NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Wednesday 17 November 1976
Thursday 18 November 1976

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NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

First Assembly

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PART I

THE DEBATES

Wednesday 17 November 1976

Mr Speaker MacFarlane took the Chair at 10 am.

SELECT COMMITTEE TO EXAMINE REGIONAL COUNCILS FOR SOCIAL DEVELOPMENT

Mr WITHNALL: I present the second interim report of the select committee to examine the Regional Councils for Social Development.

I move that the committee be granted further time to pursue its inquiry and that it report to the Assembly on the first sitting day in 1977.

Motion agreed to.

COUNTER DISASTER BILL

(Serial 152)

Bill presented and read a first time.

Miss ANDREW: I move that the bill be now read a second time.

I would like to point out that this bill is the result of long months of discussion and preparation by the Executive who have been concerned since the cyclone with the urgent need for pre-disaster legislation so that actions will not have to be retrospectively legislated for as happened on 2 January 1975. There is little need to remind you, especially in light of recent events, that the Northern Territory is located in an area which is prone to be affected by natural disasters, in particular cyclones, and the problems which result from them. This bill sets out to remedy shortcomings in the existing arrangements, to enable the counter disaster measures to operate more effectively, to make provision for the granting of powers to enable the counter disaster measures to operate more effectively and to make provision for the granting of powers to enable certain actions to be taken following a disaster. Following World War II, it was realised in Australia that it was necessary to consider forms of organisations necessary for the protection of civilian population in the event of nuclear war. Civil defence became an important issue and the federal and state governments began the development of civil defence organisations. In the early days of civil defence in the Northern Territory, responsibility for matters relating to civil defence was carried out in a part-time capacity by officers of the then Northern Territory Administration. In the early 1960s, a full-time officer was appointed as Controller of Civil Defence, but it soon became apparent that there was a need for similar organisations in relation to natural disasters and major emergencies. In 1965, the officer became known as the Controller of Civil Defence and Emergency Services in the Northern Territory. It was also realised that there was a need for legislation to cover such activities and the Administrator of the day requested that steps be taken to investigate the requirement for such legislation.

At this time, throughout Australia, there was a shift of emphasis in the approach to community counter-disaster preparedness. While previously it had been felt that communities which had been trained to meet the possible threat of nuclear warfare could also look after themselves in times of natural and technological disaster, this position is now reversed. Current thinking is that each community, no matter how large it is or how small, should prepare itself to meet day-to-day emergencies that might arise and should do so by developing a strong and highly trained organisation which, should the need ever arise, could be rapidly built upon to meet the type of threat that nuclear war could pose. In 1973, the Minister for the Northern Territory gave approval for the drafting of a bill for civil defence which would give authority to organise and coordinate the planning by various departments, instrumentalities and voluntary organisations which would be involved in any disaster relief and allow persons engaged in disaster relief to undertake actions which, under normal conditions, could make them liable to prosecution. In 1974, an officer of the National Disaster Organisation produced the Ashmore Report which was intended as the basis for a further development of the Emergency Services Organisation in the Northern Territory. Unfortunat-

ely, Cyclone Tracy intervened before either legislation or the recommendations resulting from the Ashmore Report could be implemented. I am sure that many members have had their memories refreshed recently on what happened over the period of Cyclone Tracy.

Since early 1975, there have been considerable advances in the programs relating to emergency services. A Northern Territory Disaster Council has been established by the Administrator and the position of Chief Co-ordinator of Counter Disaster Activities created. The emergency service section of the Department of the Northern Territory has been strengthened and further organisational proposals are under consideration. Current disaster plans have been prepared for most communities in the Territory, particularly those in cyclone areas, and exercises to test aspects of the plans have been conducted. Training programs have also been introduced. As well as attending local training programs, more than 60 people from the Territory have attended the Natural Disaster Organisation college at Mount Macedon in Victoria for training and seminars in various aspects connected with civil defence and emergency services. Local volunteer groups have been established in a number of communities and supplied with equipment to operate a local emergency service. The service group provided considerable assistance in such emergencies as the Daly River flood, stranded travellers on the Stuart Highway during flood periods and emergencies connected with the arrival of the Timorese evacuees in Darwin.

It is necessary for legislation not only to formalise matters relating to the existing - and I stress "existing" - organisational arrangements, but also to help overcome certain deficiencies of definition that exist at present. One of the major disputes during Cyclone Tracy was the question of control exercised during the state of emergency: did control lie with the Northern Territory or the Commonwealth? This bill clearly defines the control vested in the Northern Territory so that there will not be a repetition of the post-Tracy situation. This bill does not exclude the Commonwealth from offering assistance through the National Disaster Organisation and a liaison officer should that be necessary. It also allows for the participation of local-based sections of Commonwealth departments by representation on the Disaster Council.

In preparing the bill, proper regard has been given to protecting the rights of individuals and only those special powers considered absolutely essential have been included. The powers in clause 23 have been shown to be essential by experience of a disaster situation. We have lived through one and we learnt by it and I think that the Northern Territory has certain advantages over other states by having had this experience. Proper compensation provisions have been included to protect any person suffering injury or damage as a result of the exercise of these powers.

The bill consists of 4 main sections. Part II, clause 6, relates to the establishment of the Northern Territory Counter Disaster Council to replace the existing Northern Territory Disaster Council which was formed following Tracy but which has no statutory authority. This council will be responsible for determining guidelines for counter disaster planning in the Territory, the approval of counter disaster plans and, in the event of a disaster, advising the Minister of the Territory's needs to combat the effect of any such disaster. I would like to point out that the Northern Territory Counter Disaster Council is given power to co-opt and it is important to recognise that the mayor or head of the local government body within the area affected is also entitled to representation.

In Part III, a Territory Co-ordinator, who shall be the Commissioner of Police, to co-ordinate counter disaster activities during the state of disaster, has been provided for. It has been decided, as a result of considerable experience, that it is better to concentrate the powers in one man rather than a committee. This co-ordinator is subject to the direction of the council's guidelines; he can only act within those guidelines.

Parts IV and V allow for the development of the Northern Territory Emergency Service and the appointment of a director. The director is to be responsible for advising communities and groups on counter disaster planning, ensuring that counter disaster plans are prepared for the various communities and that they are presented to the council for approval. He will also be responsible for developing counter disaster training and facilities and for the consideration of community support generally in relation to counter disaster planning. It is proposed to divide the Territory into regions for the purposes of counter disaster planning and the appointment of regional co-ordinators and, where necessary, local co-ordinators. These co-ordinators will be responsible for the co-ordination of the operations within their locality during an emergency or disaster.

Part VI is headed "State of Disaster". This part provides authority for the Administrator in Council to declare a state of disaster. The declaration is a political one and the people making that declaration must be responsible to the people. Initially, this state of disaster can be declared for 7 days. This can be renewed, but not more than for 14 days at a time so that we have a constant review of the situation as it progresses and not, as in the case of Tracy, 3 months at a time. This part also details the responsibility of various officers and organisations during such a disaster. Further, it makes provision for special powers to be provided for counter disaster activities during a disaster. You will appreciate that much of the above organisation already exists. However, it is necessary to provide legislation to formalise certain existing arrangements, eliminate some deficiencies that at present exist and, primarily, to ensure that planning is carried out to ensure that, in the event of any future major disaster, there is an organisation in existence which is able to take appropriate steps to minimise such a disaster. It is important to realise when discussing disasters that the most important factor involved is the people.

I would ask members to circulate and discuss this bill as widely as possible before the next sittings. I would ask them to come and discuss the matter with me if any clarification is necessary. I hope there will be certain amendments to clarify the actual bill. I commend the bill.

Debate adjourned.

MAGISTRATES BILL

(Serial 153)

Bill presented and read a first time.

Miss ANDREW: I move that the bill be now read a second time

The office of magistrate is at present created under Part II of the Justices Ordinance. Although that part does not require magistrates to be members of the Australian Public Service, they are presently appointed within that service and come under the Attorney-General's Department subject to public service rights. They hold their statutory office at the Governor-General's pleasure. The amendments proposed in this bill have 2 objectives. Firstly, it will make it clear that magistrates are to be appointed and are to hold office independently of the public service, except for the purposes of preserving the rights and entitlements of the existing magistrates. Secondly, it will create a satisfactory basis for the appointment of magistrates, giving them a degree of independence and a security of tenure they do not presently enjoy.

Members will be aware that the previous Labor Government proposed to enact a Magistrates (Territories) Act which would have established a single magisterial service for all Territory magistrates. I am pleased to announce that, after discussions with the current Attorney-General, he has decided not to adopt this approach but instead left it to the 2 main territories to enact their own law on the topic. It is appropriate that this Assembly should be given the opportunity to legislate in this area as it is hoped at some future time the Territory court structure will be one of the matters to be

transferred to local executive control. At the same time, it gives it the opportunity of legislatively expressing its support for the principle of judicial independence.

The bill before members is the result of lengthy discussions with the Attorney-General. There may be certain aspects of the bill which members may wish to query and I will be pleased to discuss any such aspects with any member and to consider any reasonable suggestions. It is my intention to seek urgent passage for this bill at this sitting. The need for urgency arises out of the recent decision of the Supreme Court of South Australia in Singleton versus Christian Ivanoff Pty Ltd. The problem in that case arose out of the creation of the Department of Legal Services. With the creation of this department, magistrates and crown counsel were brought under one department within the South Australian Public Service. The full court held that the magistrate was disqualified from hearing and determining a matter in which crown counsel appeared for the state government on the basis that there was a possibility of bias. Whilst it is not admitted that the same principle of law necessarily applies in the Northern Territory, it is possible that at some future time some reliance may be placed on the South Australian decision in a Territory court. To avoid the possibility of a decision of the Territory court being held invalid, it is thought desirable that the magistrates should be taken out of the public service at the earliest time. The effect of this bill will be that all existing appointments of magistrates will fall vacant and new appointments will have to be made to the new statutory offices. The bill contains provisions that are sufficiently comprehensive to cover all aspects relating to the employment of magistrates thereby rendering it unnecessary to utilise public service legislation for this purpose.

Members will note that an office of chief magistrate and 6 offices of stipendiary magistrate are proposed in the bill. It is proposed to take action under the Officers' Rights Declaration Act so that existing magistrates who are appointed to these new offices will carry forward all their existing public service rights and entitlements. The number of magisterial offices proposed permits the appointment of an additional magistrate at some future time. Before any appointments are made, the Administrator in Council will first have to be consulted. Provision has also been inserted for the removal of magistrates from office upon a resolution from the Legislative Assembly on the grounds of proven misbehaviour or incapacity. Any suspension of a magistrate will have to be confirmed by the Legislative Assembly, otherwise the suspension must be cancelled.

I foreshadow that I will move amendments to correct a number of minor errors in the bill. These are mainly technical but would include an amendment to section 4A of the Justices Ordinance to make it clear that, where there is a reference to a special magistrate in any law, it only includes a reference to a stipendiary or chief magistrate unless the contrary intention appears. I commend the bill.

Debate adjourned.

STATEMENT - ELECTRICITY DISTRIBUTION

Continued from 13 October 1976.

Mr DONDAS: The Executive Member's statement regarding electricity distribution in the Northern Territory is to be commended. He has indicated that his remarks on this topic were intended to stimulate public interest and discussion on whether our community requires the undergrounding of electricity and, if so, whether we are prepared to pay for it. Many people are aware of the advantages but are sceptical because of the frequent breakdowns in supply that have occurred for one reason or another. Why spend money on undergrounding when it could be put to a better use in purchasing new equipment? What guarantees are there for a better service if we go underground? These are some of the questions asked.

The advantages of underground electricity in our climate are to be seriously considered, especially during the wet season when lightning and cyclonic winds affect and interrupt our

power supply. Another advantage is that the skyline would not be cluttered up with steel poles. Apart from nature strip lighting, suburban streets would look more homely and graceful. In the event of another disaster, power could be restored much more quickly.

The disadvantages of underground electricity, and I speak of the Darwin area, must be considered. Firstly, it would take a number of years for this area to be serviced in this manner. Secondly, would the consumer in one suburb be expected to pay additional fees for undergrounding in another suburb, because it could take several years for the authorities to reach his particular street and block? Would he have to pay additional fees whilst waiting? Thirdly, how could we expect the residents of Humpty Doo or any other outskirt areas of the new electricity supply to pay for the cost of underground reticulation of the feeder to their area? Fourthly, do we have the trained maintenance personnel for underground services? Finally, what are the costs? Immediately after Cyclone Tracy, when the first and second Cities Commission reports were released in this area, a majority of the people in the northern suburbs indicated their preference for the undergrounding of electricity, no matter what the cost was, probably because of the safety and supply factor. I am not sure whether this preference remains today because that was a long time ago and because of the high cost factor as indicated by the Executive Member for Municipal and Consumer Affairs.

I would like to tell members what other states are charging to supply underground electricity reticulation. The information I have is reasonably reliable but I cannot be one hundred per cent sure of it. In Victoria, the State Electricity Supply Commission rates for undergrounding high and low voltage cables is $550 per lot, including excavation, cable slabbing and backfilling of trenches; $450 per lot excluding excavation, cable slabbing and backfilling of trenches. Rates are subject to variation but these rates were effective at 1 September 1976. In New South Wales, the total cost of installation of underground supply is $550 to $630 per lot. The average lot difference to undergound is between $360 and $420 per lot more than overhead. In Queensland, in the Brisbane City Council area, the cost is between $600 and $750 per lot, depending on the soil conditions. In Western Australia, the underground cost for a block in the metropolitan area is $285, but that does not include road costing which is charged to the developer. In the Northern Territory, we are advised that it could cost between $2,700 and $3,000 per lot. While we are talking this kind of money, I cannot see anybody accepting this concept.

The subject of electricity distribution beneath the surface of the ground is complex. Personally, I find the concept to be challenging and a challenge for the future. However, the only solution or advice I have to offer the Executive Member in order to get the power down is to get the price down.

Mr RYAN: The question of electrical reticulation in the Northern Territory is a fairly important one, I do not intend to go into the same amount of detail that the honourable member for Casuarina has but would just like to put forward some of the ideas that I have on the problem. Anybody who visits the new suburbs in Darwin will be able to see the benefits from an aesthetic point of view of putting electricity underground. As the honourable member for Casuarina said, the skyline is not cluttered up with all the wires and poles we normally associate with electrical reticulation. I would like to see this continued in completely new suburbs. I feel that it is a step backwards to go back to overhead wiring, particularly in new suburbs. I realise that there is a cost involved. I am not sure if it has been pointed out by any previous speakers that, in setting up a new block with underground electricity, the cost can be picked up in the block rather than in the cost of electricity. The older suburbs quite obviously are stuck with the system that we have at the moment with the overhead wires and steel poles. The situation here could be looked at in a selective way in that certain areas could be undergrounded to improve the appearance of the area concerned.

There could also be some emphasis placed on the vulnerability of a particular area to cyclone debris. It may be felt that in certain areas we could underground electricity, which gets us to the point that I think the honourable member for Jingili had in presenting his petition on the power lines down Rothdale Road. These are quite heavy. The poles are large and are probably as good looking electricity poles as you could possibly get. However, that does not necessarily mean the people should have to look at them. I would like to see the mains underground. This would mean that, after a severe cyclone, we would be able to see the rehabilitation of house wiring and street wiring undertaken without the necessity to go through the re-erection of the mains.

We have been made very aware that the costs are fairly prohibitive but we must look at it as a form of insurance. We can reasonably expect that Darwin will be hit again sooner or later by a cyclone. If it is in 30 years' time, and Darwin continues to progress at the rate it has progressed up to now - and there is some question about this - in 30 years' time, Darwin would be a rather large city. If the electricity supply is continued above the ground and we do get another severe cyclone, the cost of fixing up the electricity reticulation will be enormous. This should be looked at now as a form of insurance. If we underground electricity now, it will cost some money. I would hope that the Federal Government, which will bear some of the cost of any damage caused to Darwin by a cyclone in the future, could make some contribution to the undergrounding of electricity in the Northern Territory. This would get away from the problem of the user having to pay for the electricity. We have to look at it realistically and judge whether or not to underground electricity would be in fact a form of insurance. This also applies to other parts of the Northern Territory. Alice Springs has been subjected to some fairly high winds from time to time. It is a tourist centre and anything that can be done to improve the aesthetic appearance of that particular city would certainly help its tourist attraction. I would like to see the Federal Government take the attitude that it is a form of insurance and that we may expect them to kick the tin in the undergrounding of electricity. But I think we should be responsible enough to say, "Look, we will not just give it an overall go ahead, we will look at it, we will decide which areas should be concentrated on and work at it in this manner."

Mrs LAWRIE: I am a bit unsure what the previous speaker meant by "areas", whether he meant areas of the Territory or areas of Darwin or what, but broadly I would support his remarks. When listening to the Executive Member who first brought this matter to the attention of the House, I was disturbed that he did not raise one very important point which became quite obvious to anyone who was here during the cyclone: during cyclonic winds the power lines whipping about can cause tremendous damage. There are areas of Nightcliff which have 6 high voltage overhead cables and on Christmas Day it was clear they had whipped. In fact, it appeared that they had carried away parts of houses as they whipped with tremendous intensity, and I am referring to cables three-quarters of an inch thick. The remarks of the Executive Member for Transport and Secondary Industry regarding taking out insurance would have more relevance if it was possible to persuade the present Australian Government to invest money in the undergrounding of services in areas subject to natural disasters. It would be money well spent.

Having said that, I do not think we have much hope of persuading the present Prime Minister and Treasurer to release the purse strings to enable this money to be spent. With our fairly small population, I do not see that at present we could afford to underground existing services without a subsidy from the general taxpaying public of Australia and the only way in which the subject could be sold to them is in the way the previous speaker has already mentioned, that ultimately it may well save money. To ask the public of Darwin, particularly at the moment, to bear an additional capital cost is a burden that I do not think they would be prepared to accept. We would like

the undergrounding of services, not only for the aesthetic appeal but for its safety, but if it is to be borne by the consumer in the Northern Territory at the moment I think it is beyond our purse.

Mr EVERINGHAM: There has not been a great deal left for me to say in relation to this motion because it has been pretty well covered by foregoing speakers who have ranged far and wide. It suffices to say that I do support in principle the undergrounding of electricity transmission lines. I am pleased to see that this has happened in the newer northern suburbs. I would hope that progressively throughout Darwin a program could be devised and implemented whereby suburbs had their power undergrounded by stages. I believe that it could be done without a great deal of effect on the purses of landowners who will be expected to pay for it in the long run as they are expected to pay for most services of this nature provided for the community. I believe that the system whereby land is auctioned at present, in certain cases on terms, could perhaps be transformed somewhat to cover this situation and allow for persons to have generous 20 to 25 year terms, if need be, to cover the cost of reticulating the domestic power lines that go past their front gates. Of course, the undergrounding of major transmission lines would have to be paid for by the electricity authority and it is a matter of concern to our Executive in the transition of power to see that they obtain some commitment from the Federal Government to agree to a program of undergrounding and to pay for the capital cost thereof.

It seems that one of the problems in Darwin in undergrounding is the fact that we have a hard or rocky soil with not too much soft topsoil. Also, we do not have present in this town any contractors experienced in undergrounding power lines. I believe that at the present time the cost could be as high as $3,000 a block for undergrounding, and that is just a figure dragged from my memory of working out some costs on civil contracting a few months ago. I do not swear to it, but I believe it could run to as hight as $3,000 a block. This can be brought down because we have contractors taking small contracts and using their existing machinery and perhaps it is not the right machinery. In fact, there are machines specially designed for carrying out this work. If the Government put forward a program as I have suggested, it would encourage persons who bid successfully for these contracts to purchase the proper equipment and thus the cost of undergrounding could be cut considerably to the great advantage of the community.

I support undergrounding, not only on the safety angle but also on the aesthetic angle because Darwin is a pretty hideous place to drive into from the south. If you are coming from the airport, it is just a tangle of overhead powerlines. I look out my back verandah and I can see at least half a dozen high transmission lines as well as other normal reticulation lines. It is incredible for a place of this size. Its electricity reticulation simply seems to have grown like Topsy and, if anything, it has become worse since the cyclone because they leapt into action and got the thing back on the road as fast as they could. However, they seem to have run lines anywhere and everywhere. Everything should not be sacrificed to utilitarian principles all the time. They got the power back on but now they could do something about rerouting some of the lines to improve appearances.

Some residents in my electorate are having a hard time about this matter at the moment. They are not getting much sympathy in many quarters. The people along Rothdale Road are scared for their safety and the safety of their children. During the last cyclone, all but 2 of the high concrete towers which carried the high voltage transmission wires along Rothdale Road were blown over. People had huge lumps of reinforced concrete flying through their back yards and one whistled by 6 inches or so from the side of a house. Fortunately, I was not there to sample it myself. I am sure that these people do not want to see it again and yet what are they facing? They are facing the re-erection of big pylons to carry the power down the centre of Rothdale Road.

Apparently there is not a great deal of cost difference between the undergrounding of high voltage transmission wires or putting them up on pylons. The big pylons cost more money so it makes it probably about equal in cost to going under the ground. But the department did not think about it and now it is too late. It has got to be done before the wet because it would take them 6 months to order the material that they need to put it underground. That, of course, is typical of our department - our great, wise, all-thinking, planning department that always thinks of all the answers before it ever does anything.

With those derogatory remarks about the Department of the Northern Territory, I resume my seat. I certainly am in favour, and I am sure a majority of my electors would be in favour, of the undergrounding of power on a gradual program throughout Darwin. I am sure that other residents of the Northern Territory would also like to see their quality of life improved by this action.

Mr BALLANTYNE: I wish to talk on the statement made in this Assembly by the Executive Member for Municipal and Consumer Affairs on the electricity distribution within the Darwin region and perhaps also in other parts of the Territory. There is no doubt in my mind that underground cabling is the best system of electricity distribution. Taking into consideration that Darwin is in a cyclonic area and the damage done to the overhead system during the cyclone, there is no need for me to spell that out. Everyone was horrified by the damage that was done to the existing poles; they just bent over like bananas and some of them crashed to the ground. Wires were whipping around and caused extensive damage to buildings nearby.

The honourable member for Casuarina gave a good outline of the costs involved in undergrounding cables in other states. It is astounding that projects in the Territory always seem to cost more than anywhere else in Australia. He said that, in New South Wales, it was $550 to $600 or thereabouts and $600 to $700 in Queensland and $285 in Western Australia but, in the Northern Territory, it is going to cost $2,000 to $3,000. Perhaps we have gone backwards in our techniques up here but surely, with the right equipment and the right expertise, it should not cost any more here than elsewhere. I know that the cable they use underground is specially insulated and is heavier to handle. There are also some troubles in coupling it up in each branch that is taken off the houses but I cannot see any reason why it should cost that much in the Territory.

The advantages and disadvantages of this system have been spelt out by the Executive Member and there is no need for me to go into that. He did state there was a cyclonic resistant overhead reticulation and also one which goes to the rear of the houses. There is also the underground system which we are talking about. I feel that every effort should be made to include this in our overall building regulations. There are very strict rules in the building code for people to reinforce their homes against a future cyclone and there is no reason why they cannot include this in all the future planning of new areas. I do not mean to say that they should pull down the existing overhead cabling and start from scratch. That would be foolish but, where they are starting a new suburb, they should take this into consideration. The expense may be a little bit more than anticipated; it may cost 50 per cent more but so what?

We have a lot of problems with accidents involving electric light poles. There was one very serious accident here recently. Perhaps if the wiring had been underground or the poles had been made of a lighter material and did not have to carry heavy cables, some persons might not have been injured. There have been a lot of accidents with those poles.

There is not much more that I can say. I think that the cost of reticulation underground could be reduced by new techniques and that is what I would ask the Government to look at, to give the people the proper expertise and to purchase the right equipment. The soil here is no different from anywhere

else. You might have some areas where you have to do a little bit of blasting but that is no different to other areas. We have already seen work they have done here in the main street. They have put in some underground cabling. The only thing that is ugly about it now is the electricity poles left without any cables on them and I am just wondering when they are going to remove those. Every other member who spoke did point out that there is an aesthetic value in the underground systems and it is ludicrous, when we build up new areas with all the strict building codes and regulations, if we do not use underground cabling; we would be going one step backwards. I thank the Executive Member for bringing this to the attention of the Assembly and I am sure that whoever reads the debates will have some clear ideas on our feelings. I am sure the rest of the people in Darwin and the cyclonic areas will agree with us that underground cabling is the only way for the future with regard to the safety and wellbeing of people.

Mr TUXWORTH: I would like to compliment the Executive Member for presenting this paper to the House. It is very thought-provoking and I will deal with 2 aspects which I consider relevant to the underground distribution of power in any community. The first one is a cautionary note on the undergrounding of power. It has been proven in other states of Australia where they have undergrounded power for reasons of environmental consideration, for reasons of wind velocity and other factors, that once the undergrounding of power has been established the lifestyle in the community is set for all time. Once a particular size of cable has been undergrounded, the demand that can be placed on that cable is set and the houses that are serviced by that cable are not able to vary their demand on the supply. For instance, in Darwin, if we had an underground cable servicing 800 houses running on fans and solar hot water systems and they converted their lifestyle to 2 airconditioners and an electric hot water system per house, we would find the distribution system would not meet that demand and the additional cost in tearing up and replacing an underground cable is out of all proportion when one considers that the re-running of overhead wires is a relatively easy exercise in comparison.

The Executive Member asked for an indication as to whether areas in Darwin, Alice Springs and Tennant Creek should have underground power in their future development. I would like to make a very positive plea to the Executive Member to inform the department and the electricity planners that there are some people in the community who would be most appreciative of underground power, who would be prepared to pay the additional costs of servicing that block and who would be delighted to see the Government get on with it and stop talking about it.

Mr ROBERTSON: I originally intended speaking, on the understanding that as usual no mention would be made of the area south of the water tank near the airport. I have been very pleasantly surprised from a most surprising source - the Executive Member for Transport and Secondary Industry. For the first time in the history of legislatures in the Northern Territory, we have Top End people who do realise we are inside the Northern Territory. I thank the honourable member for Transport and Secondary Industry; it is a very refreshing change indeed. As he quite rightly points out, the Alice Springs area is one of very significant tourist development. Its potential is still largely untapped. The reason it is a tourist centre, apart from its normally very pleasant winter climate, is because of the scenery around the area and, to no less extent, the scenery actually in the town itself. I do not think that anyone could find a more aesthetically pleasing sight than the area down Bradshaw Drive, the area to the south west of town. As the honourable member for Stuart points out, perhaps I am a little parochial in that I have just moved to that drive. Nevertheless, it is looking towards Mount Gillen, an absolutely magnificent sight, provided that you walk up the drain, in other words, to the southern side of the electrical reticulation system. As the honourable member for Jingili pointed out, this is probably one of the most singular eyesores we

can experience. Bradshow Drive, that complete subdivision area with its magnificently grand scenery, is totally ruined by overhead reticulation of electricity.

We have heard it pointed out that it is false economy to go overhead at this stage since surely at a later date we are going to go underground. There is no question of that in my mind; it is just a matter of when. Surely it is a more economic thing to do it now. Surely it is the type of thing that the Federal Treasury must foot the bill for substantially. It is they who are going to have to foot the bill in the case of a national disaster. Someone pointed out that it is not always the states that foot such bills; on the contrary, it is always the national government which foots the bill of reconstruction, whether it be from floods, wind or whatever. Alice Springs is far more prone to periodic damage from high winds than Darwin is. I do not think there is any question about that. This time of year, we have a front moving through probably 4 to 5 times a week. Certainly we have had it moving through twice a day for the last several weeks. These winds, according to information I have from the Department of Meteorology, can be expected to peak to 90 - 100 miles an hour. We saw one quite recently, in 1972, with a peak way beyond that. It destroyed a very high percentage of overhead power lines in the town and destroyed a significant percentage of the town itself. It is totally a matter of whether we are going to be penny wise and pound foolish. I would suggest that in failing to put any new subdivision cables underground, we are being very foolish indeed. In fact, I think there is a level of foolishness in not converting areas which are already overhead to underground systems.

I do not accept the honourable member's argument that we could run into the situation where we overtax the underground supply and have to dig it up. The tendency more and more through education of people is to go in for electricity saving devices. We are heading into an era of the utilisation of solar energy to a greater and greater extent. With any given population density subdivision, we should shortly see a reduction in the per capita consumption of electricity. I do not really see any difficulty there. I do see great risks, great difficulties, potential and kinetic, in continuing with the present system of overhead reticulation. I would call upon the Executive Member for Municipal and Consumer Affairs to pursue the line which has been given to him by this Assembly in requesting that the Federal Government fund this as a separate issue, fund it as insurance.

Mr MANUELL: I would like to briefly comment on the statement prepared by the Executive Member. I simply lend support to the argument from an Alice Springs residential point of view. I support the remarks that have been made by the honourable member for Gillen. If there are premiums to be paid by the consumer for underground services, it is rather unfair that this cost should be borne by him when it is in fact not only he who is benefiting from it but the community as a whole. Therefore, I would simply like to record my support for this matter.

Mr PERRON: I rise to comment on a few of the remarks that have been made in the House this morning. I am appreciative of remarks by the honourable members on the report and I will take note of their remarks in further negotiations. Firstly, I would like to discuss the issue of the differences in cost between interstate undergrounding and the figures that I mentioned in my report. There is a very great deal of variation in how various authorities cost their undergrounding of electricity and this can be very misleading. When we look at, for example, the Western Australian figure of $285 per lot to underground electricity, this sounds a rather incredibly cheap price. It is only 50 per cent of the cost of other states. One could question whether all the costs were taken into account when the Western Australian Electricity Authority produced that figure. In some states, new subdivisions have a requirement on the developer himself to dig trenches for undergrounding electricity and in some cases even lay down conduits and other services and this is all attributed to the costs of the

block, the costs of development. The relevant electricity supply undertaking in that situation merely installs the cables and does various connections, and the costs passed on to the consumer in that situation are fairly light. In the Northern Territory, we have a different situation as the Government is the prime subdivider, a situation we hope will not last for ever.

The things that have to be taken into consideration when we are comparing the cost of undergrounding in Darwin and elsewhere are things like substations, excavations, street lighting, road crossings and also whether the system being used is single or 3-phase. Apparently in some of the states the undergrounding of electricity is only in a single phase but, in the Northern Territory and a couple of other states, the householder will be able to get 3-phase connection to his house if he wishes.

It has been suggested that the Federal Government should fund the undergrounding of electricity in the Northern Territory, or in Darwin in particular, as an insurance. This is partly true but not totally. Not in all situations will the Federal Government necessarily step in to foot the bill for disasters. It depends obviously on the degree of disaster and how widespread it is whether the Federal Government will move in and say, "We will help you back up on your feet and give you all sorts of money". There is going to be quite a lot of damage to things like overhead electrical reticulation that could well be left with the Territory or the state to look after. In most authorities, particularly in Queensland, they even have an element in their tariff that covers a form of insurance for damage which can be done and which the authority itself has to cover.

The honourable member for Jingili stated that the current overhead reticulation system in Darwin looks fairly terrible. He inferred that, when patching up the system to give us all power immediately after the cyclone, they made an even greater mess of it than it was before the cyclone. This is true but I do not think that you could condemn the electrical supply people for doing whatever they possibly could and taking whatever shortcuts necessary in order to get every property back on to electricity after the cclone. As a result, we have a patchwork quilt that is completely unsatisfactory and, in some cases, unsafe. We have had substations wired out of the system for convenience to get power on, we have poles and cables of varying sizes put up and we have all sorts of temporary connections which are so widespread at the moment that they are a cause for very real concern, particularly with an approaching wet season. The problem is to get the whole of this system back to pre-cyclone condition or to institute some new alternative such as undergrounding the whole area.

I would point out that to bring the whole of Darwin back to basically pre-cyclone conditions would cost somewhere in the vicinity of $15.5m. Even if this is costed in today's figures, and even if we had $15.5m tomorrow to do it, we could not possibly do it because the resources are not available to undertake such work. For street lighting alone, the lack of which is causing considerable concern in Darwin at the moment, it will cost over $1m to restore it to pre-cyclone conditions. This financial year, we are spending something like $400,000 on that task. With $15.5m to spend to bring the whole of Darwin's electrical system back to pre-cyclone conditions, if we are going to fiddle around with $1m or $2m a year, we will virtually have a job that will be never ending. I point this fact out because I believe there has to be a very concentrated effort and a very heavily financed effort to get this job completely done with, say, a 5-year program.

Motion agreed to.

LOCAL GOVERNMENT BILL

(Serial 146)

Continued from 10 August 1976.

Mr EVERINGHAM: This is a bill primarily to make bylaws proclaimed by a local government council pre-eminent over regulations made pursuant to an

ordinance of the Northern Territory where there is any conflict in a municipal area between a council bylaw and a regulation made under an ordinance. I support this proposal; the principle seems sound. After all, we have given certain responsibilities under the Local Government Ordinance to local government councils. At the moment, there are only 2 in the Territory, Darwin and Alice Springs. There are proposals for Katherine and Tennant Creek to possibly achieve a measure of local self-government.

It seems to me that where we give specific responsibilities to these local governments under the Local Government Ordinance to look after themselves then, if they make bylaws pursuant to their charter, those bylaws should prevail in the area of the municipality. After all, the local government is a body that is a lot closer to grass-roots level, with a wider representation amongst the people than this Assembly even and, where they decide to do something by their only method of making laws, that is by by-law, then I do not think we should attempt to prevail over them through regulation. In fact, it would not be this Assembly prevailing over them as such. The regulations would come before the Assembly for approval and, unless disallowed, we are taken to have approved them all. It is usually the Executive that makes the regulations and they come here for our scrutiny and we probably do not always take as much notice of the regulations that come for our scrutiny as we should. There is a committee of this House which has the task of scrutinizing these regulations. Let local government rule the roost in those areas that we, as the superior legislative body, have given to them for their own particular control. I support the principle of this bill.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr PERRON: I move amendment 132.1 as circulated.

Amendment agreed to.

Clause 6, as amended, agreed to.

New clause 7:

Mr PERRON: I move amendment 134.1.

The prime purpose of this amendment is to ensure that the legislation operates effectively and in accordance with the intention of this Assembly when it pased that legislation.

New clause agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

PAROLE OF PRISONERS BILL

(Serial 135)

Continued from 12 October 1976.

Mr ROBERTSON: I rise to support this bill with some pleasure. It is an area that I have had quite some interest in over quite a long period of time - not that I have ever been inside but I anticipate perhaps the possibility. It has always seemed to me to be a rather absurd situation when a person, particularly one who has spent a very long period in jail, is released on his own recognizance back into the community without any advice or guidance. We have seen prisoners aid societies and various voluntary organisations established for the purpose of the guidance of ex-prisoners. What has been lacking is the provision of a system of compulsory aid to these people who are released. It would also seem that the only way that this could be done is under a parole system whereby they are released before the full sentence has been served.

The bill before us provides just that by amending the existing parole system and providing for a community-based parole system. I think that is important. It is the community into which the person must return; it is the community which has the ultimate responsibility to see that that person is successfully returned to it. Having set up a system of community-based parole, it is nece-

ssary to define the operation of that parole board and the tasks of a parole officer. In clause 3, we certainly see that that will be achieved should this bill pass into law. We are seeing internationally and in Australia - and we are certainly seeing it in my end of the Northern Territory - a very marked increase in the crime rate. We have gone in the city of Alice Springs from 10,000 people to 13,000 people and we have had, at a guess, probably a trebling of the criminal lists in the Supreme Court. We have seen the necessity for legislation having been introduced - unsuccessfully of course - to increase the powers and functions of magistrates simply because of the enormous workload which is being inflicted upon the Supreme Court. We have seen the Supreme Court sitting in Alice Springs almost every 5 weeks.

Having seen the upsurge of crime, we must then see what the community's correctional options are. We certainly do not want to pussyfoot with wrong-doers; even Idi Amin has said that he has no sympathy for evil-doers and has sent his 2 sons to reform school. I would hope that we do not conduct ourselves as Idi Amin does but, good heavens! Mr Speaker, even the arch-villian of all time is concerned about evil-doers and so should we be. However, a system of straight penitentiary correction has been proven a failure - it is punishment without solution. This bill provides a further step in what we hope will be a solution. I do not see it as a panacea for society's ills. I do see it as an attempt to make the system work a little better. Hopefully, as time progresses, we will learn whether or not this type of approach to a community-based role is the answer. If it is not, again we are going to find out and, again, we are going to have to look again at the problem. I support the bill because I do think it is at least a step in the direction of a solution to that problem.

Mr POLLOCK: I thank speakers to the Parole of Prisoners Bill which has been before the House now for a couple of sessions. I hope that those responsible now will ensure swift assent to the bill so that the Parole Board will be able to operate fully as soon as possible. There has been a continuing delay for a long time it is more than 2 years since the original bill was passed - and it has gone on until we have got to the stage now where it has been further modified and hopefully overcomes some of the administrative problems that were inherent in the previous bill. We are now at the stage where the Parole Board which has been appointed is ready to go pending the assent and commencement of the bill presently before the House. I hope that assent will be swift to allow the Parole Board to get into action. I wish it well in its work.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr POLLOCK: I move amendment 130.1 to omit the proposed definition of "parole officer" in paragraph (a) and substitute the following definition: "'parole officer' means a parole officer or honorary parole officer appointed under section 3P".

This makes it quite clear that the definition of a parole officer includes those persons acting in an honorary position.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr POLLOCK: I move an amendment to clause 7 as circulated in 130.2 to add at the end of the new section 3C a new subsection (5): "Where an acting chairman attends a meeting of the board pursuant to this section he shall, while so attending, be deemed to be a member of the board".

This is to ensure that it is quite clear that the acting chairman can act within the provisions of the ordinance.

Amendment agreed to.

Mr POLLOCK: I move a further amendment to clause 7 to omit new section 3R.

This section is unnecessary as parole officers will be acting as members of the public service and it is not necessary for the Administrator in any way to determine their remuneration or allowances.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 12 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

TRAFFIC BILL

(Serial 136)

Continued from 12 October 1976.

Mr WITHNALL: I think that the bill now being considered by the Assembly, like other bills which have been considered by the Assembly over the last few years, is a very unhealthy piece of legislation. Since the Magna Carta, it has been the rule that no man should suffer a penalty unless he was tried in public in accordance with law and found guilty of having committed the act in respect of which he was charged. In modern legislation, there has been a very large departure from the Magna Carta but, of all the departures that I have seen, this is probably the worst. It is unhealthy legislation because it offers to a person the convenience of avoiding a conviction, the convenience of avoiding a trial, so long as he pays some money. That is unhealthy because it relies upon the laziness of people to avoid the consequences of the law. If a man has committed an offence, surely he should be tried, surely there should be some public record of the fact that he has committed the offence and surely the report of the offence should be available so that persons in the community would understand that such offences are visited by such sorts of punishment.

Mr Ryan: What about parking fines or failing to vote?

Mr WITHNALL: The honourable member refers to parking fines. If the honourable member cares to look at Hansard, he will find that I was not in favour of on-the-spot fining in any circumstances whatsoever. If the honourable member cares to go back to Part V of the Customs Act 1901, he will find that the expression of my opinion was with respect to that particular provision, that it was unjustified, because that provision said that if any person who was alleged to have committed an offence against the Customs Act, if he put in an application to the Collector of Customs, could be tried by the Collector of Customs who was the judge, the jury and the presecutor. Is not that exactly what we have here? Here we have a member of the police force who is going to pull somebody up in the street and say, "You have been guilty of this offence", and thereafter, because of this legislation, the mere fact that he has taken that action results in the payment of a fine. I challenge the honourable member to say whether or not this is a piece of legislation which is designed to extract revenue, because it seems to me that it is. If the honourable member will look at his schedule, which I assume he has carefully compiled, he will see that there is a very definite intention in the terms of that schedule to extract revenue. Indeed, when a similar bill relating to litter was before this Assembly, I said the same things and, if I did not get an agreement, I got a qualified sort of acceptance of a principle. The parking fines provisions which are used by the city corporation are quite blatantly for the purpose of extracting revenue and they are used for that purpose. The increase in the fines to be imposed under those provisions show quite clearly that it is not so much control of parking that worries the city council as the getting of revenue out of this sort of legislation. Therein lies one of the very great dangers of this sort of legislation: because it is revenue producing, there will be harassment of members of the public and there will be what I will call an unhealthy insistence by members of the police force upon the use of this bill.

Mr Pollock: What a lot of rot!

Mr Ryan: The idea is to improve the standard of driving.

Mr WITHNALL: The honourable member says, "What a lot of rot". Having been a policeman for so long, he could not have any view which was not in line with his previous experience.

I draw the attention of members of the Assembly to the schedule itself. Many times persons come before the police court and are discharged without penalty or conviction or have nominal penalties imposed upon them. However, willy-nilly, whether you like it or not, if you carry more than 2 persons on a cycle, including the driver, you are to be fined $30. This means there can be no more pillion passengers, doesn't it? Did the honourable member intend that? "Drive the wrong way in a one way street, $30". So it goes down the whole list of $30 fines. "Exceed speed limit by more than 15 or up to 30". Who is going to adjudicate on that? The policeman says it was more than 15 and there is no -

Mr Ryan: He says that now when he gives you a bluey. If you don't agree with it, go to court.

Mr WITHNALL: I will come to that situation later. "Failure to give way to a pedestrian on a pedestrian crossing, $30." "Failure to wear seat belt properly adjusted, $20."

Mr Ryan: That could be a problem for you, couldn't it?

Mr WITHNALL: Yes indeed. It could be your problem too, old fellow. You could suffer from a lot of these provisions and, frankly, if it comes in, I shall regard it as a very satisfactory result if you do. "Exceed the speed limit by up to 15 kilometres per hour, $20. Drive with faulty headlights or tail lights, $20. Drive a motor vehicle of excess width, $10. Noisy motor vehicle, $10. Failure to dip headlights, $10." One of the things that I object to very much is that these fines are set. There is no possibility of arguing the point unless you go to court, and I will come to that in a moment. These fines are set; they must be paid unless you elect to go to court.

If you do elect to go to court, you run up against magistrates who are very busy and who, even today, add money on to a penalty because the person has not pleaded guilty. That is true. If you speak to magistrates, they will accept and agree with what I have said. If you plead not guilty and you are found guilty, there is an extra penalty for wasting the time of the court. That is an added thing which is common today and I suggest to honourable members that, if this bill goes through and a person comes before the court because he has refused to pay the fine specified in this schedule, the automatic reaction of the magistrate from the bench is going to be, "We will make it a bit harder because you refused to pay". I have grown up in a society which has always believed that penalties imposed upon somebody for some breach of the law had to be adjudicated. Perhaps honourable members may say that I am somewhat old fashioned in my attitude to the law but ...

Mr Ryan: Archaic.

Mr WITHNALL: I would accept the honourable member's description of me as "archaic" as I do believe in the provisions of the Magna Carta which the honourable member apparently does not believe in. If being archaic means that, I am glad to be archaic because I believe that the freedom of the people is one of the most important things that exists in this society and it is one of the things they you are here to preserve and not to undermine. I object to the bill in its entirety.

Mr ROBERTSON: That would be the most extraordinary speech I have heard in this House in the short time I have been here.

Mr Withnall: Stick around a little longer.

Mr ROBERTSON: It would seem from what the honourable member says that he is capable of even more extraordinary tirades.

Mr Withnall: I was thinking about you.

Mr ROBERTSON: I doubt that anyone could get any worse than that particular effort.

He suggests that magistrates are going to increase penalties solely on the basis that we have the effrontery to appear before a court and plead not guilty. He suggests that this legislation is inappropriate.

Mr Withnall: It is the fact.

Mr ROBERTSON: I recall hearing you in silence, sir. I make no excuses for my colleague; I am not my brother's keeper.

Mr Withnall: I suggest you would not be.

Mr ROBERTSON: Mr Speaker, he is being particularly difficult. I wonder what he had for lunch himself. If I may carry on from what the member for Nightcliff suggested in relation to my colleague, he obviously got a recipe from the honourable member for Jingili.

He suggests that, as a result of pleading not guilty, we are going to attract a greater penalty from the magistrate. He further suggests that this legislation is inappropriate because it discourages people from pleading not guilty. Suppose that we did not have this legislation as is currently the case, what the honourable member for Port Darwin is then suggesting is that we are still unwise to plead not guilty because we are going to attract a greater penalty by doing so. The man's inconsistency is staggering. On the one hand, he says we cannot have this legislation because people will not plead not guilty because of a natural laziness to appear in court. On the other hand, he tells us that we dare not plead not guilty because we are going to attract a greater fine. I suggest that when the gentleman makes criticism of what I consider to be good legislation, he might at least think about what he is going to say before he appears here. He might a least be consistent.

Let us look at some of the other idiocies in what he has said. Let us look at the question of laziness. He said that the people are not going to plead not guilty because of laziness. Surely that again is an inconsistency.

Mr Withnall: The honourable member for Stuart Park told me that at lunch time. He said that he would have been glad to plead but he was too lazy.

Mr ROBERTSON: I would suggest that it was the only good advice the honourable gentleman has received all day because whoever advised him on the content of his speech - and let us hope it was not himself - obviously gave quite inferior advice to what the honourable member for Stuart Park has given him.

If a person is going to plead guilty under this legislation through laziness, through not wishing to go through traumas of a formal court hearing, through not wishing to be cross-examined, then, without this legislation, he is still going to plead guilty for those very same reasons. The argument again does not stand.

I wonder if the honourable member for Port Darwin has taken the trouble to do what I have taken the trouble to do, and that is question his electorate, to explain to people precisely what this legislation seeks to achieve and ask them if they are in favour of it. Has he actually taken the trouble to check with people that he knows have been through the trauma of a court proceeding when it is not necessary in minor infringements and ask them would they rather have had a system, when they were going to plead guilty anyway, of not having to go through those traumas? I have and I have come up with the unanimous view from my electorate of those I have contacted that they favour this type of legislation. And why shouldn't they? Their rights are totally protected, completely protected. It is not a system of intimidation any more, using his own argument, than the normal system of charge by a summons. After all, they still have a decision to make - do I plead guilty or do I plead not guilty. They have a decision to make - do I take the easy way out

knowing I am guilty, or do they say, "I have been wrongly done by and I will therefore defend this matter?" Those rights are all preserved. Nothing is changed. All we are doing is simply removing the hardship, the trauma and the unnecessary embarrassment of court proceedings, the costs and everything else that goes with that type of operation.

I cannot recall one single, solitary piece of information provided to us by the honourable member for Port Darwin which I reckon is worth a moment's consideration by this Assembly. It would be the most disjointed, contradictory, ridiculous speech I have heard here.

Mrs Lawrie: Address yourself to the bill.

Mr ROBERTSON: I am addressing myself in reply to the honourable member for Port Darwin. In doing so, I think I have covered what I consider desirable in the bill.

Mr POLLOCK: I rise to support this bill in which I find there is nothing new or revolutionary. It is something which is moving with progress and has been accepted in many other parts of the world and in Australia and has been found to work very satisfactorily for all concerned, not the least the public, the people who are going to be affected. We heard the honourable member for Port Darwin say that, if a man commits an offence, he should be allowed to plead in court. If he wants to plead guilty and wants to pay for the offence, well this is a simple way for him to do it. He has mentioned the penalties. In my mind, most of the penalties here provided are fairly nominal. He talked about nominal penalties. The penalties provided in the bill are fairly nominal and I would think that, these days, most of these offences in court would probably draw higher penalties than listed in the bill. The whole process which is provided for in this bill is very worthy of our favourable consideration and implementation in order to save a great amount of time and inconvenience for many sections of the community and in particular the public who will be most affected by it.

Mr EVERINGHAM: In rising to support this piece of legislation, the principle of which I agree with entirely, I must say that I was somewhat surprised to walk in on the end of the dinosaur's last stand as interpreted by the honourable member for Port Darwin. It seems to me that the honourable member is out of touch with reality and has seized on this piece of legislation as being one that he does not like for reasons of his own. He has emoted to us this afternoon at some length and, if I may say so, with about as much logic as one could find if one went down to the street to the planning section of the Department of the Northern Territory and searched for logic there. This piece of legislation will save the people a great deal of money and a great deal of time because they will not have to come and see a lawyer about pleading guilty to a traffic charge of this nature any more. They will not have to go to court if they do not want to, yet, if they feel aggrieved at receiving the ticket, they can still make an issue of it and still have the due process of law taken.

I take exception to the remarks of the honourable member for Port Darwin in relation to the magistracy imposing additional penalties on people who waste their time - that, I think, was the burden of the honourable member's remark - by pleading not guilty when they should have pleaded guilty. The fact of the matter is that the magistrates do not consider their time as being wasted because that is what they are there for. I suppose in an extreme case, where a person is obviously wasting the court's time by pleading not guilty, then perhaps that would be taken into account in assessing the penalty and, Your Worship - Mr Speaker I mean, it certainly...

Dr Letts: I have been waiting for that.

Mr EVERINGHAM: I am entirely innocent today, Mr Speaker. I would like to make a personal explanation on that point and advise the Majority Leader that I have been guilty of drinking 2 glasses of orange juice for lunch and that is why I am not going so well. I beg your

worshipful pardon and resume my remarks where I left off.

In the case where a person pleads guilty and submissions are made, then it is often the custom to say to the bench that he saved the court's time by pleading guilty. The magistrate would take that into account as a circumstance of alleviation perhaps of penalty. However, I take issue with the honourable member for Port Darwin in his directly punitive approach by the bench.

I do not think there is a great deal more I can say. I am a little bit worried that persons driving motor vehicles on footpaths in Wells Street and on the Stuart Highway and Bagot Road or parking them there should be given an exemption because of the volume of traffic. In the case of Wells Street, if you park on the road outside your house, you are likely to find a pile of junk in the morning. These are the only things on which I would care to make any suggestions as to amendment. I support the bill.

Debate adjourned.

MINES SAFETY CONTROL BILL

(Serial 120)

Continued from 10 August 1976.

Mr TUXWORTH: I seek leave to withdraw this bill and point out that at the last sittings I introduced the Mines Safety Control Bill which appears as item No. 10 on the notice paper.

Leave granted; bill withdrawn.

CONSTRUCTION SAFETY BILL

(Serial 154)

Continued from 13 October 1976.

Bill passed the remaining stages without further debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL

(Serial 156)

Continued from 13 October 1976.

Mr EVERINGHAM: I would just like to refer to one particular section of this piece of legislation and that is section 25G where there is provision for permission to be granted to prospect, mine, search and carry on mining on sanctuaries. I certainly support the principle inherent in that, providing that there are sufficient protections for the environment of that sanctuary and also providing that reparation work can be done during and at the conclusion of any mining or prospecting operations which might be carried on.

As to the rest of the bill, most of it is not of great interest to a member in an urban electorate. I can see that there are provisions for a classification of various animals. We certainly have got a few queer ones around us at the present moment I suppose but otherwise I support the legislation.

Dr LETTS: I want to draw the Assembly's attention to the fact that this morning some further amendments were circulated to this bill which I introduced at the last sittings. Those amendments are quite simple. They are all in line with the matters that I mentioned in the second reading speech and they do also pick up some formalities with regard to the transfer of powers as parks and wildlife are one of those responsibilities to be transferred. If this bill succeeds in passing this reading, it would then normally go into committee. I do not believe there is any difficulty with the amendments, but if it goes into committee and honourable members feel they want more time on any particular clause on which further amendment is sought, I would be happy to see those clauses postponed and a little more time given for them to look at it.

As for the comment of the honourable member for Jingili about section 25G, which is in clause 8 of this bill and refers to miners' rights and exploration on sanctuaries, I simply make mention of the fact that that is the existing provision of the old Wildlife and Conservation Control Ordinance which has been in existence for 14 years. When we come to that in committee, there will be a small amendment which will make it the Administrator in

Council or the Executive Council for the future.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

New clause 4A:

Dr LETTS: I move for insertion of a new clause 4A after clause 4, as set out in circulated amendment 133.1

This is to omit subsection (2) from section 7 of the principal ordinance. Subsection (2) of section 7 of the principal ordinance refers to the rate of remuneration of a person employed by the Northern Territory Reserves Board who continues to be employed by the commission and that rate is to be one not less favourable than that which in the opinion of the Administrator he would have been entitled to in respect of the normal position he occupied as an employee of the Reserves Board etc. The fact is that this provision will be over-run now by the provisions of the Public Service Ordinance and there will be a new situation in which the Administrator will in fact not be setting the levels and conditions of service as from 31 December. This amendment to drop subsection (2) is simply to remove the old system under which the Reserves Board operates and to bring the commission into line with the new provisions which will apply here in relation to the future operation.

New clause 4A agreed to.

Clause 5:

Dr LETTS: I move the amendment to clause 5 as circulated in schedule 133.2.

This is simply changing a capital "C" at the beginning of the definition of the conservation officer to a small "c" which I understand is in line with all the lettering used in the definitions.

Amendment agreed to.

Mr WITHNALL: I want to have a few words to say about the omission of the definition of "game". Later in the bill, there is provision for the division of protected and unprotected animals and for regulations to make the provision relating to areas in which particular sorts of animals in particular parts of the year might be unprotected during those parts of the year. I rise only to protest that the old Wildlife Ordinance, and indeed the ordinance which is now being amended, made provision and recognised that there were certain animals which could be taken as game. This bill proposes to destroy that distinction and merely to classify animals into protected and unprotected species, protected at particular times of the year or in particular places. It may be true the same result can be achieved under the provisions which are now introduced as could have been achieved under the old provisions, but it was a feature of the Wildlife Ordinance of 1961 that any amendments to the schedules relating to the protected and unprotected and partly protected animals and game could be made by the Legislative Council or Assembly and had to be made in public. The amendment proposed by this provision in the dropping of the definition of "game" and by the later proposals in a new Part IV, the classification of animals, provide that all these things should be done by regulation and wildlife regulations do come before the Assembly and may be disallowed. It seems to me that the old system is preferable and I record my regret that the honourable member has abandoned it and has taken up the more flexible but less satisfactory system of providing a regulation for the classes of animals which are to be protected and which are not to be protected.

Clause 5, as amended, agreed to.

New clause 5A:

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

The amendment is for the omission of the words "any seabed or" from section 12(7) of the principal ordinance. This

type of amendment will be picked up once or twice more as we go through the schedules. It arises from the fact that there is now considerable doubt as to where the seabed and off-shore waters stand in relation to the land. A High Court decision indicated that the Commonwealth has jurisdiction in this area. There is a further case before the High Court, emanating from Western Australia, on a particular aspect relating to seabead on which the judgment has not yet been brought down. The Commonwealth is proceeding on the basis that it does have established rights in relation to the seabed and coastal waters. This matter was discussed at considerable length at a meeting of the conservation ministers at which I was present in Canberra last Friday. There is general agreement that it would be sensible to make administrative arrangements and possibly some legislative arrangements in future to recognise the role of the states and territories in relation to the seabed and territorial waters adjacent to the land for the purposes of wildlife management. It would seem to be quite absurd, for example, in the case of Cobourg Peninsula, and there are other similar situations in the states of Australia, where the land mass is part of the territorial state or territory jurisdiction in wildlife matters and yet there are deep indentations of sea coming into that land mass which the Commonwealth might consider it has the power to administer and control. You would have 2 different authorities, one finishing at the low-tide mark and the other one commencing there. The states and the Commonwealth have agreed to examine this further and put some sense into it; it may require legislative change at the federal level but, for the time being, because of the likelihood that the Commonwealth has the legal power, this amendment is proposed.

New clause 5A agreed to.

Progress reported.

HOUSING BILL

(Serial 115)

Continued from 13 October 1976.

Mr DONDAS: I rise to support this long-awaited Housing Bill. The Executive Member's efforts in finally presenting this bill should be applauded by all members of this House. I am aware of the problems, the embarrassment and the frustrations that the honourable member has endured in reaching the stage of presenting this bill because I and other members suffered the same frustrations and embarrassments. Our electorates were promised this legislation 8 months ago and, during this period, all one could say to them was, "Please be patient; everything is being done to present this bill which will allow you to purchase your Housing Commission home providing you meet the requirements". "What requirements?" was the question. I had to reply, "I am sorry; we have no idea until the legislation is presented in the Assembly." This situation existed for nearly a year and I agree with the Executive Member when he stated that this legislation was timely. It certainly was timely and if it had not been introduced at the last sittings, I would have hidden my head in shame.

In speaking to the bill itself, I agree with most of the aspects covered by the Executive Member; however, there are several areas which concern me. Firstly, there are no provisions in the bill for a person to buy and rebuild a damaged house in which he has been living since the cyclone. I raise this point because it is an area in which some consideration should be given to approved tenants to allow them to rebuild with financial assistance from the Housing Commission. In some circumstances, a tenant may have some building knowledge himself and may be in a position to rebuild that damaged house more quickly and at less cost than the commission instead of waiting to be included in a group of tenders that the commission may let. Secondly, there is no provision for a pensioner to be an approved tenant for the purpose of this scheme. Nor is there provision for a widow or widower who has working-age children living with her or him but not dependent.

I agree with the section that disqualifies people from being able to participate in the scheme if they have

been problem tenants. It will serve as a warning for future tenants of the Housing Commission that they must do the correct thing and play the game if they wish to purchase their house. However, I cannot agree that a person should be disqualified because he has received some previous assistance from the Home Finance Trustee or any other government body. For example, a person may have purchased a home in 1955 with the aid of a government grant or from the Home Finance Trustee. In 1961, he sold his home and left Darwin; maybe he went south or maybe he went overseas. In 1971, he returned to Darwin to finally settle. He returned to become a permanent resident once again because the grass was not greener on the other side of the fence as he had thought. This person would be denied the right to purchase because of the previous assistance he received. I feel that there should be a time limit in this kind of situation.

This legislation, once assented to, will bring a lot of joy to a great number of people. Not only will it stabilise our present population but it will assist any newcomer to the Territory by giving him the hope that he can, after a short period, become a part of a growing community. I commend the bill.

Mr RYAN: I support the bill. Many people in Darwin would certainly appreciate the fact that they will now be able to look towards buying some of the houses that they are living in or new houses immediately although some others may have a wait. On the question of waiting, some people are a little bit concerned that they may have to wait up to 5 years before purchasing a house. For these people who are genuine residents of Darwin, this is a bit of a pity but I also appreciate that the financial structure of the Housing Commission would not enable it to have a shorter period. We will just have to accept that this is the system under which we operate.

My main concern is that, because the time period now before you can buy your house is up to 5 years, somebody who has lived in Darwin for quite a few years and has a commission house or has moved into a commission house may decide quite some time prior to the end of the 5-year qualifying period that he intends to buy that house; and in making this decision, he may decide that he would like to put some extensions onto the house and this is permitted by the Housing Commission provided they have a look at the plans and agree that the standard of extension complies with their regulations. He may have spent $10,000 on modifications, but the value of the house may increase more than $10,000. In the valuation of the house, if you have performed certain extensions to the house, I feel the valuer should value a house that has not been extended and is in an area which could be considered the same value by its position. I feel that this would be more just than looking at the house which has been modified. The valuer may be placing some extra value on the part of the house that has not been modified, which means that the person who has put on the extensions has to possibly pay a little bit extra on top of the extensions he has already put on the house. This is an area which should be looked at.

Apart from that, I feel that the legislation will be most welcome in the Northern Territory. I am sure a lot of people who are living in Housing Commission houses under the old scheme and who were not able to buy the house that they were in will be very pleased to be able now to buy the house that they have lived in for some years. I commend the bill.

Mr EVERINGHAM: I support the bill and, as I would not like to see its implementation delayed by one second longer than necessary, I will now sit down.

Mrs LAWRIE: Not quite ditto. The original concept of the bill that enables local Housing Commission tenants to purchase the dwelling after 5 years tenancy is one which is going to be supported. There are a couple of questions that arise regarding the bill as a whole. Firstly, the question brought up earlier of why there was not included in the scheme a provision under which tenants can purchase the remains of their home damaged as a result of the cyclone and get other finance to

rebuild in a proper manner. A previous speaker mentioned that they could get Housing Commission finance; I think it was the member for Casuarina. In my opinion, it would be more pertinent if they could get access to other government funding to take the heat off the commission, thus saving the commission money and saving a lot of people a lot of time and heartache. I had considered suggesting an amendment along these lines but did not for the simple reason that the sponsor of this bill must have considered this prospect adequately and for a long time. It has been talked about often enough in this House and elsewhere. I ask that he advise the House in his speech in reply why such a scheme is not envisaged.

Secondly, if we look at the arrival at the purchase price, which is tortuous - it must have been written by a lawyer - we see that we omit the definition of "market value" in the principal ordinance and substitute: "'market value' in relation to a dwelling means the amount that, in the opinion of the Valuer-General, the dwelling, including the right to the lease of the land on which it is situated, could be sold for, if offered for sale by private treaty". If the price is to be not less than one half of the sum of the capital cost of the dwelling and that market value does not include improvements made by the approved tenant etc, I think we are rapidly reaching a position in Darwin where market value is going to be less than the capital cost of the building. Does this mean that Housing Commission tenants buying new Housing Commission homes are to be subsidised by the general taxpayer? I see with some delight that the honourable member for Jingili sits there shaking his head. It is a pity he has not spoken a little longer and elucidated this point. I bring to the attention of the House that I believe market value from now on may be considerably less than capital cost and I mean $10,000 to $15,000. If that is so and it is a pure saving of $5,000 to the purchasing tenant, that has to be considered by this House in the approval of this bill. If it is the opinion of the majority of the members that that is a fair and equitable way to subsidise the purchase of commission homes, so be it; but my concern is that this has not been fully considered. If it has, I would like the Executive Member to comment on that aspect because it is certainly going to come up again when considering the sale of government homes.

A member: It happens to private ones too.

Mrs LAWRIE: It does happen to private ones but they were not built from public funds. Taxpayers' money built these homes which is why I raise this question. If they are to be sold at less than cost, let us acknowledge that when making a decision.

I brought in a reference to the sale of government homes and I think that is pertinent. Again the market value is likely to be in some cases $15,000 to $20,000 less than the capital cost. At what rate are they to be purchased? If it is less than the capital cost, it means the general taxpayer is financing that investment on behalf of the purchaser.

Debate adjourned.

MINES SAFETY CONTROL BILL

(Serial 145)

Continued from 13 October 1976.

Mr RYAN: I rise to support the bill. I do have a couple of comments I would like to make in the form of advice to the department which will administer the legislation. Generally, the bill is related to the safety of workers on mines and we all agree that this sort of protection should be afforded to people working in any industry. I do have some concern with the situation created by the definition of "a mine" because, in the Department of the Northern Territory, which will be administering this particular piece of legislation, there are several branches involved in the inspection of machinery. We have the Inspection of Machinery Ordinance which is administered by the Commercial and Industrial Affairs Branch and we have the Mines Branch which will now be administering the ordinance as it relates to mines. Thus,

we have a doubling up of branches doing the same job. I had hoped that possibly something could have been done to overcome this problem but it appears that this cannot be done at this stage in development of the Northern Territory Department. I think that in future the inspection of machinery could be carried out in a more successful and less time-consuming and labour-consuming way.

That is the only real objection I have to this legislation. I think that it will clarify a confused area and I am sure that the people working in the mines in the Northern Territory will be much better served by this legislation than they were served previously. I support the bill.

Mr BALLANTYNE: I just rise to support the bill. I spoke on the original bill at some length and this time there is no need to go into full details. The Executive Member for Resource Development has covered all the amendments. I can comment on a few things. I have taken this bill to heart and have spoken to mining people. They have given considerable thought to it and, from those discussions, we have been able to get some of the amendments. I feel that it is very apt that the whole of the board will be given the right to look at the standards as laid down, whereas before it was left to the Director of Mines. The board itself should be responsible for the standards implemented within the mining safety field.

Part V deals with management and clause 22 states that the Chief Mining Engineer may require the appointment of assistant managers. This is solely for appeal purposes and there is no appeal against a decision of the Director of Mines. Clause 22 contains a new subclause that leaves no doubt that the manager is responsible for ensuring the safe working environment of the mine. I think that is a very important one; it could have caused a lot of problems if that had not been introduced.

I would like to have seen a lot more debate on this particular bill because it is a very important one for the Territory. I would like to thank the Executive Member for the work that he has done and I have enjoyed working on this bill myself.

Mr EVERINGHAM: I rise in support of the bill. Safety in mines has been a cause of concern to me almost since my arrival in the Northern Territory. One of the first cases that I handled was for a Finnish gentleman who could not speak English very well and he was not even well educated by Finnish standards. He had been working in a mine at Tennant Creek and his sole recreation as it developed during the course of this litigation was one of a sexual nature. He had the misfortune to fall 20 rungs down a slippery ladder and crush a most important item of his anatomy. In the pursuit of this litigation, where our claim was enlarged no end by the fact that he had lost access to his only avenue of recreation, sport and amusement, I called for a copy of the Mines Safety Regulations of the Northern Territory. I thought I would be given a volume of concise safety regulations because I had just rolled into the Northern Territory from Mount Isa where they had a very great number of safety regulations. I knew that Mount Isa Mines had 43 fully employed full-time safety officers on their mine site at that date in 1966. I was given this 2 page job called the Mines Regulation Ordinance which contained all the regulations for the safety of the miners in the whole of the Northern Territory, and I might say that I was appalled. I also found that the particular mine where this chap had his accident did not have one full-time safety officer employed in 1966 and only had 2 part-time safety officers. Therefore I am pleased to see at long last a new and seemingly decent piece of legislation on the statute books.

I certainly support the principle of safety in mines. I believe that the Mines Branch, or at any event one authority, should have control of all inspection and safety procedures in mines whether it be underground or on the surface. I do not care whether it is Mr Ryan's CIA or Mr Tuxworth's Mines Branch but I believe that there should not be any areas of overlapping, because unfortunately you will find in enquiries after disasters, where 22 men

get blown to bits or buried alive, that someone says, "That was not our Mines Branch area, that was the Machinery and Scaffolding Department and their representative is over in Billaboola and is not here". I do not want to see that happen in the Northern Territory. It must remain under the administration of one authority and there must not be any bureaucratic pettifogging empire building going on over the safety of men engaged in a most dangerous occupation.

Members: Hear, hear!

Mr EVERINGHAM: It is a most rewarding one for the citizenry of the Northern Territory. After all, it is one of our greatest economic bases and if we cannot look after the people who are making the money that keeps us sitting up here in our leather couches, I feel that it would be a great shame.

The other thing is that I see there is to be a Mining Industry Board set up to maintain standards and to license various people concerned in the mining industry and I think this is a great forward step. I hope that they maintain high standards because the only standards that you can afford in mining are high, 100% safe standards. Mining is a no-risks game - no second chances. Mr Speaker, I commend the bill.

Debate adjourned.

ADJOURNMENT DEBATE

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

Last Sunday morning, I and the member for Stuart attended a service at the Flynn Memorial Church in Alice Springs, and later at a hill some 4 miles west of Alice Springs for the committal of the ashes of Mrs Jean Blanche Flynn, the wife of Reverend Dr John Flynn, the founder of the Royal Flying Doctor Service. We also attended at the church the committal of memorial plaques to Mrs Flynn, to Skipper Partridge and to the camel man, Dick Gillen. It is appropriate to note today the passing of Mrs Flynn in August and remember the great service which her husband commenced in the Royal Flying Doctor Service. At this time in South Australia and the Northern Territory, there is an appeal for some $250,000 to buy a new aircraft for the Flying Doctor Service to service the South Australia and Northern Territory outback and I would commend any support that can be given to that worthy appeal.

I would also like to speak about the services being provided by the Australian Broadcasting Commission to the Northern Territory and perhaps suggest, in the light of all the inquiries into broadcasting and television in recent months, that it is high time that some inquiry was made into broadcasting and television services for the Northern Territory after some of the debacles that we have seen in recent times here in the Territory. We heard a question asked this morning, as yet unanswered, about the office space for the ABC in the TAA building. We have the diminishing number of talks officers in the ABC here in the Northern Territory. We have the outstanding matter of the upgrading of 8AL, the broadcasting station at Alice Springs, from 200 to 2,000 watts, a matter that is a serial nearly as long as "Blue Hills". We have the matter of the shortwave services for outback people in the Northern Territory, still apparently fairly stagnant. We have the effect of daylight saving on the services provided for the Northern Territory in relation to news and other programs where the commentators do not even know what time of day it is. We have the programs in general which are being served up in the Territory. We have the situation which existed or exists in Alice Springs at the moment in relation to colour television.

Mr Ballantyne: Farcical.

Mr POLLOCK: Quite farcical as the member for Nhulunbuy remarks. There has been a transmitter at Alice Springs basically using equipment which was capable of transmitting a colour signal and it was proved that this equipment could transmit a quite acceptable colour signal. Then we had somebody in the system deciding that it was not to be and they would incur further expense in cutting out the colour signal from the transmission in Adelaide before they sent the tapes to Alice Springs,

and therefore deprive many people in the community of what was accepted as not up to the same standard as provided in Adelaide and Sydney but to which they were attuned anyway. We were to be deprived of colour television in Alice Springs. At least somebody has had the sense down there in Adelaide somewhere in the system to agree to those measures not being taken and colour television is being transmitted in Alice Springs.

The whole system of the servicing of the Northern Territory is going backwards and I believe that it is high time that some inquiry was made into the needs of the Northern Territory in relation to broadcasting and television, and appropriate action taken to provide for the people of the Northern Territory on a regional basis from Alice Springs to Darwin. Some of the announcers in Darwin think that they service only up to 40 kilometres around Darwin. There is a general need for a deeper review and inquiry into the services being provided. It needs to be undertaken quickly and the recommendations which I am sure will arise from such an inquiry need to be implemented quickly without a whole lot of humbug about a lack of funds. The ABC is getting $120m-odd from the taxpayer and it is about time that a bit more of it was spent in the Northern Territory, servicing a community which is deprived in many ways of the services provided in southern areas.

Mr Steele: Why don't you use smoke signals?

Mr POLLOCK: Listening to the ABC the other morning, the way the chap was giving the times, I think he was using smoke signals.

The third matter I want to raise today is in relation to the Alice Springs sewerage system. All the sewerage from Alice Springs ends up in my electorate, in what is referred to as the sewage farm, in a multitude of quite inadequate ponding arrangements, resulting in a continuing and increasing amount of discharge of effluent into the streams of the area and into an area called Ilpapa Swamp. This matter has been raised with the department. They have scratched their heads and they have come up with all sorts of ideas. The latest scheme which is being evolved in a block of buildings across the way from here, some 1,000 miles away from the problem, is to discharge this sewage - the excess that does not evaporate because the ponds are quite insufficient - into St Mary's Creek; not right down the creek and beyond and out of the way but just at the end of the sewerage farm so that it will run under the main road, practically through St Mary's Children's Village, through the racecourse area reserve just allocated, only about 20 yards away from the newly constructed race club headquarters, and then into vacant land and into the bed of the Todd River, into an area from which water is being pumped for farming. This scheme is not acceptable in any shape or form to the people there, least of all myself. It is in my area and I will be resisting any such scheme to the fullest. I have asked the Minister to come and inspect the situation firsthand but as yet he has declined or he has not been in Alice Springs to go and have a look at it. Everybody comes down from Darwin or everywhere else and says, "Yes, yes; it is a very serious problem. We will see what we can do". They go away and when they are 1,000 miles away they can take a decision that does not affect them personally; they seem to hold the trumps. There is a need now for urgent action to alleviate a growing serious situation which is arising in Alice Springs in relation to the treatment of sewage and it is time that those responsible took hold of the problem and tackled it with a view of overcoming it before there are further serious repercussions in the community.

Mrs LAWRIE: When the Cyclone Tracy Relief Trust Fund was set up and the deed presented and discussed some months after the original concept, it was stated in this House that monthly reports would be presented. This morning, we heard the honourable member for Casuarina asking where the latest group of reports was. The reply he received was that the reports for July, August, September and October - 4 months - were in preparation. It may well be that, with staff cutbacks, it has not been possible to table them in this House

earlier but I think that is poor; they should have been available for the perusal of members.

Honourable members will be well aware that there is controversy in Darwin at the moment over the $500,000 presently held in a fund which has been popularly described as the Mayor's Trust Fund, apparently held in trust towards the building of a cultural centre. I am one of the people critical of that decision and I advise the House that the $500,000 is in fact made up of 2 amounts. The first amount of $208,498 is first referred to in a report given to this Assembly by the Cyclone Trust Fund under the title, "Darwin Cyclone Tracy Relief Trust Fund monthly report June 1976 and review of activities 1975/76". On page 4 of that report appears the following statement:

> *During the month of September, the trust had need to consider an extension of its policy to include the provision of financial assistance to non-profit making and community organisations. This has come about because of 2 factors: (1) the necessity to utilise an amount of $208,498 subscribed by foreign governments which the donors suggested should be used to construct a project of long-term value to the community...*

They go on to talk about the need to get recreational clubs fully operative. To return to clause (1), "the necessity to utilise an amount of $208,498 subscribed by foreign governments which the donors suggested should be used etc.". I challenge that. In the Courier Mail of Saturday last week, page 8, top left hand column, a spokesman for Foreign Affairs also challenged it and denied that the money had been given to the fund with strings attached from the donor countries. Following the controversy raging in the press and elsewhere, it has become apparent that the then Minister for Foreign Affairs, Senator Willesee, wrote to the Trust Fund suggesting that the money could be used in a substantial way. The Trust Fund committee apparently formed a subcommittee and from that subcommittee came the recommendation that the funds be given to the Mayor as the basis for the building of her cultural centre. It is a matter of opinion whether that will be of the greatest benefit to this community. I hold the opinion it was wrong of the trustees to act in that manner and it will not give the greatest benefit to the community.

Having spoken of opinion, and it is diverse in this community, let us now speak of matters of fact. I am challenging the assertion of this report and the public statements which assert that the amounts subscribed by foreign governments "which the donors suggested should be used" has in fact been used in that manner because of that suggestion. I say the donor countries made no such suggestion and I wait to be proven wrong.

The second part of the amount is an amount of approximately $335,000 which at the last meeting of the trustees was also transferred to the Mayor's Trust Fund with the agreement of the trustees present. Here again, I am going to raise some issues of fact to which I expect answers and which have to be raised to allay public concern. The Cyclone Tracy Deed, a copy of which I have and which was debated in this Assembly, states in paragraph 17:

> *When the trustees, after due and proper inquiry by resolution of the trustees determine that there is not and that in the future there is not likely to be any person to whom or for whose benefit the trustees should make any disbursements from the trust fund in furtherance of the objects of the trust, they shall dispose of any residue of the trust fund by transferring it in whole or part to such funds or institutions referred to in Section 78(1A) of the Income Tax Assessment Act 1936-1974, as amended, as the trustees by resolution shall determine to be used for the purposes, if any, specified in the said resolution in the respect of the particular fund or institution whereupon the trust hereby created shall be at an end.*

That is of the greatest importance. Members realise what this means. The trustees determined - and it is a matter of opinion whether it was the proper thing to do at that time - that

there was not, and that in the future there was not likely to be, any need for call on those funds. Therefore they passed a resolution transferring the money to another fund which has become popularly known as the Mayor's Trust Fund. However, I point out that that fund has to be in accord with section 78(1A) of the Income Tax Assessment Act 1936-1974 the schedule of which I also have. I cannot find on that schedule any relevant section to which the new fund would apply. I am talking about the Mayor's Trust Fund.

At this point, I want to make one thing quite clear. I do not challenge the integrity or the honesty of the people making the decision or of the people receiving the money. That money I am quite sure can be accounted for down to the last cent. I am challenging the validity of the resolution of the trustees which gave that money to a fund called the Mayor's Trust Fund. If I am correct and it was not in fact a valid act even with good intent and with the best purpose in mind, the money has to be returned to the Cyclone Tracy Relief Trust Fund.

A member: What is the connection with clause 17?

Mrs LAWRIE: That is the winding up of the trust. Clause 17 talks about the disposal of residual funds and talks about the place to which they can be properly transferred and mentions a schedule to the Income Tax Assessment Act. I am asking for proof that the fund to which they were transferred has relevance to that section of that act.

If I could refer to the "NT News" of Tuesday 9 November 1976, page 15, public notices, under the "Associations Incorporation Ordinance of the Northern Territory of Australia" we see a notice of intention to apply for the incorporation of an association, a notice inserted by George Arthur Dickinson barrister and solicitor, a person authorised in that behalf by the trustees of the association known as the Mayor of Darwin Fund. He is giving public notice of intention of incorporation. Reading that in conjunction with the actions of the trustees, I fear that no such fund exits in law. It may be that this fund is about to exist in law and that that advertisement appearing in the NT News refers to the probability in the future of such a fund legally existing but, if that is so, it does not yet legally exist and the money therefore cannot legally be passed to it. I may be incorrect, but this is a matter that has been brought to me by a member of the public and I am so concerned that I have sent a further telegram to the Minister for the Northern Territory stating that I have examined the deed of trust and I have noted the remaining moneys are to be transferred to institutions referred to in section 78(1A) etc, that I have doubts as to the validity of the transfer of funds and in fact I have instructed a private solicitor to investigate that validity for me. I have brought this to the attention of the Minister for the Northern Territory and told him of my actions. I have also told the Minister that I am raising it in the Assembly as I regard it in the most serious possible light, certainly not with any connotation of wilful impropriety by any person or of any thought of gain by any trustee - certainly not - but serious, as this trust is in itself and in its conception something of the most serious nature. Remember the controversy surrounding the setting up of this trust. Remember that people all around Australia wanted to be assured of the validity of the actions taken by the trustees whoever they might be.

It is my understanding, and again I may be wrong, that at the meeting of the trustees at which this action was taken they had no lawyer present. If so, and if I am right, that would be another point in my favour. They may have considered it an obscure point or not even realised the implications. If there was no lawyer present, I would like to know, officially, whether legal advice on this point was sought and what was the opinion that was given. I believe that I am asking it in the proper place, in the Assembly, because the reports of that Trust Fund are tabled here. It is a pity that the latest reports are not available but, going on the information I have, some of which is contained in the June report, I feel it my duty to raise this

and get clarification on what is a very important point of fact, whether in fact the trustees legally could take that action.

I said at the beginning that in this debate there are matters of opinion and matters of fact. I shall return to the matter of opinion in closing and state that, in my opinion, to have over $500,000 sitting in a fund which is not going to be utilised for many years and for that money to have come from funds donated for the relief of distress caused by Cyclone Tracy is improper. It could have been put to better use. It is my feeling that there is still time for the funds to be disbursed to the people for whom they were meant, distressed people. I have 15 minutes to talk in an adjournment debate and I do not believe that there is any member representing any electorate in Darwin who could validly get up and ask, "What distressed people?" In every electorate, there are pockets of need, there are groups of individuals and community organisations which were poorly served by the Cyclone Tracy Trust Fund - poorly served perhaps at the beginning for good reasons because the trustees never knew quite how much money they were actually going to have to administer. In the early days, they had to ensure that it went to the areas of greatest need, of immediate need, and by and large they attempted to do just that. In the closing stages of the trust fund, when the known amount of money was finite, it was then up to the trustees to positively solicit expressions of need still existing in this community. I do not believe that that positive act was taken.

I have referred publicly to the fact that there are over 200 families who owe money to Commonwealth Hostels for their accommodation immediately post-Tracy other than the first 2 weeks and who are to be sued by Commonwealth Hostels through the auspices of the Crown Law Office Recovery Section. I am quite sure most honourable members have received representations from people who have received these dunning letters. That is an obvious area of need. It is probably also quite correct to say that, at the stage the trust was wound up, they had not received any representations for payment from trust funds for this purpose. I will accept that but I repeat that they made no positive efforts to solicit still existing needs in this community and to reassure people in need that, if they reapproached the trust fund, their case would be reconsidered.

I challenge the trustees' assumption, as must be expressed under the trust deed, that they could after due and proper inquiry determine that there was not, and in the future there was not likely to be, any person to whom or for whose benefit the trustees should make any disbursement from the trust fund. They acted in haste and, had they known what they know now, perhaps they may not have acted in the same way. In my opinion, they acted with undue haste, with undue severity and the money has been diverted to a use for which it was not intended. The money was not given for a cultural centre or any other new building like that. It can be validly argued that money was given for the restoration of community facilities and I am aware that the trust disbursed monies for that purpose. However, I challenge the holding of $550,000-odd in another trust fund that I do not believe validly exists.

Mr EVERINGHAM: In view of the fact that I am the delegate of the Northern Territory Legislative Assembly to the Darwin Cyclone Relief Trust Fund, I feel that I should attempt to clarify certain of the statements and assertions made by the honourable member for Nightcliff. I am very sorry that it has come to this because my duty since the cyclone on the trust, whilst it has not been an onerous one, has certainly not been an entirely pleasant one.

Unfortunately, one finds that, when there are sums of money involved, there are not too many pleasantries around when it comes to carving up the duck. It is a shame that this matter has had to have been dragged out by a muckraking old gentleman intent on selling as many of his books as he possibly could. However, be that as it may, it seems to me that the trust and the trustees have nothing to be worried about at the present time. Our reports have been prepared as and when they could be,

bearing in mind the very limited clerical assistance that has been available to the trust right from the time of the cyclone.

To go back into history a little way, you may recall that, at the time the people of Australia made their magnificent spontaneous gesture to donate all these moneys to the distressed citizenry of Darwin, there were 2 funds established; one fund was established by the Assembly with the support of the Corporation of the City of Darwin and another fund was established by the then Minister for Northern Australia, Dr Rex Patterson. It soon became clear that most of the bodies that were raising funds in the south were going to give their money to the fund that had been set up by the Assembly and the corporation because they were a little bit worried about the other fund being under the control of the public service and God alone knew how long it would take to dish the money out. Therefore the Minister thought it wise to compromise and so we formed the joint fund. At that stage, a great deal of money was paid from what was then the Assembly and the corporation fund into a joint banking account which was opened for the overall fund and this deed of trust was prepared using, I might say, as a basis the deed of trust that was prepared by a New South Wales Queen's Counsel for the Legislative Assembly and corporation fund.

I would like to refer honourable members to the second clause of the deed of trust. I had better read it in full just so that we are all clear about the objects.

The objects of the trust are to apply and distribute the trust fund under the authority of the trustees to or for the benefit of all persons which expression (that is, the word persons) shall include individual persons, corporations, companies, organisations, instrumentalities, local government and statutory authorities, charitable, social, cultural, educational, religious, Aboriginal, sporting, community and other groups whether corporate or unincorporate who have suffered or may suffer distress, disease, illness, financial loss, injury or damages to person or property as a result of the cyclone as the trustees shall deem eligible and within such objects as the application of the trust fund under the authority of the trustees by way of payment to any charitable organisation, which expression shall include such non-profit organisations as the trustees may designate, such sums as may form part of the amount by which the finances of the organisation have been overspent as a result of its rendering assistance to persons in the cyclone area or who suffered as a result of the cyclone, provided however that the objects of the trust do not include and this deed does not authorise the trustees to apply the trust fund towards payment to any insurer by way of recoupment or in respect of any loss incurred by or accruing to an insurer under a contract of insurance.

You see that the objects of the trust are fairly wide. I have in front of me the financial statement as at the close of business on 31 May 1976 which was towards the end of the true active life of the trust and I might point out that applications from the public for relief were still being considered as late as the beginning of this year. At that stage, every application that had been received had been dealt with. The statement of financial expenditure shows total receipts by then of $8,124,879. Going back again, you will remember that a lot of people thought, and there were newspaper reports at the time, that the trust was going to get $20m, $14m, $12m, $50m. As it turns out, the trust got $8,124,879 and a lot of other money, millions in fact, went to the Salvation Army, the Red Cross, and other groups - Rotary, Lions, and just about every tiddly winks that had a southern branch was getting some money that had been collected from the public.

I point out that this is the expenditure of the trust as at the close of business on 31 May: financial assistance and re-establishment grants, and they are purely personal grants, $6,505,659; bereavement grants to persons who suffered the loss of spouses

or breadwinners and so on, $307,500; medical expenses, $1,473; funeral expenses and financial assistance associated with injuries, $25,000. Then we have the Police Citizens Youth Club, $10,000; city corporation, $42,000; Royal Society for Prevention of Cruelty to Animals, $1,671; handicapped persons, $101,000; sportsmen's associations, $1,300; underprivileged children, $4,400; Aboriginal Development Fund, $40,362; Darwin nurses, $1,000. That was from the Newcastle TV station, I remember; I think they insisted that the nurses at the Darwin Hospital get $1,000 out of the money that they sent.

You can see it has been pretty widespread. In fact, the people of Darwin, or the survivors, got nearly $7m of the $8,124,000 that was clear at that stage and at that time there was a balance of $872,752.

Just before we pass on, I would like to point out to members of this House that all through the period since the cyclone these reports have been tabled in this House and in the Australian Parliament as and when they have become available. I have not noticed any speed on the part of any persons, including members of the press, to inspect these reports. Be that as it may, we now take a look at what happened to the residue. The honourable member for Nightcliff referred at great length to article 17 of the deed of trust. I am at a loss to understand why the honourable member for Nightcliff presumes that these funds which were donated to the - let me read from the minutes:

Moved and seconded, that we grant to the Mayor's trust the sum of $335,000 to be used for the restoration of the community recreational and cultural facilities in the town of Darwin.

Out of $8,124,879, the trustees, with a balance of $872,752, have decided to give to the city of Darwin - not for the Mayor's cultural centre specifically at all - for the restoration of the community recreational and cultural facilities in the town of Darwin the sum of $335,000. Turning then to the sum of $208,000 which was donated by foreign governments, I am a trustee as you know and I have been guided in this matter by the executive officer of the trust, Mr John McDonnell. I am sure that Mr McDonnell is right. He has told us that the Foreign Affairs Department has decided that, because this $208,000 comes from foreign governments, it must go into "bricks and mortar".

Mrs Lawrie: They have denied it.

Mr EVERINGHAM: I can recall that exact phrase being used. Mr McDonnell is our link with the Australian Government on the trust. We used to have the Administrator and the Minister but they both went by the board in the last election and so Mr McDonnell is our link. I can assure you that I believe that donations from foreign governments should be acknowledged in a concrete way.

Mrs Lawrie: That is different; we have been told that they have to be.

Mr EVERINGHAM: The trustees, who are exercising their powers under clause 2, have decided that that is what will be done with the $208,000, especially as we are acting on the advice of the Department of Foreign Affairs.

Mrs Lawrie: Who deny it.

Mr EVERINGHAM: This is the last motion of the last set of minutes:

Moved Senator Robertson, seconded Mr Fong Lim, that in accordance with section 17 of the trust deed, we resolve to terminate the activities of the trust and further to dispose of all residue of the trust fund by transferring it in whole to the Darwin and District Spastic Paralysis Association.

You will find that that is one of the bodies that is acceptable to the Deputy Commissioner of Taxation under that part. At that stage, the trust was wound up under section 17. The trust purported and in fact gave the $335,000 to the Corporation of the City of Darwin ...

Mrs Lawrie: Before winding up?

Mr EVERINGHAM: ... under section 2.

Mrs Lawrie: That clarifies that.

Mr EVERINGHAM: Thank you.

I hope that that has cleared for ever the veil of mystery that seems to have surrounded this.

Mrs Lawrie: It is just starting.

Mr EVERINGHAM: Dirty old General Stretton down there is making these snide allegations about people who have acted in good faith. He has walked out of it and said nothing for 2 years and suddenly found all these things to beef about when his book came on the market. If ever there was a self-interested gentleman, I have yet to find a greater example.

Mr Withnall: I thoroughly agree with you, Paul.

Mr EVERINGHAM: I hope that clears up the misapprehension of some of the people in this House. I agree that there are people suffering from hardship in Darwin. I do not agree that, at this very late stage, such hardship could be directly attributable to Cyclone Tracy in most instances. In any event, these applications certainly went before the trust as at December 31 1975 and, if the trust does not have applications before it, how can it deal with them?

Mr MacFARLANE: The Executive Member for Social Affairs talked about radio and television in Alice Springs and said most people in the Northern Territory deserve better broadcasting and television services. It is the duty of the Government to provide education, health, mail and other services to all Australians, not only those who live in populous areas. However, this is just one point which is affecting the outback people at the present time. The matters which I have been raising for a long time are communications generally - road, sea, air and rail. We have no airmail service now. The road services are very poor and are generally out through the wet. There are no rail services in the Top End and the sea services are at the whim of the wharfies. Outback people can put up with these things, provided they have the one thing that they must have - and that is not subsidies or the equivalent of tariffs in secondary industry but reasonable markets for their beef.

I was astounded when I had time to read the Explanations to the Budget for 1976/77 to find that the principal matters dealt with by the Department of the Northern Territory were the administration of the Northern Territory of Australia and the Territory of Ashmore and Cartier Islands, matters related to the specialised development and utilisation of natural resources and matters relating to the production and marketing of beef. This is a revelation. I did not know that anyone at all, including the Meat Board, was interested in the production and marketing of beef. It goes on of course: "the production, processing and export of minerals." I did not know the Department of the Northern Territory was interested in that either. I thought this was a Canberra kick.

Another of the principal matters dealt with by the department was specialised transport development projects, including beef and development roads, mining, railways and mineral port facilities. This is really a revelation because I have never heard of the Department of the Northern Territory investigating markets for beef. I have never heard of them investigating markets for minerals. I thought their major concern was the cosseting of public servants in Darwin. If you read of events over the last 8 to 10 years, you will find that my assumptions are pretty right. We have heard a lot of talk lately about the reconstruction of Darwin but we are not really getting onto the reconstruction of houses for victims of the cyclone. We are just building Darwin up so it can be used by the public servants on their two year stint. The humanitarian aspect has gone but here we find that the Department of the Northern Territory does have other responsibilities. I am delighted to find them.

Markets are the answer for the cattle industry. You take the cattle industry, tourism and minerals away from the Northern Territory and you will find that you do not have much left, apart

from your 52,000 people in Darwin. I found in "Market notes for livestock and meat", dated 5 November 1976, that there is a market for 50 tons of boneless beef, third grade beef, FAQ, 90% visual lean, frozen, in Singapore and Malaysia every 6 to 8 weeks. This would be 300 to 400 tons of beef per annum, which would be 3,000 to 4,000 head of cattle and which would provide a great help to the Top End and employment for the meat workers in the off-period. It would be a great help to the pastoral industry and the Northern Territory because we have not got much going for us. However, we find that none of the abattoirs in the Top End, Bullo River, Meneling (Adelaide River), Yirrala (Katherine) and McArthur River, have export licences. The only export abattoir in the Northern Territory is in Katherine and it closes tomorrow or today. There is a market for third grade beef every 6 to 8 weeks and we cannot even tender for it because our abattoirs are not licensed.

I took this up with the Minister for Primary Industry. You would think that beef was an embarrassment and that we would want to keep it home. This is what he said: "You suggest in your letter that lower hygiene standards for export beef would lead to lower prices and thereby enable Australia to increase its sales to certain markets". Lower hygiene standards means that, instead of sticking to the US standard, we lower the standards to the standard of beef that people in Alice Springs and people in the Top End eat. It is good enough for us but it is not good enough for the Yanks, it is not good enough for Japan, it is not good enough to send anywhere at all even if these countries are quite happy with the Australian domestic hygiene standards. This is a fantastic statement. It is good enough for us to eat here in Australia but it is not good enough to send anywhere else. There is something wrong here.

"In the recent past, we have increased our sales of beef to selected areas in the Middle East and South-East Asia, the sales being negotiated on the basis of ruling costs and market prices. I agree that even lower prices would be likely to result in an increase of export sales." As honourable members may recall, I stated in this place that the honourable member for Marrakai Station can supply buffalo beef acceptable to Australian domestic hygiene standards in Adelaide at 23.5c a pound, yet it costs over 20c a pound to process a beast in Katherine. In other words, the producer is priced out of the market by the processing exercise. The 20c has nothing to do with the price of the beast; this is additional. It does appear that by sticking to the US hygiene standard the cattleman is being adversely affected economically.

Mr Sinclair goes on: "As you are aware, our current export hygiene standards for beef are aligned with those necessary to ensure entry into the United States. Furthermore, I am advised that these or virtually the same requirements are the standards required by other present and potential importers of beef, including buffalo meat, from Australia". This includes importing countries in the Middle East and Southeast Asia. You can see therefore that the Australian standard has been adopted very widely, but not by Australia. Our standards are too low; our domestic standards are too low, and this is pricing us out of the market.

If you have a look at the map, you will see that the top end of the Northern Territory has a geographical advantage of 2,000 miles on the rest of Australia in regard to the markets in Southeast Asia and even the Middle East, and we must exploit this geographical advantage; it is the only advantage we have. I say that the Minister must really look at relaxing these standards, making the standard good enough for us to eat in Australia and good enough to export to these countries who want beef. We do not want the particular kind of assistance, unemployment benefits for cattlemen, which I see in the "NT News" for Monday the 15th. We do not want this. We want markets and I think it is about time we demanded that the Department of the Northern Territory does what its major task is: to find and develop these markets. I suggest that a delegation of cattlemen, with the Majority Leader in his capacity as Executive Member

responsible for primary industry, the President of the Cattlemen's Association and Mr Martyn Finger who is the First Assistant Secretary of the Department of the Northern Territory, go to Southeast Asia and to the Middle East and have a look around for markets. This appears to me to be a reasonable suggestion. It would not cost much and it might get cattlemen out of this trough of poverty which they are in.

As for the centralian situation, I understand - and I am very pleased that this is so - that they are getting a reasonable price for their cattle. I suggest that the honourable member for Stuart might do the same as I am doing and try to get his organisation down there to hop in and develop markets too. There are other markets besides Adelaide.

Mr VALE: I would like this afternoon to draw the Assembly's attention to the present position of pastoralists in central Australia who are now experiencing or who have experienced bush fires in recent months. As of yesterday, there were 16 bush fires burning on properties in the centre. If good follow-up rains are not received, the amount of feed lost will cause critical overstocking problems for these pastoralists. The burn-out of these properties will only compound an already depressed industry. Mr Deputy Speaker, the following information will be of interest to you and other members. Half of those 16 properties have lost three quarters of their stock feed. During the last 40 days, 100 bush fires have been reported in central Australia and, since July, 25,000 square miles of pastoral leases have been burnt out. It should be noted that the Bush Fire Council has received tremendous support from many individuals and organisations in the fighting and controlling of these fires. Assistance has been received from pastoralists, AIB, the Royal Flying Doctor Service, the Department of Civil Aviation and Aboriginal communities. While no stock or building losses have been reported, a considerable amount of fences and other improvements have been lost. It is probably too early to assess what assistance may be required by the pastoralists but I would think that, if follow-up rains are not forthcoming, the overstocking problems, severe prior to these fires, and the low cattle prices experienced in recent years may require government action and assistance. It is a potential problem which will need to be watched closely.

Mr KENTISH: I have several things to comment on this afternoon. One is the old matter of education, a problem which is still with us in Australia and in the Northern Territory. As one of millions perhaps in Australia who is dissatisfied with our present educational system, I must make some remarks about it. Apparently, we are not the only people in the world who are having difficulties with education. In the NT News of 8 November, we have a report concerning the difficulties in Great Britain over this matter of education. Recently they conducted a questionnaire there about education and there is a big headline which asks, "The 3 R's or well adjusted citizens?". Quite apart from all the other things that may or may not be wrong with education there, right at the beginning, we have a foul approach to the situation. Parents are asked a number of questions. What would they want, children who were well set up with reading, writing, arithmetic, mathematics, or would they like children who would turn out happy, contented and well adjusted? What a stupid thing! It is an insidious insinuation that you cannot have both. It is insinuated that all the children many years ago that were well taught in the 3 R's are maladjusted citizens. It is monstrous really. This is a brainwashing which psychologists, or self-appointed psychologists, are attempting to thrust on the public. What will you have, the 3 R's or well-adjusted citzens? There is no suggestion that you could quite easily have both. In fact, for many years, this country did turn out both. Where we seem to have wandered off the rails is that our education has become lop-sided.

According to Prime Minister Callaghan - this is in Great Britain - there is no virtue in producing socially well-adjusted members of society who are unemployed because they do not have essential skills. A school teacher re-

plies further on, "It is my job to turn out good citizens, not to train people in arithmetic." I do not know who told him that or where he got that idea from, but that is his idea. One child in 6 entering secondary school requires special remedial teaching in reading and arithmetic according to one newspaper survey. Apparently, they are having the same problem over there in Great Britain and we have similar reports from America. Yet our experts are going abroad to find out how to get to the roots of a good education system. They would be better off if they stayed home. Perhaps if they went to Singapore or Hong Kong, they might learn more about education or even Vietnam. Children went from Vietnam to America and they found that they were way ahead of American children of their age in basic education.

"The Government is at present powerless to impose any minimum standards on either primary or secondary schools. Mr Fred Murray, holder of the education portfolio for a year, consistently lamented his lack of power for making anything happen in the country's educational institutions. In the meantime, the 11 million children in Britain's 38,438 schools will continue to study 38,438 different curricula." That is Great Britain's problem. We also have a problem in Australia and it is interesting to note that the problem exists overseas. At the root of it is this woolly thinking, the old fashioned idea that, if a person knew the alphabet and knew the 3 Rs or was educated in the basic skills and knew nothing else, he was just a parrot. That perhaps is lying at the root of a lot of our trouble today.

I have heard a good deal today about the missing millions from the cyclone trust fund. If there are missing millions, I begin to become convinced that they will be found buried out near Lasseter's Reef somewhere. Only a few weeks ago, we heard about a man who was heading into the Simpson Desert looking for something. That is about the extent of my interest in the missing millions: when they find Lasseter's Reef, they may have them.

In the NT News - this is a very fruitful paper at times - we have a magnificent picture of a 5-toothed smile from Mr Clem Jones and some observations and impressions that he has given to a journalist about his year with the Reconstruction Commission. It is very interesting but there is a political point in it somewhere. Mr Clem Jones, as everyone will know, was a staunch Labor Lord Mayor of Brisbane for many years. In 1974, there was a snap election and Mr Whitlam went up to Brisbane and there was a picture in the Courier Mail of Mr Whitlam with his arm around Mr Clem Jones and he said, "I want you to stand for this seat in Brisbane; I want you to stand for that electorate." He said, "I want you to sit on my right hand in Canberra when I go back there". Mr Jones stood for that electorate but the results were not exactly as planned. He never came to sit beside Mr Whitlam on his right hand in Canberra. However, he was a staunch Labor supporter and most Labor supporters in the Territory were very keen about extra or increased autonomy for the Northern Territory Assembly. They used to be keen about eventual statehood for the Territory until such time as the Labor regime of Australia had one of its annual get-togethers at Surfers Paradise - I think towards the end of 1974 - and by a narrow margin a vote was won by Mr Whitlam to obliterate the states, wipe out the states, get rid of them. That caused a split in the Labor ranks, a considerable one, but apparently Mr Jones was not one who wanted to get rid of the states and I notice his statement here on 5 November. He said:

> *Mr Jones admitted that there are some extremely fine government officers in Darwin dedicated to their tasks but, on the other hand, there are people who simply exist to avoid making decisions in Canberra. Statehood however will bring them face to face with reality. They will then become answerable to people right here on the spot. Fundamentally, it has been a problem of isolation. When this is overcome by the seat of responsibility being here, the malady must surely be cured.*

Coming from Mr Jones that is worth a whole booklet of words from somebody else. He is a staunch Labor supporter and a man who has had some experience in Darwin, in the Territory - very intense experience I would say for the last 12 months. I think that that is worth remarking on and bringing to your notice this afternoon.

Also, in a recent paper we note that the exports of the Northern Territory in the last 12 months, that is the statistician's report, have risen immensely in value from $84m up to $117m in the year. What surprised me about that was that one of the biggest items in the exports was chemicals. After that came minerals. Apparently all along the line the exports of the Territory are jumping up in value. Of course, we have to take into account inflation; the tonnage or poundage may not be increasing so much as the monetary value. But the statistical report added to Mr Jones' remarks about the requirements of greater autonomy or statehood must give us some encouragement.

Motion agreed to; the Assembly adjourned.

Thursday 18 November 1976

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION - CONSTRUCTION OF FOURTH HIGH SCHOOL IN DARWIN

Mrs LAWRIE: I present 2 petitions relating to the failure to complete a fourth high school in Darwin in the near future. The petitions are phrased in moderate language and bear the Clerk's certificate that they are in accordance with standing orders. I move that the petitions be received and read.

In support of my motion, I advise the House that one of these petitions was signed by 306 secondary students at Nightcliff High School and the other signed by 639 students of Casuarina High School. The students, like the rest of the community, members of this House and the Executive Member responsible, realise it is imperative that an early start be made on the building of Dripstone High School. The students realise that serious overcrowding will eventuate in their own high schools and are doing what they can to assist in bringing this realisation home to the Australian Government. They have accordingly asked that these petitions be presented in the Assembly and have demonstrated their concern for a situation of which we are all well aware.

Motion agreed to.

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN THE NORTHERN TERRITORY ASSEMBLED

The petition of the undersigned of Nightcliff High School and of Casuarina High School respectfully showeth: (1) that a population survey shows that there is an urgent need for a new high school in Darwin; (2) that tenders for the Dripstone High School should be called immediately; (3) that failure to complete a fourth high school in Darwin by 1979 will create severe accommodation problems and harm the opportunities of Darwin secondary school age students receiving a fair and reasonable education. We humbly pray that the Assembly take all steps necessary to induce the Australian Government to make provision for the commencement of the construction of the Dripstone High School in this financial year, and your petitioners as in duty bound will ever pray.

PAPER - NATIONAL APPROACH TO WATER RESOURCES MANAGEMENT

Mr TUXWORTH: I table a paper prepared by the Australian Water Resources Council entitled, "Proposed National Approach to Water Resources Management".

In doing so, I would like to remind honourable members that water is one of our most vital resources and in many parts of the country one of the scarcest. It is also perhaps a unique resource. On the one hand, it may be developed to meet the many needs of humanity - town water supplies, hydro-electric power and generation projects, irrigation schemes, stock water supplies and many other uses. On the other hand, water can produce its own problems which require careful planning to guard against and, in many cases, costly solutions. In the Territory, we are well aware of the damage done to parts of the road system by flooding each wet season and of the occasional serious damage threatened to riverside communities by rivers in high flood. There is a third side to water which has received much more attention from the community in recent years. This is its susceptibility to deterioration by pollution and, in many cases, making it unfit for some uses and upsetting ecological systems.

Water resources can be developed and controlled. They can also be used adversely and be affected by human activities as well as by natural occurrences. Water development schemes in themselves have their own effects on the environment, some of them good and some of them bad. Water has always been regarded as of a fundamental importance but today it is clear that the community is more aware of the relationship between this resource and human activity. The community is now also prepared to make some investment in maintaining the quality of water in our streams,

lakes and underground aquifers.

This is all tied together in the field of water management. Proper management requires a highly skilled approach and involves such people as engineers, chemists, biologists, hydrologists, economists and administrators working together. It must also involve the public who are the people specifying the results and paying the bills. It is no longer acceptable to plan water schemes and waste water disposal projects solely on the basis of economics or of technical feasibility. The effects on the landscape, on animal and plant life forms, social benefit, regional development effects and other aspects must also be taken into account wherever relevant. Each aspect must be given the appropriate weight in planning a project.

The Australian Water Resources Council, representing the Commonwealth, the Northern Territory and all the states, has developed a proposed policy statement on water management which has been adopted by all the governments. It sets out the basic principles and goals underlying the desired approach to the development and management of water resources in Australia while recognising that the responsibility for these matters rests primarily with the respective governments. Being a short document covering a wide field, it is necessarily broad in its treatment of the matters covered and there is scope for local variations within the general guidelines. It is also recognised that there is the likelihood of modification becoming desirable in the light of further consideration in a wider forum.

This statement has been tabled in all the parliaments of Australia and comments on it from interested people are being invited. I am tabling it here and I would stress to honourable members how important it is for people generally to be concerned with our water resources and how they are managed. Copies of the statement are available from the Director of Water Resources and I hope that members of the public will obtain them and give him their views on the proposed policy. The Water Resources Council intends meeting and considering public comments at its next meeting in 1977. I commend the document to the House.

FOURTH REPORT OF THE PUBLICATIONS COMMITTEE

Mr POLLOCK: I present the 4th Report of the Publications Committee. I move that the report be adopted and that the recommendations contained therein be orders of the Assembly.

Motion agreed to.

PUBLIC SERVICE BILL

(Serial 159)

Bill presented and read a first time.

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

The presentation of this bill, sir, is the most important event in the constitutional development of the Northern Territory since 1948. In that year we established a legislature. The composition of that body changed from a position of Commonwealth government dominance to one with a non-government majority and, finally, to a fully-elected legislature through the tenacious efforts of many people who fought for constitutional development for the Territory, but the powers of the new Assembly were still limited to the making of legislation. Although this was a very significant power, the legislation made in this Chamber was administered by Commonwealth public servants responsible to federal ministers. All executive powers were retained at the federal level. No power to make administrative decisions was vested in the Territory representatives elected by, and responsible to, the people of the Northern Territory, or in this Assembly, for the decisions that those public servants made, many of which affect the every day lives and welfare of Territorians.

All members will be aware of the recent Cabinet decision to transfer certain executive functions to an executive drawn from this Assembly and to give this executive full powers and responsibility in respect of those matters. This step recognises that in-

tense struggle for constitutional development in the Territory which has occupied the time and energy of many members, past and present, of this House. It was endorsed by a joint committee of both houses of Federal Parliament and by the major political parties of this country. It is the most important step yet towards responsible self-government for the Northern Territory. I wish to acknowledge and show my appreciation of the efforts of the Minister for the Northern Territory and his staff in securing this decision, and I commend the Government for making it.

This bill which I have presented today provides the means for the creation of a Northern Territory Public Service which is the machinery for government in the Territory. The public service to be established under this bill will work through Northern Territory authorities to a Northern Territory executive, not through the Commonwealth Public Service to federal ministers. The existing Public Service Ordinance of the Territory was examined to see whether it could be modified to meet this need but it was not possible to amend that ordinance to provide effective legislation for the establishment and development of a career public service for the Territory. Advantage has been taken of the considerable amount of investigation and review in recent times of the public services in Australia, both federal and state, in developing guidelines for this bill, and union officials and officers of the Public Service Board have offered useful contributions in devising the present form of the bill.

Although it is a lengthy document of some 70 pages, I am sure that most people who read it will find that it provides a simple but effective framework for the establishment and development of the Northern Territory Public Service. It is couched in simple language, as distinct from many other pieces of legislation in this field, and I would like at this stage to pay a tribute to the First Assistant Secretary of the Drafting Division of the Attorney-General's Department, Mr Ted Tudor, and also to our Director of Legislation, Mr David Hogan, who have worked unsparingly for long hours on this bill over recent weeks. I hope that by the time it is in final form, Mr Tudor will be able to regard it as his chef d'oeuvre.

The creation of a Northern Territory Public Service is not to be taken as a denigration of Commonwealth public servants who have carried out, within the constraints of the system, the requirements of government in the Territory until now. All of us know of dedicated work carried out by many hard working and efficient officials over the years, but the fact remains that, as Commonwealth public servants, their responsibilities and loyalties had to be directed to the Commonwealth service and the federal ministers to whom they were responsible. Our own public service, responsible and loyal to a Territory Executive, is an absolute necessity for responsible and effective regional government here.

Obviously, we will not set out to establish a completely newly staffed Northern Territory Public Service overnight. We would not wish to. The service, to a great extent, will be staffed by people who are initially those same Commonwealth public servants who have served here over the years and, of course, by the existing units of the Northern Territory Public Service. During such time as the former Commonwealth public servants work in carrying out the transferred executive functions for the government of the Northern Territory, they will be Northern Territory public servants responsible to the Territory and not to the Commonwealth but the rights of these Commonwealth public servants are fully protected by the proposed Public Service (Amendment) Act No. 2 1976 of the Commonwealth, which has been introduced as a bill in the Federal Parliament. This will authorise the transfer of specified officers of the Australian Public Service to the Northern Territory Public Service and preserve all their rights and entitlements, including also the right of re-entry into the Australian Public Service and the right of promotion and appeal in respect of officers in that service. I know that many present Commonwealth employees have already expressed their interest in

entering the Northern Territory service. We must ensure that Commonwealth employees who transfer to the Territory service are not disadvantaged, that their full rights are preserved and that they retain a right to return to the Commonwealth service if that is their wish. I believe that this will be accomplished under the ordinance and the act.

The bill, then, establishes a Public Service of the Northern Territory. The service will be comprised of such departments as are established by the Administrator in Council, together with a number of specified authorities. The Northern Territory (Administration) Act requires the establishment of departments for which Executive Members will be responsible but the bill also provides for the establishment of lesser units of administration. The functions of the various departments and units will be as from time to time determined by the Administrator in Council. The functions of the prescribed authorities, on the other hand, are those set out in the ordinance establishing them.

Initially there will be 5 departments - that is part of the Cabinet decision - as listed in clause 18(3) of the bill. These are the departments established to be responsible for the matters incorporated in the first transfer of powers, and each of these departments will be responsible to the particular Executive Member with responsibility in that department's functions. The departmental head has full powers in relation to the development and use of staff in his department. Prescribed authorities, and also the Speaker of the Assembly in respect of the Assembly staff, and the Commissioner of Police, have been given all the powers of a departmental head. The lesser units will be headed by chief executive officers with specified powers in respect of staff under their control. Mr Speaker, I have not yet had the opportunity to talk to you about the implications of the new proposed legislation but I wish to assure you that I intend to do this. I recognise that, in the past, there have been 2 departments under the old Northern Territory Public Service Ordinance, that of the Administrator and that of the Speaker. Under the new arrangement, there will have to be some changes but I wish to assure you that, in making any changes, the independence of the operation of this Assembly, and your independence as Speaker, will in no way be interfered with. It may be that after discussion you may prefer to see some delegation of the role which the bill suggests you might perform to the Clerk. These are matters which I am more than happy to discuss with you and which I hope we will reach a final agreement on in time for our next meeting.

There will be a Public Service Commissioner for the Northern Territory charged with promoting and developing the efficiency of the public service. He will have heavy responsibilities. He will examine and recommend to the Administrator's Council on the overall size of the service and the required establishment of the various parts of the service. He will make bylaws prescribing the conditions of service of all employees of that service. He will determine what positions are required for limited periods only and the duration of those periods. He will constantly review the operations of the service and, as necessary, recommend to the Administrator's Council measures necessary for its improvement. From the foregoing comments, it will be seen that it will be necessary to have a suitable person appointed or seconded to the position of commissioner as a matter of immediate urgency before this ordinance can be operational, and the bill makes provision for the earlier appointment of the commissioner. This high priority matter, without which everything else might fail, is being pursued as a matter of top priority with the Government.

The staff of the public service will consist of the employees of the various departments and units of the service and also the employees of the prescribed statutory authorities. The prescribed authorities are listed in the second schedule to the bill. Including the authorities in the public service will ensure reasonable uniformity of conditions of service of government employees in the Territory. It will provide a larger pool from which exper-

ienced employees may be drawn for the assistance of those authorities and offer improved employment opportunities to the employees of authorities who will become, in a way that they have not been before, part of a larger service with wider employment potential. But the control of those authorities will remain with the boards which will have the powers of department heads with respect to staff employment and control. Adequate delegation powers exist in the bill to ensure that reasonable flexibility in the employment of staff by authorities can be achieved.

In the recent consultation with some of these authorities, which has extended to showing and discussing with them some of the earlier drafts of the legislation while it was evolving, there have been some misgivings expressed, particularly by some of the senior officers and even some of the board members of those authorities. They are very much aware of the importance of the independence of the statutory authority in its operation. In fact, I have been of the impression over the years that in one or two cases the statutory authorities may have become too independent in their outlook, to the point that they have forgotten that they are, after all, creatures of this legislature. They were created by this legislature with a job to do and, of course, this legislature may vary that job and the method by which it is done at any time, through this Chamber, on behalf of the people of the Northern Territory. I think one of the great things about the new system is that the statutory authorities will have a locally elected Executive Member to relate to, someone they can go to and somebody who, in turn, will make sure that they are doing the job which this legislature intended them to do when it passed the legislation. That is a position we have never been able to achieve in the past.

Whilst some of the senior board members may be apprehensive about losing an element of their former independence, particularly, I think, as far as recruitment of staff is concerned, I can assure those senior people that all discussions I have had with other staff members down the line indicate that those people will welcome the opportunity to belong to a larger service, to gain wider experience, to transfer; and I believe that in the overall scene it will be of great benefit. Once again, we give the assurance to the statutory authorities and boards that the powers of delegation in respect of cutting red tape, which is one of the reasons why some of these boards were set up separately, will be used by the Public Service Commissioner on our advice so that they gain the benefits of the new system without, I hope, the disadvantages which some of them appear to fear.

It will be noted that the general term used for all persons working in the Northern Territory Public Service is "employee". This will apply from departmental heads to the lowest paid position in the service. The terms and conditions relating to each position in the service will be spelt out in relation to that position. There are to be no distinctions between employees and temporary employees. Instead, the commissioner is to be empowered to declare that, if a particular position is for a specified limited period, the person occupying that position during that specified period has the full rights of any other employee. Mr Speaker, you are well aware of some cases here in the Northern Territory where people have been put on as temporary employees in various instrumentalities and have been kept in that situation for 15 or 20 years, without having the rights and benefits which I believe they were fully entitled to. We are not going to repeat that sort of mistake: we are going to operate in the way I have indicated. This simplified nomenclature will, of course, apply only in the Northern Territory Public Service. Transferred officers who return to the Australian Public Service will resume the nomenclature of that service: "officers", "employees", or whatever it is.

Provision is also made in the bill for the employment of persons receiving only fees, allowances or commissions, or employed on a daily or casual basis without reference to this ordinance. They will not be public servants. This will cover the short-term employment of

specialists, consultants and so on and the casual short-term employment of labour for particular tasks other than the normal functions of the service, such as clean up after cyclones, foot and mouth outbreaks, or whatever it might be.

With a bill of this size, it is not my intention to weary the Assembly at the second reading with a clause by clause explanation. I will attempt briefly to summarise the general principles underlying the bill and to indicate the main features. These are as follows. There will be a Public Service of the Northern Territory to replace the existing service. The new service will consist of employees of departments and certain employing statutory authorities specified in the bill. The bill expressly provides that the public service, through its departmental heads and chief executive officers in the departments and the controlling bodies of the authorities, is to be responsible to the Executive Members for the management and conduct of its business and activities. Until other provision is made for the auditing of our Territory accounts on behalf of the Government of the Northern Terrtory, provision has been included for the Public Service Commissioner to ensure that departments and authorities operate within their budgets. In accordance with recent moves elsewhere, the departments and prescribed authorities will have full employing powers within establishments fixed from time to time by the Administrator's Council on the recommendations of the Public Service Commissioner. The Public Service Commissioner will, with certain safeguards, through bylaws, determine the terms and conditions of all employees. I emphasise again, sir, that the existing rights of people in the present Northern Territory Public Service and the Australian Public Service will be preserved on transfer to the new Northern Territory service. These rights will include special arbitral provisions in the relevant ordinances for the police, fire brigade, and prison staff, so that, while those units are essentially regarded as being within the Northern Territory Public Service, for purposes of their determination of conditions of service, they will have a special tribunal as has been the case in the past.

The bylaws of the Public Service Commissioner are required to be notified in the Gazette and cannot be made with a retrospective operation if they prejudicially affect existing rights; and they are required to be tabled and are subject to disallowance by the Legislative Assembly. There are safeguards to obviate patronage, favouritism and discrimination. Normal provisions for appeals against promotions, but only on the grounds of efficiency, have been included. These provisions have not existed in the Northern Territory Public Service Ordinance before. Provisions have also been included as required by the complementary Commonwealth Public Service (Amendment) Bill, now before the Federal Parliament, for appeals against public service promotions in either the Australian Public Service or the Northern Territory Public Service. The latest public service provisions relating to discipline, including admonition, fine, reduction in salary, suspension, dismissal for misconduct, failure of an employee to fulfil his duty as an employee, or conviction for a job-related offence against any other law, have been included in the legislation. Appeals against disciplinary action may be made to appeals boards constituted by an independent chairman who is a magistrate or an experienced legal practitioner, an employee nominated by the Public Service Commissioner, and a person nominated to represent the unions. Superannuation for the new public service employees will continue to be covered by the Commonwealth Superannuation Act.

For the effective appointment of the Public Service Commissioner before the rest of this ordinance commences and for his power to prescribe terms and conditions immediately, it was necessary to make special provision. It is most important, as I said before, that there be an early appointment of this commissioner. He has an enormous amount of initial work to do in the determination of terms and conditions of employees before the legislation can operate.

A good deal of discussion has taken

place already with people who have a special interest in this legislation, and a great deal more will be needed. I have talked to, and I am in constant contact with, representatives of the Administrative and Clerical Officers Association and the Fourth Division Officers Association which are two of the larger groups involved in this transfer. Representatives from their federal executives are expected in Darwin next week for further discussions with me. I have talked to the representatives from both police associations, from the Professional Officers Association, the Engineers, the Surveyors and Draughtsmen's Associations, and the statutory authorities to be transferred. I have talked with Australian Public Service staff in Alice Springs who will be affected by these transfers. I know that many more talks will be needed; they will be held as necessary and undoubtedly some amendments will be necessary. I anticipate, in fact, that the next month will probably be one of the busiest in my working life.

It is unfortunate in one way that legislation as important as this bill must be processed through the Assembly so quickly. Indeed, just before I came in here this morning, I received a copy of a telegram which the federal secretary of the Council of Australian Government Employee Organisations has sent to the Minister today expressing his misgivings about being able to achieve the target date of 1 January, and expressing some further misgivings about whether some aspects would meet the public service unions' requirements. He also asked for some discussions which undoubtedly the Minister and I will be glad to have with the people concerned. While it is unfortunate in one way that the bill has to be processed quickly, on the other hand, the longer the delay, the greater the uncertainty for many people. Once the main points and issues are covered, the faster we can go through with this job and, hopefully, still meet the deadline.

Apart from this legislation, there are many other things that have to be attended to. There is a substantial job to be done in designing the 5 departments on which the whole scheme will be based. Many hours have gone into trying to find the organisations that will fit in with those transferred functions and suit the real needs and best interests of the Territory. Right at this moment, one of my advisers is in Canberra with a senior officer of the Department of the Northern Territory, meeting for 2 days with the Public Service Board in order to get some finality in that organisation structure.

Apart from our own organisation, and we will have the say in how that is designed, this does affect what is left of the Department of the Northern Territory. The Australian Public Service Board has to look at what is left and how that will be re-organised and reconstituted. The two things are closely related to one another. That work is going on and I have no doubt that it will be completed within the next fortnight.

The other major area where work is going on is in germination of the financial commitments, undertakings and requirements. We are aware that, over the years, the Commonwealth Government has entered into policy commitments and undertakings with a number of authorities to do certain things. For example, in the agreement for the setting up of local government in Alice Springs, there was the requirement to establish a municipal depot and civic centre. Both projects were to be underwritten by the Commonwealth Government on behalf of the local government in Alice Springs. They are not yet done. There are many examples of this included in some of these areas for transfer. The Executive Member for Finance and Community Development is awaiting information on these items and we will be looking for some confirmation from the Commonwealth of the fact that these undertakings are still recognised and that they will be underwritten by the Commonwealth.

All members will appreciate the need to pass this bill, probably with amendments, at the next meeting of this Assembly in December if we are to have a Northern Territory Public Service operating by 1 January 1977. I believe we should do everything possible to

show that we are able and willing to meet the challenging demands of this new situation and I will use my best endeavours to see the legislation is passed and do whatever is necessary to try to meet the reasonable wishes of the other interested parties. I am extremely encouraged by the cooperation and goodwill which has been shown on all sides up till now. I strongly commend to every member of this Assembly a detailed study of the bill and will commend any comment aimed at improving it. I would ask honourable members not to wait until the December meeting but to come forth with these comments as they arise. Then, if amendments are necessary, the drafting can be spread if there is any drafting to be done. I thank the honourable members for listening so patiently. I look forward to their cooperation in bringing this project to a successful conclusion.

Debate adjourned.

TRANSFER OF POWERS BILL

(Serial 158)

Bill presented and read a first time.

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

This bill is complementary to the Public Service Bill which I have just presented. It relates to specific matters which will be administered by that new public service. It is to amend the ordinances covering functions included in the first tranfers to give effective powers to a Territory Executive. The bulk of the bill comprises schedules of amendments to ordinances and regulations. The amendments are many and reflect a detailed examination of each of the pieces of legislation relating to the first transfer of powers to determine the appropriate pattern of the exercise of those powers in the future. In the majority of cases, the powers are to be vested in the Executive Member responsible for the administration of that legislation.

Parts I, II and III of the first schedule replace the terms "Administrator", "Administrator in Council" and "Minister" with the term "Executive Member". Similar amendments are made to regulations by Parts I and II of the second schedule. The transferred powers are those which are properly exercised by a minister in the states in respect of legislation under his control. A number of matters presently dealt with by the Administrator's Council will, in future, be dealt with by the relevant Executive Member. These include some statutory appointments, appointments to the statutory authorities, routine approvals and similar things. They are not properly the subject of consideration by what is now to be an Executive Council. Many of the duties were originally imposed on the Administrator's Council to ensure that the Assembly was represented in making decisions of this nature. The Assembly will now be represented by an Executive Member who will be responsible to the Assembly for the decision he makes.

The miscellaneous amendments listed in Part IV of the first schedule cover more complex matters. They cover, for example, the allocation of funds to a statutory authority, which will be done in future by this Assembly not by federal appropriation. They remove reference to employment conditions in authorities as these in future will be determined under the Public Service Ordinance. They ensure that the responsible Executive Member has control over the activities of a statutory authority. I commend to all members a study of those provisions and I will give close attention to any representations made about any of them.

This bill and its schedule do not cover the full range of transferred powers. Among the bills introduced to this Assembly recently, the Medical Practitioners Registration Bill, the Fire Brigades Arbitral Tribunal Bill and the Counter Disaster Bill, all have reference to transferred powers. Amendments circulated relating to the Territory Parks and Wildlife Conservation Bill and the Parole of Prisoners Bill, which are presently before the Assembly, also contain provisions for the transfer of executive powers. These items ought to be considered together in members' study of this bill. All these things, hopefully, will come to-

gether reasonably closely in the same time span.

The bill contains saving provisions in respect of actions taken under existing powers to ensure their validity until action ensues under the legislation as amended. Particular provision had to be made in clause 2(2) to relate to the chairmen of the arbitral tribunals to ensure the continued effectiveness of current appointments. The bill will also repeal the Transfer of Executive Powers Ordinance which was passed some time ago but which can have no effect now. That ordinance was a generalised approach by the Assembly to try to gain some powers, to try to force the issue. The issue has been forced. The present bill relates specifically to the powers which are to be transferred and are specific in respect of those powers. I commend the bill.

Debate adjourned.

INTERPRETATION BILL (No. 2)

(Serial 160)

Bill presented and read a first time.

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

There are two reasons for this bill. The first one flows from the current exercise of transfer of functions to the government of the Northern Territory and the establishment of the new public service. For this reason, a new definition of "department" has been included to complement the proposed new public service legislation; it is defined to mean a department of the Northern Territory Public Service unless a contrary intention appears. Also, because of the amendment of the Northern Territory (Administration) Act this year, it is necessary to provide a new definition of "Executive Member" to replace the existing definition. The existing definition defines an Executive Member by reference to the Transfer of Executive Powers Ordinance. As it is proposed to repeal that ordinance by the Transfer of Powers Bill which I have just dealt with, we have to make a reinterpretation. The new definition is designed to identify in an ordinance the relevant Executive Member who is responsible for the administration of the ordinance or part of the ordinance. The Executive Member has that responsibility by virtue of a determination by the Administrator under section 4ZE of the Northern Territory (Administration) Act. It is proposed to have such a determination made and published as provided by that section shortly. It is intended that the timing of that action will coincide with the commencement of the Northern Territory (Administration) (Amendment) Act 1976 and of the local legislation here for the new public service.

The opportunity has also been taken to define the term, "the act", to mean, unless the contrary intention appears, "the Northern Territory (Administration) Act". The expression "the act" has been used in the Public Service Bill that has been presented to the Assembly this morning and it is intended to have that meaning. Similarly, it has long been necessary in regulations, rules or bylaws under an ordinance to define "the ordinance" to mean the ordinance under which they are made. A proposed new section 5B to be inserted by clause 4 will obviate the need to do this in the future. Draft regulations for the purpose of the proposed new public service legislation have been prepared with that amendment in mind.

With the second reason for the bill, I feel that I am trespassing to some extent on the realms of the Executive Member for Education and Law. It deals with the question of the Senior Judge in the Supreme Court of the Northern Territory. Many of our ordinances refer to the Senior Judge of the Northern Territory Supreme Court and define him by reference to the title given by the Northern Territory Supreme Court Act. There is at the moment a bill before the Federal Parliament to amend the Northern Territory Supreme Court Act to change the name of the judge with the greatest seniority from "the Senior Judge" to "the Chief Judge". The Commonwealth amending bill has been passed in the House of Representatives and is expected to pass in the Senate this or next week. The amendment of the Supreme Court Act by the Commonwealth

bill provides that the Chief Judge is the senior judge of the court and the other judges have seniority as between themselves according to the dates on which their commissions took effect. It is therefore most desirable that our references in local legislation be brought up to date. Proposed new section 5A is designed to achieve that result. The opportunity has been taken to include an interpretative provision of the Supreme Court so that it will not be necessary in Territory legislation to give it its full title of the "Supreme Court of the Northern Territory of Australia".

Debate adjourned.

STATEMENT - STANDING ORDERS

Mr SPEAKER: I inform the Assembly that I have referred to the Standing Orders Committee the matter of amendment which may be necessary to the standing orders on the coming into operation of the Northern Territory (Administration) Act 1976.

FIRE BRIGADES ARBITRAL TRIBUNAL BILL

(Serial 157)

Bill presented and read a first time.

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

This bill has 2 purposes. First, it amends the ordinance to recognise a Northern Territory Fire Officers Federation. The year before last, I spoke to a report that was undertaken into the Northern Territory Fire Brigade by Mr Meeve. In that report, he mentioned that it was quite strange that the Northern Territory Fire Brigade only had a Firefighters Association made up of all the members of the fire brigade other than the Chief Fire Officer. He pointed out that in a disciplined organisation this did cause some problems in as much as officers in the fire brigade, in carrying out their duty, would quite obviously sometimes have to speak severely to other members of the fire brigade. This could then result in action being taken in the association to reprimand the officer for in fact carrying out his duty.

The amendment to enable the recognition of the Fire Officers Federation is consistent with other similar organisations in the Northern Territory, namely the police and prison officers. There will be some amendments. The drafting section has been rather busy over the last few weeks preparing the legislation that the Majority Leader has just presented and, in giving the draftsman the instructions, I was not quite clear enough in relation to who were going to be included in the Fire Officers Federation. Clause 5 states now that a senior officer will exclude station officer and below. We require that the federation shall include the station officer and above. There will be an amendment to the bill to enable that.

The other purpose of the bill is to be consistent with and complementary to the Transfer of Powers Bill which the Majority Leader has presented to the Assembly. It was decided that the changes to the Fire Brigade Arbitral Tribunal would be included in this bill rather than the bill that the honourable member presented.

There may be some question concerning clause 6(2)(a) which relates to a person appointed by the Administrator in Council who shall be the chairman of the tribunal. Currently, the chairman of the tribunal is a judge. We anticipate that this situation will continue and clause 4 looks after that aspect of maintaining the judge in the particular position for the time being. However, in the future there may be reason to change the chairman of the tribunal. We expect that this person, when and if he is ever appointed, will be appointed by the Administrator in Council and we expect that he would be a member of the judiciary with expertise in arbitration.

I would like to dispel any fears that members of the association may have that the clause as it reads seems to enable the Administrator in Council to appoint a member whom they want to appoint to the position and it could appear that they were stacking the tribunal. This is certainly not the idea and I would like to dispel any fears of that happening.

The short clause at the top of page 5 will be omitted; that was inserted in error.

The legislation will serve the purpose of enabling the officers to form their federation. They have approached me and asked that these amendments be made to enable them to form an association and this will be done subsequently. I commend the bill.

Debate adjourned.

MEDICAL PRACTITIONERS REGISTRATION BILL

(Serial 155)

Bill presented and read a first time.

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

This bill amends the Medical Practitioners Registration Ordinance to provide for the payment of fees and allowances to members of the Medical Board, the appointment of a registrar, additional forms of limited registration for medical practitioners and the establishment of a disciplinary tribunal. The opportunity has also been taken to substitute the term "Director of Health" for "Chief Medical Officer".

The new provisions were recommended by the Medical Board and are supported by the Department of Health. The payment of fees and allowances to members of boards is now generally the practice. Provision is made in the bill for the prescribing of appropriate fees etc. The Medical Board has requested that provision be made for a registrar. Existing legislation requires that all actions be taken by the board or chairman. This requirement involves the chairman, unnecessarily, in a good deal of routine work which could quite safely be left to an executive officer responsible to the board; in practice, it has proved inconvenient that all matters have to be dealt with by the chairman. The board has requested additional forms of registration to be provided to allow it to conform with the standard practices now evolving and being adopted in the boards in all Australian states and territories. In general, these provisions allow for: full registration of doctors possessing an Australian or one of a short standard list of foreign degrees, provided the doctor has completed 12 months compulsory internship in a recognised hospital; conditional registration to cover two sets of circumstances - to provide for a compulsory year of internship for newly qualified medical graduates of Australian and certain foreign universities to be followed by full registration, and to provide for supervised hospital practice for holders of medical degrees obtained in another country than those I have just mentioned, after which the practitioner will be required to obtain a certificate of satisfactory service from the medical superintendent of the hospital concerned and then proceed to sit for a standard Australian examination for foreign medical graduates such as those now being developed in Victoria, South Australia and New South Wales. Successful candidates will then be eligible for full registration; provisional registration may be provided by the chairman to medical practitioners who, in his view, are eligible for either full or conditional registration to allow the medical practitioner concerned to practise while awaiting the decision of the board.

The most important clause of this bill is clause 23 which establishes a Medical Practitioners Disciplinary Tribunal. The tribunal will be made up of a Supreme Court judge and 2 medical practitioners nominated by the Senior Judge on the recommendation of the Medical Board. The judge will control the proceedings and determine the procedures to be followed. The tribunal will investigate complaints against registered medical practitioners and act as a court of appeal. The tribunal is to be empowered to discuss a complaint, issue a reprimand, cancel or suspend registration of a medical practitioner, impose a fine of up to $1,000 and impose conditions for the future practice of a medical practitioner. The Medical Board is to be congratulated on taking the initiative in this matter. The establishment of this tribunal will return the exercise of a judicial function to the court where it properly belongs.

Honourable members will be concerned to learn whether the Senior Judge has been consulted on this matter. I am pleased to advise that close consultations have been held with him concerning the establishment of the tribunal. The Senior Judge has advised that he has no objection to a Supreme Court Judge nominated by him serving as chairman of the tribunal. The principles outlined in this bill have been advised to the Senior Judge and these are currently receiving his attention.

In keeping with the transfer of powers to the Executive of this Assembly, the bill also provides for the Executive Member concerned to appoint members of the board and to exercise other powers previously vested in the Minister of Health. I believe that the provisions of this bill are in the best interests of the medical profession and the community generally. I commend the bill to honourable members.

Debate adjourned.

POISONS AND DRUGS BILLS

POISONS BILL

(Serial 147)

DANGEROUS DRUGS BILL

(Serial 148)

PROHIBITED DRUGS BILL

(Serial 149)

Continued from 13 October 1976.

Mr RYAN: I support the bills. It is timely that some positive action was taken with regard to drugs. We have seen in the last week a report that 2 young people died from an overdose of heroin. I think it is time that the community took a strong stance through this legislation to get the people that promote the use of these drugs and give them their just deserts and, in this respect, I think there will most probably be later speakers talking about the penalties. As far as I am concerned, we could not make the penalties tough enough. Hopefully, with the passing of of this legislation, we will see a setback to the proliferation of drugs in the Northern Territory. Darwin in particular over the years has gained a reputation for being something of a drug centre. A lot of people tend to treat it as a matter of course: "It is going to happen anyway". I am looking into the future a little bit in having a young family. It concerns me greatly that we may one day reach a stage of drug development that the United States and some other countries are now experiencing where the pushers of drugs introduce young children to their product with the result that children, even in the primary school area, become addicted to heavy drugs. This situation as far as I am concerned is not to be allowed to happen in the Northern Territory.

The people we have to take care of are the people who produce the drugs. This may be difficult because the drugs are not really produced in the Northern Territory. It is possible to grow marihuana and maybe it is possible to manufacture some of the other drugs, I am not too sure, I am not an expert on that particular side of the matter, but we can certainly take action with people who are bringing drugs into the country and these are the people who have to be stopped if the source of supply is to be stopped. And we must bear in mind, when we are talking of stopping the pushers, that the amount of money that comes into the hands of these people through the selling of their drugs is enormous. It is a highly profitable business and quite obviously monetary penalties really do not worry these people at all. I think they are prepared to pay any sort of fee because they know that their market is assured; people who are on these drugs have to have them, they have no choice. Once they are hooked, it is a matter of paying whatever the going rate is. And they will do all sorts of things to get hold of the money.

This is another area that bothers me. It is not just a matter of taking drugs; it is a matter of needing drugs and, to get the money to pay for the drugs, all manner of things are done against the law to make sure they can keep up a good supply of money so they can purchase the drug to feed their

habit.

The people who bring the drugs into the country, the people who sell the drugs, as far as I am concerned, should be put away. If I had any final say in it myself, in an arbitrary fashion, I would put them away and then throw the key away. I would never let them out. I have no time for them whatsoever. I have never seen anybody smoking pot and I have never seen anybody under the influence of any drugs, not that I know of. In my career, I have been fortunate enough not to have run across such people, but I have certainly seen films on the television and read reports, and quite obviously it is a terrible thing to be hooked on. I hope that members of the Assembly are unanimous in their approach to this legislation. I am quite sure that we will get some sort of reaction from the people who consistently come up and say this is against civil liberties. That is a lot of - rubbish. I nearly forgot myself then! That is a load of rubbish. You have to protect these people against themselves. How can you expect somebody on drugs to be able to look after himself? He has given away a lot of right to civil liberties because he cannot handle the situation himself. We have got to take care of him.

I think, going further than this particular piece of legislation, we have to look quite seriously at the introduction of administering drugs to people who are hooked on them, so that we can keep tabs on them for a start; it is done in England I believe. That way you can keep tabs on them. You can regulate the drugs they have and you can make sure that the amount they have will not kill them, and that it is pure. I think this is something that we have to look at in the future because if these people know that they can report and be given treatment and their needs looked after, this is obviously going to stop the people supplying the drug. I hope we can make this legislation as tough as possible and, as far as I am concerned, any penalties we inflict upon these fleas are not enough.

Debate adjourned.

MINES SAFETY CONTROL BILL

(Serial 145)

Continued from 17 November 1976.

Mr TUXWORTH: There have been a few points raised that are well worthy of comment and I will outline my attitude and the Majority Party's attitude towards them now. Since the second reading of this bill, many interested parties have had a further opportunity to comment on the amendments. However, because of the numerous changes which were made to the original bill, serial 120, it has only been necessary to make 3 further amendments. I will deal briefly with the suggested amendments and my reasons for accepting or rejecting them.

It has been suggested that "Mines Safety Control" is not a correct title. However, after discussion, I have decided that the title is here to stay and, as I said in my second reading speech on the serial 120 bill, a change of name from the existing legislation is considered necessary for 2 reasons. The bill is new legislation and not a re-hash of the existing Mines Regulation Ordinance and it is necessary to alleviate the confusion which has sometimes arisen between the names "Mines Regulations", which are regulations under the Mines Regulations Ordinance and the Mines Regulation Ordinance itself. Additional confusion has arisen between the names "Mines Regulations" and "Mining Regulations" which are the regulations under the Mining Ordinance.

The inclusion of "owner or agent" under the definition of "manager" is considered necessary because it makes it clear that, in the absence of the manager, the owner or agent is responsible for ensuring compliance with the statutory provisions.

The composition of the Mining Board has been queried specifically in relation to clause 9(2)(c) which says "an officer approved by the Administrator in Council", and it has been suggested that this be amended to "a person with acceptable qualifications appointed by the Administrator in Council". The Majority Party has accepted this pro-

posal and also agrees that technical qualifications should not be specified as this could unfairly preclude some potential members, perhaps, in the education field.

In Part IV of the bill, "Inspection", concern has been expressed over the right of appeal against decisions of inspectors in relation to dangerous conditions in the mine. Clause 14 deals with the requirements of government mining engineers with regard to dangerous matters and whereas the previous bill, serial 120, had subclauses relating to procedures for objecting to the decision of inspectors in these matters, these procedures have now been consolidated in clause 63. This clause deals with the subject of reviews and rights of appeal throughout the ordinance and also covers instances arising under clause 13 which deals with the power of inspectors in relation to dangerous conditions in the mine.

Queries have been raised relating to Part V, "Management", especially in relation to the certification of managers. It has been felt that various classes of managers should be spelt out. This, however, is not necessary in the bill but note has been taken for use when drafting the regulations.

Honourable members will have noted that the Mining Board issues the mines manager's certificate and under clause 19(3)(a) it may limit the period of the certificate, licence or authorisation and impose such conditions with respect to the issue as the board considers proper. This power will allow the board to take into account different classes and types of mines and managers as well as the number of persons employed in a mine.

The reporting of accidents under clause 33(3), has been questioned. This subsection was in the original bill, serial 120, and is considered necessary. The case could occur of a near-miss type accident on one particular mine not causing an injury but which, if not reported and investigated, could be repeated at another mine with possible injury or loss of life. It is a case of one's misfortune being a lesson to others.

In clause 52(1), amendment has been made to the maximum number of hours a winder driver may work, increasing the number from 8 to 10. It is important for honourable members to note that this is necessary to enable persons operating small mines in isolated areas to clear the mine at the end of an 8 hour shift when the incoming shift winder driver does not arrive at work. This provision will enable the driver going off shift to work an extra hour if necessary to clear the mine rather than leave miners stranded or, alternatively, force the winder driver to work in contravention of the law.

Concern has been expressed in respect of clause 54(6), that an original plan can be taken away from the mine and that this is not desirable. The clause states that an inspector may take the original to make a copy and this would only arise where duplication facilities were not available at the mine.

A query has also been made as to whether certain regulatory powers, namely clause 56(2)(e), (f) and (g) dealing with cyanide tailings, prevention of an escape of poisonous gases etc and control of the disposal of waste products, pre-empt the Environment Bill. I do not consider this to be the case and suggest that these powers are complementary to the Environment Bill.

In clause 43(1) a most unfortunate formal reference has occurred in relation to the word "foreigners" and I will be seeking amendment during the committee stages to replace the word "foreigners" with the words "persons unable to communicate".

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 8 agreed to.

Clause 9 agreed to with amendment.

Clauses 10 to 51 agreed to.

Clause 52:

Mr TUXWORTH: I move amendment 136.2.

As mentioned in my comments earlier, this is purely a mechanism which will enable mines that have a limited number of winder drivers available on their staff to retain the services of an outgoing winder driver for a period of one or two extra hours as the case may be.

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 to 70 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported; report adopted.

In Assembly:

Mr ROBERTSON: I would not like this bill to go through its third reading without having the opportunity to commend the spirit in which this bill was put up and to make comment generally on what has been said by honourable members in relation to the mining industry. We are reaching the stage where mining is going to become, if not the penultimate industry of the Northern Territory, the ultimate industry. I think that security of the mining industry is going to be of paramount importance to the Northern Territory in the future. Coupled with that, there will be the necessity to provide safe working conditions for the workers in mining in the Northern Territory. Only under those circumstances are we going to have industrial stability within the industry.

I hope that workers within the mining industry will look upon this legislation as being passed in their interests. I hope, with the hassles which no doubt are going to come up in the uranium field and in various other enterprises in mining, that, in the light of this legislation, the miners will be encouraged to realise that we have their interests at heart. I hope that we will receive their cooperation because of that interest.

Bill read a third time.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL

(Serial 156)

Continued from 17 November 1976.

In Committee:

Clause 6:

Dr LETTS: Mr Chairman, I know that you will be tolerant because I am working from 4 documents at the same time - the principal ordinance, the amending ordinance and 2 amendment schedules.

I move that the following subclause be added: "(2) Section 13(3) of the principal ordinance is amended by omitting '(including any seabed or any subsoil)'".

This amendment is directly related to the one which was carried by the committee yesterday. It relates to the decision as to the jurisdiction between the Commonwealth and the states on the sea. The amendment simply picks up what the decision of the High Court at the moment has indicated to us is within power.

Amendment agreed to.

Clause 6, as amended, agreed to.

New clause 6A:

Dr LETTS: I move that new clause 6A be inserted.

This is an amendment to section 18(9) of the principal ordinance, which at the moment reads: "The commission shall thereupon submit to the Administrator in Council a plan of management ...". With the new administrative arrangements that are coming up, the amendment seeks to remove the word "submit" and introduce: "the commission shall thereupon forward to the Executive Member for presentation to the Executive Council". It simply takes note of the new proposed arrangements arising from the transfer of powers and the Cabinet decision.

New clause 6A agreed to.

Clause 7 agreed to.

Clause 8:

(See Minutes for amendment agreed to without debate.)

Dr LETTS: I move a further amendment to clause 8 as circulated in amendment schedule 133.7.

In order to follow this, honourable members will have to look at the bill. The present section 25G referred to in clause 8 says: "The Administrator may endorse upon a miner's right or exploration licence ..." and the proposal is to insert the words "in Council" after "Administrator" so that the decision will be taken in committee or in cabinet on the endorsement of a miner's right in relation to the rights to explore on a sanctuary area. I think this is simply a matter consistent with the attitude taken by this legislature over many years when we used "Administrator in Council", as it will be in the future "Executive Council", as a preferential term to the "Administrator" acting in his own right.

Mr WITHNALL: I seem to see a ghost arising behind the honourable Majority Leader, the ghost of the former Director of Mines in the Northern Territory who would have been very nasty about the proposal which is now made and would have criticised it on several grounds. My criticism however is a fairly mild one; it is directed only to the fact that the Administrator in Council seems to me to be a cumbersome sort of body to do any endorsement. The Administator in Council may indeed authorise endorsement but the Administrator in Council to have the task of considering every endorsement seems to me to be rather overloading the horse.

The other and more serious criticism I have to make of the proposed amendment is that section 25G as proposed in the bill suggests that the endorsement may be made upon a miner's right or an exploration licence. An exploration licence given under the Mining Ordinance is given, generally speaking, to large companies and there is no need for any of these companies to have all their employees holding miner's rights. But an endorsement under section 25G, as it is proposed to be amended, would merely enable the Administrator in Council to endorse an authority under an exploration licence to the holder of the exploration licence, which is a company, to go into an area. I think the provision has been taken fairly straight from the previous provisions of the Mining Ordinance before the exploration licence provisions were assimilated into the Mining Ordinance. I do suggest to the honourable member that there may be some difficulty about enforcing the provision as it stands and that perhaps an authorisation to holders of exploration licences ought to be made to extend to bona fide employees of the holder of the licence. Otherwise, as it stands, the Administrator in Council may find that they will have the job of endorsing the miner's right of every employee of a person holding an exploration licence to go on to land.

Dr LETTS: I have had some experience with the operation of this section in the old Wildlife Conservation and Control Ordinance as it stands. There is one particular sanctuary which I am very fond of and regard in some ways as my own country, namely the Coburg Peninsula. Some years ago, miners wanted to do some exploration in the hope of finding bauxite and other minerals there. I was very much opposed to that proposition and I made my views known to the Administrator at the time and to the Director of Mines to whom the honourable member for Port Darwin has referred. The Director of Mines said, "Let the bastards go in; we have had a good look and there is nothing worth worrying about there". I followed his advice and it turned out to be good advice. I see the technicalities that the honourable member for Port Darwin has referred to, We do not want to have the whole Administrator's Council, or the new Executive Council, having to endorse a miner's right on all these occasions. The system has worked pretty well on the basis of common sense in the past and perhaps we should look at the rewording of this to cover the situation more effectively. If this particular amendment is defeated, we will have another go at drawing up something that will seek to achieve the

same objectives but will be perhaps better worded.

Amendment negatived.

Dr LETTS: I move that clause 8 be further amended by omitting from proposed new section 36(3) "Administrator's" and substituting "Executive".

This is purely a formal amendment taking cognizance of the fact that the Administrator's Council in the future will be known as the Executive Council.

Amendment agreed to.

Clause 8, as amended, agreed to.

New clauses 8A, 8B, 8C and 8D:

Dr LETTS: I move new clauses 8A, 8B, 8C and 8D as circulated in amendment schedule 133.9.

These are procedural amendments related to the Northern Territory Public Service Ordinance. The object of these amendments is to relate this bill to the new procedures under the Northern Territory Public Service Ordinance and to try to get the whole thing working together at the same time.

New clauses agreed to.

Clauses 9 and 10 agreed to.

Clause 11:

Dr LETTS: I invite defeat of clause 11.

I am doing that with a view to inserting new clauses after clause 10. In giving the reasons for inviting defeat of the present clause 11, I have to indicate what I intend to substitute for it. The substitutions are simply again recognising the new legislation which is proposed, and which, I am sure, will have the support of the Assembly, in which Executive Members will occupy the place in future that the Administrator has occupied in the past in certain respects and at the same time substituting the new phrase, "conservation officer" for the old phrase, "warden and ranger".

Clause 11 negatived.

(See Minutes for new clauses 11, 11A and 11B agreed to without debate.)

Clause 12 agreed to,

New clause 12A:

Dr LETTS: I move that new clause 12A be inserted in the bill.

This clause will amend section 100(a) of the principal ordinance by omitting all the words from and including "appropriated by the Parliament" and substituting "approved for the purposes of this ordinance by the Legislative Assembly out of moneys appropriated by the Parliament for the purpose of the government of the Northern Territory". This new clause simply recognises the new arrangements which Federal Government and Cabinet have approved for us, indications they have given that in the future, in those areas which have been transferred to the Territory Assembly's control, we will have our own budgetary system. This I am sure we will all welcome; it will be much preferable to the old dependence on the individual appropriation by the Federal Government.

New clause 12A agreed to,

Clause 13 agreed to,

Clause 14:

Dr LETTS: I move amendment schedule 133.12 as circulated.

This is an amendment to omit from the proposed new subsection (1) of section 114 "or grain" wherever occurring and substitute "legume or seed". When I had a further look at this bill after it was introduced, I recognised that it did not quite meet the needs of the Northern Territory as far as the defence of agricultural crops against animal and bird predators. The expression used in the existing clause referred only to fruit, vegetable or grain. In fact, one of the most promising areas of agricultural development in the Territory is in terms of pasture seeds, in particular legume pasture seeds, things like stylo

and all those other things which you know about, Mr Chairman. I asked the draftsmen to come up with an amendment which would include seed crops as well as grain crops and that is what I am advised the amendment to clause 14 will achieve.

Mr WITHNALL: I agree with the amendment but I would like to speak to the original clause. It may be somewhat clumsy in its effect because it would mean that every time somebody wanted to kill a few cockatoos he would have to have a licence to kill in the garden or the particular field. While it is quite true that licences can be expressed in general terms and may last for years, one of the problems is the method of killing. If one lays out baits, for instance, quite a number of protected animals may be killed, some of which will not necessarily be predators of the particular crop. Perhaps the honourable member might give a bit more attention to the expression in the section relating to a licence to kill a protected animal because methods of killing these days range well away from using a shotgun to kill a cockatoo; they range into the use of all sorts of poison and other methods of eradicating pests which would go far beyond any particular licence. A licence to kill perhaps cockatoos or some other animals which destroy crops would go far beyond the desired result and kill a lot of protected animals. Perhaps the honourable member might be prepared to give some consideration to these remarks at some later stage. I do not propose that it is important enough to involve the postponement of this clause but I direct the honourable member's attention to the possibility.

Dr LETTS: I place great store on the remarks and advice given by the honourable member for Port Darwin whom I regard as somewhat of an expert in these fields. However, I have the answer to his problem. There is a grey area in granting a permit to a particular owner of a crop to defend his crop against the depredations of animals, even though they may be protected animals. There is a grey area which requires a certain amount of experience, knowledge and skill to pass judgment on. It is impossible in law, as the honourable member for Port Darwin well knows, to spell everything out, chapter and verse, to cover every particular situation; and when you have competent professional people in charge of a branch or service in the Northern Territory, in the legislation you give them the right to issue a licence subject to such terms and conditions as they may seek fit to impose, as this clause 114 of the principal ordinance, in fact, does. It indicates in those terms that a licence may be issued for a period up to 12 months; it may be issued for a particular situation. What I envisage is that the Chief Inspector of Wildlife will make a judgment on the facts of the case; if it is a rice crop; if it is a seed crop; the kind of predators involved, whether they be buffaloes or magpie geese, or kangaroos or wallabies; and he will listen to the application of the person who wants protection. With his professional, technical knowledge he will make his judgment and he will issue the licence in the terms and conditions which suit the case. I will have a look at it, as the honourable member suggested, but I think as it is phrased it will meet the situation quite adequately.

Amendment agreed to.

Clause 14, as amended, agreed to.

New clauses 15 and 16 and schedule:

Dr LETTS: I move that new clauses 15 and 16 and the schedule be inserted after clause 14.

The first of these amendments deals with a matter which I referred to yesterday in question time, the question of the problems of defining and interpreting what is the right legislative procedure to adopt in relation to Aboriginals hunting in the Northern Territory, and preserving their traditional rights to hunt. In the principal ordinance, we introduced certain measures which, on reflection, I believe were probably too rigid. The principles which we seek to adopt, as I made quite clear yesterday, are that Aboriginals should have the right to hunt for food and traditional purposes on their land but, going beyond that, to hunt for trade, business or profit,

is not envisaged and they should not be exempted from that restriction any more than anybody else in the community. However, it is realistic to accept that for many years Aboriginals, even hunting for their traditional food on their traditional areas, have to a great degree given away the spear and the boomerang and they now do use .22 rifles and possibly even, on occasions, higher powered rifles than that, and to get to the place where they traditionally hunt they may use motorised vehicles. I believe that section 122 of the principal ordinance is too restrictive. I believe it has been a great ground for objection by the Aboriginal people themselves and also a fertile ground for exploitation by their advisers, who are not always motivated other than by political interests. Therefore, I am quite prepared to make a reasonable concession on this, knowing full well that the principal ordinance contains adequate safeguards against hunting for other than food and traditional purposes in other sections. I am quite prepared to support the omission of subsection (3) from section 122.

The other part of the scheduled amendment 135.1 deals simply with picking up what I gather is formal or procedural amendments to the legislation arising out of the new proposals for the transfer of executive powers in the Northern Territory.

New clauses 15 and 16 and the schedule agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

COUNTER DISASTER BILL

(Serial 152)

Continued from 17 November 1976.

Mr EVERINGHAM: I rise to support this bill which is obviously necessary, particularly here in the coastal areas of the Top End. The bill makes provision for various bodies and officials to be given statutory recognition to carry out their duties both to prepare for and to handle the aftermath of natural disasters. The bill was hurried on as a result of Cyclone Tracy. Before that, the Northern Territory Emergency Organisation and Civil Defence Organisation was constituted on a somewhat ad hoc basis. Now, we are to have a setup which is backed with legislation and the persons duly authorised under this legislation will be able to enforce their edicts in time of disaster without the necessity of acting illegally, as General Stretton acted for the first 2 weeks of the emergency after Cyclone Tracy. We therefore will not have that misfortune hanging over our heads again.

There is just one part of the bill with which I am not terribly happy. It says in clause 23 that a Territory co-ordinator, a regional co-ordinator, local co-ordinator, a member of the police force of the Northern Territory or authorised person may etc... and going on to (c), "direct the evacuation and exclusion of any person from any place and in the exercise of that power may remove or cause to be removed a person who does not comply with a direction to evacuate, or a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given".

In the immortal words of the Majority Leader, that is a good clause, but the unfortunate thing is that I do not think that that power should be delegated to persons so far down the scale. It is my belief that the only authority under this ordinance which should be able to issue such a directive is the Counter Disaster Council.

I hope that perhaps the honourable Executive Member in charge of the bill might consider deleting the word "counter" here and there because it will not be used in my opinion. People will call it the "Disaster Council" even if it is legally known as the "Counter Disaster Council", and it is a fairly cumbersome way to describe the turnout anyway.

I would ask that the honourable Executive Member in charge of the bill give serious consideration to the provisions of section 23(1)(c). Perhaps she might be inclined to bring in an

amendment to provide that any such direction would have to be authorised or perhaps, better still, have to emanate from the Counter Disaster Council itself in the first place, rather than a member of the police force or authorised person ordering the evacuation of Alice Springs, Tennant Creek, Katherine, Gove, Nhulunbuy or Darwin. Otherwise, I have not any great quarrels with the legislation.

Mr WITHNALL: I rise to support the remarks of the honourable member for Jingili. I find the terms of section 23 and particularly paragraph (c) to be completely contrary to all concepts that I ever had of the extent to which people's freedom could be invaded. Section 23 permits a person who is perhaps even a newly appointed constable of police, who may even be a special constable of police, to order the evacuation of a whole town as the honourable member has suggested. It also gives him authority to direct the evacuation of a particular house or a particular street or area. There may be circumstances in which the man on the spot has got to be able to give a direction of that sort but not surely what is contained in the rest of paragraph (c): "and may remove or cause to be removed a person who does not comply with the direction to evacuate or a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given". With all the police operating in any disaster area, there could be such a multiplicity of instructions and directions under this clause that nobody would know where he was going. I object to it on the grounds that it is likely to create a state of confusion. I object to it also on the basis that I do not think that persons' rights and liberties should be interfered with except in pursuance of a decision firmly taken.

I have one other comment to make about the bill, and that is that under clause 6 the Disaster Council is to be composed of a number of people including "the Executive Member", but it does not say who the Executive Member is or how the Executive Member is to be identified. I suggest some attention might be given to that.

As far as the expression "Counter Disaster Council" is concerned, when I first read it I thought that perhaps it was intended to disclose a new chapter in the TV serial "Are you being served?" As soon as I heard the expression "counter disaster", I imagined some counters around the place being subjected to some sort of disaster. The expression "counter disaster" is a fairly unintelligent way to describe the purposes which the ordinance is designed to achieve. I could find lots of other names since the honourable member has asked me to do so. I do not propose to reel them off at this particular time but the word "counter" appearing in the title seems to be one of those words that does not do anything except evoke certain vague ideas. In the circumstances, it is neither a noun, an adjective, an adverb nor a verb. It is just a word thrown in to evoke vague ideas. I do suggest to the honourable member that she ought to dig down in the depths of her imagination to find a better title than that.

Debate adjourned.

ADJOURNMENT DEBATE

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

Mr KENTISH: I have recently put together a few ideas in a paper which I would hope is timely in the present situation with the Aboriginal Land Bill being considered in Canberra. I begin by pointing out in the paper how land allocations were made to Aboriginals back in 1971-72, to applicants, and there were a great many applicants at that time. I have mentioned how in 1972 this ceased and the Woodward Inquiry was instituted to find out primarily how best to issue leases to Aboriginal people and how, later on, this was changed to how best to give freehold title to Aboriginal people. I have made the observation that after a long time we now have before us the Aboriginal Land Bill. As an Aboriginal, this bill will only give you a lease; not a lease from the Government but a lease from other Aboriginals, mostly from other tribes. They, as a land trust, will hold the freehold title of your land.

I am not presenting the whole of this paper at the present time but picking out a few things that are in it.

The Minister, in his second-reading speech, said that a move will be made to give freehold land title to the right owners; that is, the traditional owners, later. There appears to be no safe or statutory provision to transfer freehold land titles from land trusts to proper owners. There is provision of course for land trusts to issue a lease but not the freehold title to the traditional owners. While advisers are talking about kilometres of sea and minerals they appear not to be telling the traditional owners that the bill is, in fact, offering them less than they were getting in 1971-72 and, although the bill is not yet law, it is causing considerable disruption in Aboriginal societies. In this respect it equals in many places the disruption caused by alcohol. In a number of towns, since the land rights concept was introduced without sensible arrangements being made, the tribes owning the land on which resource centres or towns are located have told other clans or tribes to get out of the area. This has had a very detrimental effect on educational, medical and other amenities that have been set up for the people. The result now is that hundreds of children are denied a good education - see the Northern Territory Aboriginal schools statistics - and many miss out altogether on schooling. The same applies to medical care and other amenities, such as clean water supply, refrigeration. stores, electricity, etc. The present situation, to use the words of a Yirrkala man, is shattering one community after another. Some communities, because of the compact nature of the people, are likely to remain unaffected, but not too many.

I am aware of all this. It is happening in my electorate from one end to the other. I am out amongst them occasionally and word comes in to me of clan feuds and upsets and arguments that are going on about these matters and we find that what we have said is true, that many small clans have been forced out of the towns. They do not put it that way; they are people of considerable dignity and you very seldom hear them say they have been kicked out; they simply say that they prefer to go somewhere else. It is a matter of facesaving. That is the situation just the same. I would seek leave to have this paper incorporated in Hansard as a record of what I see the situation to be at the present time.

Leave granted.

ABORIGINAL LAND RIGHTS BILL 1976

During the years 1971-72 leases were issued or given to Aboriginal persons, groups or associations on reserves in the Northern Territory. Leases were also available and given on application for living areas or other purposes off reserves. This process was working by Northern Territory law in those years, with no disturbance or disruption to the Aboriginal communities concerned. Aboriginal people receiving legal titles to their land received the same titles as those held by other people in the Northern Territory. There was a variety of types of leases and titles to suit differing needs.

With the change to a Labor Government in Canberra in December 1972, this process of issuing leases and land titles was stopped.

The Woodward Aboriginal Land Enquiry was set up to see "how best to issue leases to Aboriginal land owners". This notice was later changed to read "how best to issue freehold land title to Aboriginal land owners", because it was alleged that the people concerned were not satisfied to have leasehold title.

After a long while we now have before us the Aboriginal Land Rights (Northern Territory) Bill 1976. AS AN ABORIGINAL THIS BILL WILL ONLY GIVE YOU A LEASE. NOT A LEASE FROM THE GOVERNMENT BUT A LEASE FROM OTHER ABORIGINALS, MOSTLY FROM OTHER TRIBES. THEY AS A LAND TRUST WILL HOLD THE FREEHOLD TITLE OF YOUR LAND.

I have not yet met an Aboriginal who understanding this situation is agreeable with it. Many white advisers tell the people that it is a good thing. At the same time those advis-

ers admit that few if any of the people understand it, and it is possible that some advisers new to the country don't understand the people.

The Minister in his second reading speech said that a move will be made to give the Freehold Land Title to the right owners later. These words are not in the bill and therefore carry no strength. There could be another different Minister next year.

Also, how does the Government get back the land to give to the right owners? Section 19-4(b) Page 11 appears to deal with this - but will the Land Council agree to the Land Trust handing back to the Government a Hundred Million Dollars worth of freehold estate for nothing? The Government appears to be tying up its own hands and feet or worse than that, is there no protection against wholesale resumption in the Freehold Title which the Government proposes to give to Land Trusts?

THERE APPEARS TO BE NO SAFE OR STATUTORY PROVISION TO TRANSFER FREEHOLD LAND TITLE FROM LAND TRUSTS TO PROPER OWNERS.

Section 19-(4) says with the consent in writing of the Minister and of the relevant Land Council, a Land Trust may - (b) transfer to another Land Trust or surrender to the Crown the whole of its estate or interest in the land vested in it. The question is, would the lawyers on the Land Councils be asleep or drugged while this went on? It is significant perhaps that there appears to be no mention of Land Trusts phasing out.

While advisers are talking about kilometres of sea and minerals, they appear to be not telling the traditional owners that this bill is in fact offering them less than they were getting in 1971-72, in respect to their land. Although the bill is not yet "law", it is causing great disruption in Aboriginal communities, and in this respect equals in many places the disastrous effects of alcohol.

In a number of towns since the Land Rights concept was introduced, without sensible arrangements being made by successive Federal Governments, the tribes owning the land on which resource centres (towns) are located have told other clans or tribes to go bush; alcohol has had a hand also in this. The result is that now hundreds of children are denied a good education (see Northern Territory Aboriginal School Statistics) and many miss out altogether. The same applies to medical care and other amenities such as clean water supply, refrigeration, stores, electricity, etc. It is worthwhile to note in the report of the Committee re alcohol and Aboriginals that in a similar situation in the Kimberleys where people have left resource centres and gone to relatively inaccessible camps, the build up in serious diseases including leprosy is more than alarming. This report of the doctor should be read by everyone interested in the survival and wellbeing of Aboriginals. The value of these expensive resource centres has been lost or near so to the majority of Aboriginals who used to enjoy them. With this spirit of inter-tribal jealousies and animosities which were very strong 30 to 50 years ago again being rekindled, how can anyone consider giving multi-clan trusts freehold title over other tribesmen's land?

It is obvious that very early in this Land Rights concept the Government should have reserved or bought out town areas or proposed town areas. Many of which were once mission leases and free to all comers, as such, a common meeting ground.

The present situation, to use the words of a Yirrkala man, is "shattering" one community after another. Some communities because of the compact nature of the people are likely to remain unaffected.

Of all the disasters conceived by Canberra politicians for Territory Aboriginals, none is likely to equal the disastrous impact of this Land

Rights Bill (if pursued in its present form) when the land owners realise the practical application of what is at present to them only a jumble of words. Their minds are now being diverted to less important issues.

It is ironical that the Labor Party in Canberra as the designer in chief of disasters has left the Liberal-Country Party to put the match to this one.

Mr KENTISH: I have some other things to remark upon. This morning I asked a question of the Executive Member for Social Affairs concerning a speech Mr Viner made in Melbourne. He said: "It is easily forgotten that until very recent times Aboriginal people were forbidden to speak their own language and observe their traditional customs in what was considered to be by administrators an enlightened policy of assimilation". That amazes me. I am not sure what country he is referring to but, if it is the Northern Territory, after nearly 40 years of experience in the Territory, I have never heard of this anywhere and I have not been able to find anyone who has heard of it occurring. I would presume the Minister for Aboriginal Affairs is referring to some other part of Australia. However, he says it was in recent time; that also amazes me.

He went on to say that, despite vigorous efforts by administrators and missionaries, the Aboriginal languages and customs were not stamped out. He is making a point that administrators and missionaries were dead set on stamping out Aboriginal languages and customs. Over a period of 40 years, and I know it went on before that time from records I have seen in the Top End, the exact reverse has been the case. There could be a very few exceptions, an exception that I have not heard of, but in almost every case the reverse is so. Missionaries have gone to the trouble of putting Aboriginal languages into writing. This has not happened in the last 5 or 10 years but it was happening up to 40 and 50 years ago, maybe for longer than that. Missionaries and others interested in Aboriginal people have put their languages into writing and preserved their languages thereby; they had the interest to do that. Also, of course, they have preserved the ceremonial life and so on. I have heard of one or two rather bad customes that Aboriginal people had that have been discouraged and which I will not go into at present; it would horrify white people if they knew about some of these little items that occur.

By and large, for a long time the early workers amongst Aboriginal people encouraged them to keep their languages and customs. I remember a very particular point just prior to 1940. Teams of Aboriginals were sent by lugger - there was not much plane traffic then - from Milingimbi and up that way, some from Elcho Island; they were sent down to Yirrkala specially to help the Yirrkala people to get a grip again of some of their ceremonial life that they had forgotten about. You would wonder how they would forget it. The reason was they had been fighting so strongly that it had been many years since they had been able to get together for ceremonial and corroboree affairs. Also, in 1943 when I went to Yirrkala, I found that there were 5 adult women to every adult man on the place; the males were well on the way to exterminating each other with the old shovel spear. In this process, many of the older men who had the secrets and knowledge of certain ceremonies had been wiped out; they had lost the ceremonies with the men that held the secret of the ceremonies. So the missionaries went to the great trouble, from Milingimbi and further along the coast, of sending teams of people to Yirrkala to re-initiate them in certain ceremonials that had been lost or forgotten. That is an interesting point, Mr Speaker.

The thing that concerns me most is where would the honourable Minister, Mr Viner, collect this rubbish that comes out in his speeches? I realise that he would be a very busy man and quite likely does not make up his speeches, but I just wonder who is dishing up this stuff to him. I am concerned that he puts it forth without checking it closely to see that it has some relevance in the present or the recent past.

It seems to be quite prevalent at the present time that there is a great deal of denigration of people who have had experience with Aboriginal life and culture. I wonder often if some of the people who are posing in Mr Viner's department as Aboriginal and community advisers are not perhaps political agents. Many of the writings that are about at the present time tend to give me this impression. I would think that it is time the Minister took a look at his department and the wider Department of Aboriginal Affairs and began to sift some of the chaff from the grain in the advice that he is getting.

Mr ROBERTSON: I rise on a rare occasion in this Assembly on the adjournment with a series of things that really concern me. As I have expressed to you before, sir, I wonder who hears us. Several matters which I wish to speak on tonight are the type of thing that the public should be informed about. I would hope that, some way or another, the media treats what I have to say with whatever they regard it as being worth. I hope that someone, somewhere, reads Hansard and understands exactly what is going on as I see it within our system.

I asked a question yesterday of the Executive Member for Finance and Community Development relating to what the Building Board is requiring in relation to engineers' certificates, having regard to full plans and specifications already required under the Building Ordinance. I received the answer this morning; the Executive Member had clearly done his work in his usual inimitable style. I would say this without reservation. It is not a mutual admiration society - at least I do not go about this business in that way - but I would say that, if you do ask that Executive Member anything, you get an answer. The answer, however, is the most staggering piece of nonsense that I have ever come across. It is absolutely incredible.

The question I asked was: "Is it a fact that, in making application for a building permit in respect of any building involving structural steel in Alice Springs, people are, in addition to the normal full plans and specifications, being forced to submit an engineer's certificate? Is it also a fact that the minimum cost of such a certificate is in the order of $500? If so, upon what and on whose authority is such a certificate required?" We get back this magnificent epistle that all members can see me holding up. The answer to the first question is: "Yes, every application for a permit involving steel or reinforced concrete ...". Before I go any further, of course reinforced concrete is the footings in your house or, if you happen to be stupid enough to put mesh in your floor, it includes that. If you happen to be as stupid as Jim Robertson from Alice Springs who put 2 pieces of RHS in his roof because he was not happy with the quality of the timber that Lloyds sent up, that requires an engineer's certificate because it is steel.

Mr Ryan interjected.

Mr ROBERTSON: Perhaps if you shut up, you might learn something.

Mr Ryan: What is RHS?

Mr ROBERTSON: Rectangular hollow section. So we have a requirement of the Urban Development and Town Planning Building Section, based upon a law of the Northern Territory, that we shall provide an engineer's certificate anywhere we use reinforced concrete, anywhere where we use steel, anywhere we use a large piece of timber, other than approved standard designs. I suppose that is the outhouse. I do not know what an approved standard design is. There is no such thing, I hope, God help us, in the private sector as "an approved standard design".

Surely as private citizens we have got some flexibility to decide how we are going to build? Let us decide ourselves what we think is aesthetically and functionally practical for our purposes, not some government department. However, if it is outside this tiny little slot, this pigeonhole, this guideline, then we have got to have this engineer's certificate.

The other part of the question was: "Is it not a fact that the minimum cost of such a certificate is in the order

of $500?" What do we get back as an answer from the branch? The first word is no. But then of course we go on: "It is understood that engineers in private practice in Alice Springs charge $24 per hour on a sliding scale from 10 to 5 percent of the cost of building, commencing at $20,000; that is, it may," (what nonsense!) "be 10 percent of the cost of building up to $20,000". I make that, on the very word of this letter, a minimum of $2,000. I put up as a question, $500; I get back an answer: "No". It would have to be the greatest contradiction I have ever had the misfortune of glancing upon.

Mr Everingham: You've got to cheat. Sit down!

Mr ROBERTSON: Ah, I threatened them with a writ, my friend, and they backed down, and that is the other thing I am going to get to in just a little ole moment.

However, to really rub the salt into the wound, we see in the penultimate paragraph here: "The certificate is required by the Building Board and stems from a resolution made by the board under building regulation 23(1)(c) of 24 August 1962. For starters, there was no requirement for this until Cyclone Tracy breezed through Darwin. The Darwin Reconstruction Act has a radius of 40 kilometres from Darwin GPO, if I recall correctly. On my recollection, if I want to get my computer out from my flying kit and crack out the plot, I think it was something like 1,780 kilometres, not 40.

On my assertion, the requirement costs a minimum of $500; they denied that and, on their own assertion, contained in that piece of paper, it costs a minimum of $2,000. That is not right either. They claim that they base it upon a resolution of the board of 24 August 1962 under building regulation numbered 23(1)(c). Let us have a look at it. Magnificent! Incidentally, I must read the entry into this: "Every application for a permit to construct or alter a building shall be accompanied by, inter alia, a specification in duplicate describing the materials to be used in the construction and, where not indicated in the drawings, their sizes, together with such other information not shown on the construction drawings which is necesary to show that the building will, if constructed in accordance with the specification ...". Remember that this is the specification that you are already putting in, not a new one "... comply with these regulations and any determinations of the board published in the Building Manual." There is absolutely nowhere in the Building Manual where it mentions engineering certificates in relation to domestic premises or in relation to industrial properties in Alice Springs. The resolution of 24 August 1962 is utterly ultra vires to the powers of the Building Board.

The net result is that, by an arbitrary decision made on the instigation no doubt of the Darwin Reconstruction Commission based upon the prognosis for the Northern Territory of the Darwin Reconstruction Act and whatever follows that, we have a situation where people in Alice Springs are, in my contention, being faced with a minimum of $500, not a maximum; and their own contention here in this answer is $2,000 for a $20,000 building.

Let us look at what it costs to go to an architect. It must be remembered that these plans and specifications called for in subsection (c) on an average house are going to cost you 600 bucks, no question. On top of that, illegally, we are having imposed upon us in that area a total cyclone code. If it was so important that we have these engineering certificates, why is it that they waited until Cyclone Tracy hit Darwin, when the resolution is of the 24 August 1962? Thank God they did not, because people would have been ripped off unnecessarily between 1962 and 1975 when this thing came into effect.

Mr Speaker, I give public notice - I give it here - that if necessary I will become associated with either a company or a firm that is developing a building in Alice Springs, and I have 3 people lined up to do this - now this is going on public record - if necessary I will take out a $1 share to become party to the action and when we and my $1 share become subject to this, if they put an

engineering certificate on it, I will hit that department, that officer, with a prerogative writ. If we cannot get any sanity into the administration of this system, then let us have the courts sort it out for us. If we cannot convince the public service of the stupidity of their ways, the illegality of their ways, when they are ultra vires to the basic powers given to them, then I think we are going to have to go to the courts to sort it out. This would be the most crass piece of rubbish I have come across in a long time.

That gets me on to another little old pet. About 6 months ago, I was contacted by the Alice Springs Community College and I was contacted by employers. I hope the Executive Member for Transport and Secondary Industry is listening to this. I took this matter up with him and I understand that he followed up the matter; I understand that he made representations. I certainly know that I made representations in this matter. I certainly know that I was given assurances in this matter. It involves the Electrical Licensing Board. What do we have? We have people who in good faith go to the Alice Springs Community College. They do an 8-months course for which they pay. They study their subjects. They do the whole thing in good faith. The instructors give their instruction in good faith. The students roll up on the day of the examination to do the exam, and there, lo and behold! God bless us! is a letter from the Electrical Licensing Board that says: "You cannot do that exam; you are not eligible; you have no experience". Now for heaven's sake! Since when do you need experience to do a theory exam? So what does the member for Gillen do? He rings up the chairman of the Electrical Licensing Board and explains the situation to him. He sends him a telegram and that telegram, on the assurance of that chairman, was lodged before the board. I get a phone call back which indicates to me that the whole thing has been resolved and that we are all sweet and friends. I get a verbal communication back from the Licensing Board which agrees with my submissions. Let us set up a structure whereby a person can do the theory and practical exams. I am not advocating that he go out, willy-nilly, and hook up people's three-phase systems under a licence; I agree with the board that that definitely requires established experience. I have no argument with that. But for heaven's sake, why can't he do the exam? It does not allow him to practise. When you study law, you get an LLB which is a pluralistic degree in laws, but you need 2 very hard years of being a tea boy, letter stamper and post boy and, hopefully, if your principal is any good, he gives you a reasonable training in the practicalities of law, but you are not a lawyer. Why should it be any different in electrical matters? Why should this board hold itself above the normal system? You do your theory, you do your practical examination and then, after you have established that you are capable of doing the job by experience, you get a licence.

That was bad enough. This year, of course, we get precisely the same thing only it is a little bit worse. This year, we have a guy who passed his theory last year but this year he is not allowed to sit for the practical. Further, person number 2 failed his theory last year and was allowed to do the practical this year. It is utter rubbish, I realise I am in the Legislative Assembly for the Northern Territory and I would not mislead this House. I will not name the people but I am not misleading you. What I am saying is fact on the information I have been given. I would urge the Executive Member for Transport and Secondary Industries - we have tried before my friend - to please sort it out now.

Mr VALE: In recent weeks, we have heard quite a number of people complain about the number of public inquiries held, now and in the past. In some cases, those inquiries may have been quite justified. There is, however, one inquiry which should never have been set up and which was and still is a national disgrace and a waste of taxpayers' money. I refer to the Fox Inquiry into uranium mining. The decision as to whether or not uranium should be mined is the legal and moral responsibility of the government of the day. The setting up of the Fox Inquiry

was, to say the least, a buck-passing operation by a government unwilling to take this decision, a government, now in opposition, which has indicated publicly it is not opposed to uranium mining but that at present this ore should be left in the ground. As I have said, the decision to mine and market uranium is the responsibility, the sole responsibility, of the government of the day. That government, should it decide to produce the uranium, should then draw up and enforce strict and stringent environmental laws for companies to observe.

It is interesting to note that, once again, with the tabling of the recent Fox Report, the Northern Territory is again the bridesmaid, never the bride, and has been left in the backwash while other states of Australia will be allowed to proceed with uranium mining. The NT must await the Fox Report. It should be noted that uranium has the potential to do economically for the Northern Territory what crude oil and natural gas has done for the mid-east. To develop this valuable commodity, we need a government with the courage of its convictions and the ability to allow this project to proceed, subject to rigid environmental controls and sales on a government to government basis.

Mr EVERINGHAM: I suffered a severe environmental disturbance this morning shortly after I awoke. I was seated in my wife's boudoir, dressed in my red silk bathrobe, reading my Biggles book and chewing on a slice of vegemite toast. I happened to be tuned in to the Australian Broadcasting Commission's somewhat woeful service in the Northern Territory - at least, according to the Executive Member for Social Affairs it is a woeful service; I do not think it is too bad. My slice of vegemite toast sprang from my lifeless grasp and my Biggles book dropped to the floor as I heard what passed for reporting of what I had said in this Assembly yesterday afternoon in relation to the Darwin Cyclone Tracy Relief Fund. In this House yesterday I said, reading from the minutes of the last meeting of that fund, that it was moved and seconded that the fund grant to the Mayor's Trust the sum of $335,000 to be used for the restoration of the community recreational and cultural facilities in the town of Darwin. Somehow this morning this was reported across the airwaves of the poor old ABC - I know it is short of money; we have heard that on the last 3,000 consecutive news broadcasts on the ABC. You never read about it in the paper, you never hear about it on the commercial stations, but sure as you tune into the ABC, you get Arab terrorists, mismanagement of the economy and then ABC cuts - in that order. I know that possibly it is caused by the fact that the local ABC reporter has not been able to take out of store this year a pencil sharpener and he is writing shorthand with a blunt pencil - but what came over the airwaves this morning was that the trust had voted to give $335,000 to the Mayor's cultural centre.

I draw the distinction - it is very serious now; the honourable member for Nightcliff has not picked it up and obviously the ABC has not picked it up - that the $335,000 was to be used for the restoration of the community recreational and cultural facilities in the town of Darwin. That is the purpose the trust gave the money for in accordance with its minutes. That is what it is, and I would like people to note that. The Mayor of Darwin may have said that she was going to build a new cultural centre with it, but the trust did not; the trust gave it for those purposes in accordance with its object as outlined in clause 2 of the Deed of Trust.

Worse, far worse, was to come with the lunchtime ABC news - far, far worse, Mr Deputy Speaker. A nadir of humbug and hypocrisy was reached in the upper house of the Australian Parliament this morning by our sanctimonious Senator for the Northern Territory, Senator Robertson, who, if one is to believe the Australian Broadcasting Commission's report - after all it is the national service and one must attribute to it some credibility I suppose; it has its attackers but I am not one; I support it; I think it is a good service and I wish it were being left alone but it is not being left alone; some people just seem to like making sticks to beat themselves with -

but this is what came over the ABC local news this lunchtime in the quest of humbuggery and hypocrisy: "On the Cyclone Relief Fund issue, questions were asked in the Senate this morning about Mrs Dawn Lawrie's criticism of the trust for allocating $500,000 to Darwin's proposed cultural community centre. Senator Ted Robertson, ALP, a member of the Trust asked what action the Territory Minister, Mr Adermann, would take to counter the criticism. He asked Senator Webster, representing Mr Adermann, whether it was intended to re-form the trust and distribute the money for relief as demanded by Mrs Lawrie. Senator Webster said he had indicated in answer to a previous question that what he called 'tied money' has been properly allocated at the request of the donors". That is the transcript of the news broadcast.

Now, just returning to the last motion, on the books of the Darwin Cyclone Tracy Relief Trust Fund I find that it was moved Senator Robertson, seconded Mr Fong Lim, that in accordance with Section 17 of the Trust Deed we resolved to terminate the activities of the Trust and, further, to dispose of all residue of the Trust Fund by transferring it in whole to the Darwin and District Spastic Paralysis Association. Well, what a man! There you are - made of jelly! Can he wriggle? Can he squeak? Is it a man? Is it a bird? No, it's Senator Robertson. What a metamorphosis! What a transmigration! Can he do it? Is there no honour? There is no honour, certainly not with Senator Robertson. He is resiling from a motion that he moved himself in all seriousness and that was passed by a majority of the trustees. What a worm! He is not a man, he is a worm.

Mr DEPUTY SPEAKER: Order! The honourable member for Jingili has cast aspersions on a member of another house of parliament with the words, "He is not a man of honour". I would ask that those words be withdrawn.

Mr EVERINGHAM: I will withdraw the words, "He is not a man of honour", certainly because I do not wish to get suspended from this House.

Mr DEPUTY SPEAKER: There is no question of that; it was just a request, nothing more.

Mr EVERINGHAM: Well, you know, I am pretty serious, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: I would ask that you unequivocally withdraw those words.

Mr EVERINGHAM: I just cannot, based on that. He has moved a motion, and then he has said this. Is that an honourable course to take, I ask you?

Mr DEPUTY SPEAKER: I think the honourable member will be aware that it has been established over a long period of time in the Westminster system of parliaments that those sorts of words are unparliamentary or can be held to be unparliamentary, as can the words "liar" or "lying".

Mr EVERINGHAM: I did not say he was a liar.

Mr DEPUTY SPEAKER: I would ask that the words "He is dishonourable" be withdrawn.

Mr EVERINGHAM: I will withdraw the words, "He is dishonourable" and will say he is a poltroon.

Mr DEPUTY SPEAKER: You may do that if you wish.

Mrs LAWRIE: Mr Deputy Speaker, such are the exigencies of our Westminster system.

The honourable member for Jingili suggested in his speech that I had missed the facts that the Darwin Cyclone Tracy Relief Trust Fund had moved and seconded, "that we grant to the Mayor's Trust the sum of $335,000 to be used for the restoration of the community recreational and cultural facilities in the town of Darwin". I wish to advise the honourable member for Jingili that I did not miss that at all. The obvious question to go on notice in this place from now on, if the money is still held in that fund in time to come, is precisely what community recreational and cultural facilit-

ies are being restored. I am well aware of the difference in the wording of the motion of the trustees and the interpretation put upon it apparently by Her Worship the Mayor. Her statements today lead me to believe that she sees the money as forming the basis of a fund for the building of a new cultural complex. I am well aware that the terms in which the money was given differ slightly from that.

I can also repeat remarks I made yesterday about the money donated from foreign governments - $208,000. I do not believe that money was tied by the donor countries; I believe they gave it freely and that the Trust acted on a letter written by the then Minister for Foreign Affairs. It is my opinion that that money would be better used in providing immediate assistance to the quadriplegic, paraplegic and multiple amputees who suffered as a result of Cyclone Tracy. I leave that for the Trust to ponder.

Mr MANUELL: I rise during this adjournment debate this afternoon not to speak at great length but simply to expand on a couple of points I made this morning in question time, and also to make some small comment about some observations I read into expressions made by the Speaker yesterday concerning the beef cattle industry.

This morning, I asked the Executive Member for Transport and Secondary Industry about proposed airline schedules accommodating the heavier traffic during the festive season. The Executive Member was unable to answer me directly and I understand the reasons why. I have had some communication directed to me since I put the question to the Executive Member this morning, from independent and other company sources, indicating that there has been some publication made already about schedules providing the Northern Territory with increased services during the festive season. I make this point not for the sake of the Executive Member but for the sake of the companies who may feel that they are involved. I feel that there should be adequate public notice given and, more importantly, the principle of the matter is that Territory people should be adequately catered for. The additional services, if they are going to be provided, should be adequately advertised and, if advertised, upheld. It is my fear that, having seen a period of time elapse, there may be a repetition of services rendered to the Territory which are inadequate in my opinion. It is not only my opinion but that held by others, that Territorians do tend to suffer for the benefit of east coast residents where the heavier traffic occurs and the Northern Territory may experience a diminution of of services.

I do not know the full implications of the economics of internal airline transport in Australia; it is fairly closely concealed, but I do suspect that there is a good deal of traffic within the Northern Territory conducted by the internal airline system of Australia classed as uneconomic but which is in fact economic, because there are other goods carried by the airlines other than simple passengers, such as freight. I recall periods of time when there were quantities of fuel transhipped by the airlines from one area to another and the airlines themselves picked up the freight differential on the fuel products carried and deposited in other centres within the Northern Territory. Admittedly, at the present time, the fuel differential system does not apply and therefore those advantages are not there to be taken, but nevertheless it is indicative of the benefits that are available to the airline system in freight-carrying services and the revenue that is generated in the carriage of goods. It has come to my knowledge, over a considerable period of time in commerce, that there is a considerable backlog of freight carried by airlines at a premium which in my opinion cannot be delivered to customers because the airline has not got the capacity to carry those goods and, under those circumstances, I believe that revenue is available to the airlines into the Northern Territory at a very favourable price, thereby enhancing the services that could be provided and should be provided to the people in the Northern Territory. Just because we live in remote areas does not mean that we should be subjected to a remote service at the discretion of the company.

I believe that the principle of my question this morning is simply that if an airline elects to run a scheduled service it should maintain that schedule, whether there be 2 or 3 or 30 or 300 people on board the aircraft. I go back in time to the experience of living or being domiciled in Alice Springs. There have been flights from Darwin to Adelaide that may have been scheduled to call into Alice Springs to pick up passengers and those aircraft, for the sake of the company not the passengers have been rescheduled to overfly Alice Springs and have left the passengers, who have already paid their fares, stranded in Alice Springs, because in the company's view it was not economical to land.

Airline companies in Australia are given monopolistic type opportunities. There are only 2 airlines in Australia that are given the grace of operating and given the grace of saying they do not want another operator. They are also given the grace of electing to opt out of an obligation to the internal traveller in Australia and I do not believe that to be fair play. The airlines elect to call it rationalisation. To my mind, it is not rationalisation but the exploitation of an opportunity which should not present itself in this country of ours if we stand for freedom of opportunity and for freedom of commerce.

The other question that I directed this morning to the Executive Member for Municipal and Consumer Affairs related to the water supply in Alice Springs. I do not think there are too many of my constituents in Alice Springs who do not need to use some water - whether it be a water closet, whether it be a shower, a hand basin or tap, whether it be a tap over the laundry or whether the consumer is fortunate enough to enjoy an automatic dishwasher or clothes washer. These consumers are being subjected to rather unfortunate circumstances through the introduction of what appears to be unacceptable levels of chlorine in the water. It would be standard practice within Australia to supply all domestic and also commercial consumers of water with brass taps in which seats are cut and those seats are made to accommodate either a neoprene or a leather seal. In recent months - I do not know why; maybe the Executive Member may be able to answer me and other interested members adequately at a later sitting - there seems to have been an introduction into the water reticulation system in Alice Springs a higher level of chlorine than is normally either expected or necessary.

Mr Dondas: It is the same everywhere.

Mr MANUELL: Well, maybe it is the same everywhere. I do not know whether you have better brass than we have.

However, the point remains the same, in Alice Springs - and maybe in other electorates - the seats of the valves are being etched out by the chlorine. I suppose the cost of the new seal is infinitesimal. I suppose, really, the cost of a new seat is also not that substantial, but there is a problem inasmuch as there are a number of consumers who perhaps may not be able to replace their own seals or seats themselves; for example, pensioners or those who are not able to work with their hands and have to call on the services of a contractor. In Alice Springs, at the moment as it happens, there are a limited number of contractors and the demand for seals and seats to be either recut or replaced is so great that the contractors cannot keep up with the demand.

I believe that there should be some direct and very quick inquiry into the nature of the introduction of chlorine into the domestic water system in Alice Springs, or any other community that experiences this problem. It is a distinct community cost because, apart from it costing the community new seats and seals for the taps, it presents a water leakage problem. Let us face it, Alice Springs as we have seen by this report, is subjected to water conservation requirements, or should be, and it certainly has a limited potential as far as water supply is concerned in the future. I do hope that the honourable Executive Member for Municipal and Consumer Affairs will be able to supply in the near future an adequate answer to this very real problem.

The final remark I would like to make this afternoon is largely to pre-empt what I would hope will be the subject of another debate of mine at a later stage in this House and that relates to the marketing of beef from Australia. I believe that, notwithstanding the claims of the departments of primary industry in some states and our federal associate, there is not a sufficiently single-minded attitude towards the export of beef and other primary produce from Australia. I was fortunate enough recently to visit the Philippines and also Singapore where there are obviously potential and available markets for this country to exploit, explore and utilise. I have come away from those areas with a very distinct and firm impression that this country is not doing enough about exporting its primary produce, particularly beef, into these areas. These areas are real. I was associated with some people by way of fraternisation and remote commercial contact which exposed the very availability for markets to be utilised in these areas. It will be of great interest to me to find out in the near future what the absolute maximum is as far as potential export by way of live meat stock, carcass meat stock, the upper limits as far as poundage, levels of hygiene, levels of meat quality, etc. There are millions of people in the Philippines alone who are crying out for beef. They cannot buy beef. In the Philippines at the moment, they are paying 70 cents Australian per pound for beef. If you compare that with the average Australian prices, that is a far cry from what the producer is paid here. The producer in the Philippines is being paid far more than the Australian producer for pork.

In the Philippines, even though they are presented with the so-called problems of foot and mouth disease, they are able to produce. What the Philippines and other areas in the southern Asian and Pacific regions are doing is taking up any beef from Australia, whether it be boned out, whether it be in carcass, whether it be chilled or frozen, whether it be air freighted or transported by sea or whether it be stud stock for upgrading their own commercial and domestic herds ...

Mr DEPUTY SPEAKER: Order! The honourable member's time has expired.

Motion agreed to; the Assembly adjourned.

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