clock in the morning.

I say to the Chief Minister that he should have a look at why we are opposing this legislation. As the honourable member for Sanderson and others have said, we are not opposed to it because we are opposed to development. That is the usual kind of knee-jerk reaction we get. We expected it and we got it. It is not the case at all. We are interested, as the Chief Minister knows, in promoting public investment in private enterprise. We have said it before. We have supported his ADMA scheme. I will support him if he likes to have a look at giving some money to the meatworks. Let us have a look at getting Angliss functioning as an export operation. I would love to see that happen. I remember it in its heyday in Darwin. I would love to see that meatworks operating again. There are all kinds of operations in the Northern Territory we would like to see receive this kind of assistance. No one on the opposition benches is objecting to the principle of public finance for this kind of enterprise.

We are objecting to the shoddy way in which this has been presented to us, the lack of time given to us for consideration, the nonsensical explanation by the Chief Minister as to why it was not ready by Friday and the way we got hold of it. I support the honourable member for Sanderson's motion and I seek the support of other honourable members for it.

Mr STEELE (Industrial Development): Mr Speaker, I propose to talk to the bill rather than deal with the lending or guarantee policies of the NTDC in respect of the Hilton hotel.

I think it is quite reasonable to ask about security. It is reasonable when you go back in history and consider the Labor Party's attitude to the government's intention to ask Northern Airlines for a back-to-back guarantee. It should be remembered that this government has been very careful with public money over a long period of time. In fact, one of the raging debates in this Assembly involved a limit we placed on a certain financial investment in this city which blossomed into one of the best industrial developments in the Northern Territory. We placed a limit on our involvement in that project and now it is one of the best.

Mr Speaker, if a guarantee is required under any arrangement that the government has with the private sector, that guarantee can be written in. Of course, we do take guarantees. We have done so and I guess we will continue to do so. We do not know all the details of the proposals that are likely to come forward, but I would expect that we shall operate in the future exactly as we have done in the past. The Labor Party's attitude in saying that the security question is not covered at all is a bit unusual. It has been covered in the past and we will cover it in the future. I commend the legislation.

2905.824—25

The Assembly divided:

Ayes 8	Noes 11
Mr Bell	Mr D.W. Collins
Mr B. Collins	Mr Dondas
Mr Doolan	Mr Everingham
Ms D'Rozario	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mr Leo	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Smith	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Mr SPEAKER: The question is the bill be now read a second time.

The Assembly divided:

Ayes 11	Noes 8
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Mr Doolan
Mr Harris	Ms D'Rozario
Mr MacFarlane	Mrs Lawrie
Mrs Padgham-Purich	Mr Leo
Mr Perron	Mrs O'Neil
Mr Robertson	Mr Smith
Mr Steele	
Mr Tuxworth	
Mr Vale	

Motion agreed to; bill read a second time.

Mr STEELE (Industrial Development)(by leave): Mr Speaker, I move that the bill be read a third time forthwith.

Mr B. COLLINS (Leader of the Opposition): Mr Speaker, the passage of this bill through the Assembly has been a disgraceful end to a fairly disgraceful day. I want to place on record that I consider the contribution that the sponsor made to the debate on the bill we are voting on now was pathetic. The Chief Minister tried to canvass some of the issues raised during the second-reading speeches. To listen to the sponsor of the bill deliver what was probably a minute-and-a-half, at the outside, contribution before he sat down was a disgrace. This Assembly deserves to be better treated by a minister of the Crown.

Some time ago, on the occasion of the increase in parliamentary salaries in this House, in supporting the increase, I said that one of the advantages that the increase would have is that it would provide the parliamentarians with an accountable salary. I said that we were certainly well paid and that the public deserves to see

that it is getting value for its money. I believe the passage of this bill and the performance of the sponsor has indicated that, certainly in some directions, the Northern Territory public is not getting value for its money from the Northern Territory government.

In conclusion, I would like to say at 11.30 pm on the first night of this week's sittings when we are adjourning, that I would like to see at the next sittings of the Legislative Assembly the government pay a little more attention to the business of this Assembly.

Motion agreed to; bill read a third time.

ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

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