NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly
Second Session

Parliamentary Record

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PART I

DEBATES

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

Inadequate Radio Service in Outback Areas

Mr COLLINS (Arnhem): On behalf of the honourable member for Elsey, I present a petition from 196 citizens of the Northern Territory expressing their concern at the inadequate radio services in outback areas. A great number of residents are being denied normal national and local news and weather information and they request urgent attention by the appropriate authorities to rectify the situation. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully shows that the outback areas of the Territory are inadequately served by radio services and, as a result, approximately 30,000 residents are denied normal national and local news and weather information. Provision was made in past years to remedy these situations but, as a result of Cyclone Tracy, the shortwave transmitters destined for the Territory were diverted elsewhere. Your petitioners understand that Telecom has no plans to give the disadvantaged residents better radio reception in the near future and therefore humbly pray that the Northern Territory government make strong representation to the Commonwealth Minister for Post and Telecommunications to have the priorities of his department adjusted so that this disability suffered by residents of outback areas for so many years will be removed within 12 months, and your petitioners, as in duty bound, will every pray.

STATEMENT

Pecuniary Interest Register

Mr STEELE (Transport and Works) (by leave): Mr Speaker, when I lodged my pecuniary interest statement with the Clerk, as I was bound to do by 1 August this year, I later discovered an omission and an error in the statement. The error related to cash amounts and the omission of Connair shares in the name of my wife. I prepared and issued another statement to your office, Sir, on 30 October. I am very sorry that the matter had to arise in this way but I hope that it has been rectified now.

SUMMARY OFFENCES BILL
(Serial 361)

Continued from 11 October, 1979.

Mr ISAACS (Opposition Leader): The opposition does not support the amendments to Summary Offences Act. Indeed, after reading the Chief Minister's speech on the bill, it seems that he read the speech for the wrong bill. I can understand the speech he made in relation to stopping people from carrying out alarming or annoying activities but we passed legislation in September relating to this specific matter when we amended section 47 of the Summary Offences Act which related to behaviour which was personally annoying. The speech of the Chief Minister does not address itself to the provisions of this bill in any great detail. In fact, the reasons given relate more to the act which we have

already passed than to this bill before us.

The Summary Offences Bill seeks to amend subsection (2) of section 47A of the Summary Offences Act. Section 1(1) of that act relates to loitering by individuals and subsection (2) relates to loitering by groups. There are specific references in subsection (2) to groups who, in the mind of a policeman, may be about to commit an offence in relation to section 47 of the Summary Offences Act. The Chief Minister stated that this bill also relates to offences under section 47 but, when you read the bill, it goes much wider than that. There is no mention of section 47 in the amendment which has been put forward by the Chief Minister. In other words, police must have reasonable grounds for believing an offence is to be committed, not under section 47, which is the current position, but in relation to offences at large. If in paragraph (2)(a) of section 47A the words "under section 47" were inserted after the word "offence", that may go some way towards satisfying the opposition and certainly towards complying with the remarks made by the Chief Minister in his second-reading speech.

Our objections go somewhat deeper than that. It seems to us that there is no need whatever for this particular piece of legislation. Proposed new paragraph 2(b) to section 47A relates to pedestrian or vehicular traffic being obstructed or about to be obstructed. Quite clearly, this is already covered under the Traffic Act. Indeed, section 26(1) makes it quite clear that "a person shall not upon a public street, entrance, driveway or public place negligently or wilfully obstruct, hinder or prevent the free passage of any person, motor vehicle, vehicle, bicycle or animal in such a manner as to cause or be likely to cause injury or damage to another person or vehicle using the public street or so as to impede or obstruct the free passage of a person or vehicle upon the public street". Given that section of the Traffic Act, it seems that proposed paragraph 2(b) is not required. It is already covered in legislation.

Proposed paragraph (c), which relates to the safety of persons in the vicinity, seems to be a totally unnecessary insertion. Who are the sorts of people likely to be involved? The only people who would be loitering in such a way that the safety of persons in the vicinity may be in danger are likely to be persons so heavily under the influence of intoxicating liquor or drugs that they are flat out on their backs across a public footpath or road. Such people are currently dealt with very promptly and correctly by the police. They are taken into protective custody to dry out and then they are allowed to go. There is no offence. By this amendment, if it goes through, those people will be subject to an offence and that would be completely contrary to the spirit in which we have treated such people in the past. It seems to me that the amendment is totally unnecessary. The matter is already covered and the amendment does not do the job which the Chief Minister stated in his second-reading speech that it sets out to do. If it is meant to deal with offensive behaviour, as the Chief Minister said in his second-reading speech, we have already covered that in an amendment to section 47 of the Summary Offences Act.

There has been some discussion in the press that this particular piece of legislation is aimed at Aboriginal campers. Although there is no mention of this in the Chief Minister's speech, it has raised some concern that this may be the latest piece of legislative armour which the police may have to clear Aboriginal campers who come into town. There is nothing in the Chief Minister's speech which suggests that and I doubt very much if there is anything in the act or the amendment which would allow that to take place anyway. If it is a problem, the police probably already have power to deal with it under the Crown Lands Act. In view of the fact that the Chief Minister did not mention that that was the purpose of the amendment, we can scotch that suggestion which

has appeared in the press.

The opposition sees no need whatever for this particular amendment. Indeed, it could be quite dangerous in that it would give the police power to apprehend people and charge them with an offence which we have already agreed ought not to be an offence: drunken persons lying about on the footpaths or the roads. I believe that the current action which police take is proper. This amendment would bring back the ability of police to be able to charge drunks with an offence. It is totally unsuitable for the times.

The other sections which I have referred to are covered either in the Traffic Act or in the Crown Lands Act. The powers in 2(a) generally cut across the current position and also seem to be in complete conflict with the statement made by the Chief Minister in his second-reading speech that the offences would only refer to section 47.

For those reasons, the opposition opposes the amendment.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill. I think that my electorate would provide the most opportunity for people to witness various activities of those who seek to lie about in parks for most of their time. I realise that this bill relates to public places but I would like to concentrate my comments on parks because I believe that is where there is grave concern at this time. This is one of the reasons why this legislation was introduced. I do not believe the legislation was introduced to rid the city of Aboriginal campers. There are many non-Aboriginal people who occupy parks.

One could say that some of these problems could be avoided by asking people not to go near parks. Some parents tell their children not to go near parks and certain adults also avoid parks. I have seen people who avoid going through the park after work to get into Smith Street. That is a fact.

Parks are for people. The answer to these problems is not just to shove your head in the sand and look the other way. They are not to be avoided; parks are to be used. We must ensure that any area set aside for public use is used for that particular purpose. The situation we have today does not allow for that to happen at all. All major parks in the city area are situated where large numbers of people either walk through or around them every day. It is commonplace for these people to witness brawls, drunken behaviour, people defecating or other behaviour which is unacceptable to the majority in our society. Many of those who walk through these parks tend to close their eyes and pretend not to see these people.

I do not know if "loitering" is the correct word to use under these circumstances because many of the people who occupy these parks consider these places to be their homes. Some of the activities that I mentioned, such as going to the toilet or having a shower under the tap, are quite normal to them. I do not accept that this is a type of activity that should be carried out in a public place. It is not the intention of these people - derelicts, alcoholics or whatever label you like to place on them - to intentionally harass people. Whilst we must not allow the majority of our people to be subjected to harassment, abuse and objectionable behaviour, we must still bear in mind that these people, on many occasions, do not intentionally cause annoyance.

This whole issue really falls back on the standards that we expect in our society. Whilst we are continually moving to give people greater freedom, we must also remember - and I keep stressing this point, Mr Speaker - that others

need protection to obtain the freedom that most of us enjoy. Our problem is not so much one of how to police our parks and public places because this amendment and other legislation will make that quite simple. The problem is what we are going to do with the people who are in fact carrying out these activities in the parks. They will not leave our society unless they die or are sent away. I could point out probably 10 people in the Darwin area whose removal from circulation would eradicate the problems in our parks. Of course, we cannot do this.

My major concern is that we will take these people out of the public eye and push them back into the coffee bush. What will happen is that the complaints will not come from the people who use our parks but from the residents in the areas where these camps already exist. I believe that these camps will grow.

In relation to what the Leader of the Opposition said about the Traffic Act, with the new pedestrian mall, I believe it is necessary to make some further provisions and the proposed amendments would cover this particular situation.

Whilst I agree that the present provisions are limited, I feel that action could have been taken to control some of the actions of these people. In most cases, these activities relate in some way to alcohol. The big problem that we are faced with today is the consumption of alcohol, people's actions after they have consumed alcohol or the sleeping off of the effects of alcohol. There is much more to this whole issue but we cannot allow the present situation to remain whilst we are looking for a satisfactory alternative. People must be able to move about the streets, parks or other public places without being subjected to these activities.

There will never be an ideal society but I am inclined increasingly to think that we must have laws such as this to protect the majority of people. The immediate course of action to control our major recreation areas and our major access areas so that they can be used by the public without fear of embarrassment is provided for in this bill. The big problem that we will all have to examine in the near future is what we will do with the people who have been using these parks as their home or as a place to go to when they have nothing else to do. I support this legislation.

Mr COLLINS (Arnhem): Mr Speaker, I find the support of the honourable member for Port Darwin for this bill to be quite extraordinary. I can only assume that the member has not read the Summary Offences Act, the Traffic Act or the Crown Lands Act and has forgotten about the piece of legislation that we passed here only a short time ago to control that sort of thing in the mall. One of the continual and very justifiable complaints that is made by people in this country is that there is an excess of legislation. Some rather prominent members of the judiciary have commented on this on numerous occasions and it is a justified complaint. This bill is a classic case of completely unnecessary legislation.

The honourable member for Port Darwin spoke about the problems of people lying around parks and said that his electorate has the largest number of people who lie around parks. The opposition does not have any objection to this sort of thing being controlled. It is already satisfactorily controlled by existing legislation and this bill is a totally unnecessary piece of legislation. In fact, the controls that are already in the Summary Offences Act are so broad that I am at a complete loss to understand why there needs to be any further legislation.

Section 47 of the Summary Offences Act, which we amended recently to make it

even broader - and I can only assume that the honourable member for Port Darwin has not read it - says that "a person loitering in any public place, who does not give a satisfactory account of himself when requested to do so by a member of the police force shall, on request by a member of the police force to cease loitering, cease so to loiter". I would like to know what kind of circumstances are not covered by that all-embracing clause. If a police officer - and these after all are the people who are going to put this legislation into effect - has reason to question why a person is standing around and he thinks that such a person is posing a danger to another person or he feels that that person is about to commit an offence or has any reason for concern as to why the person is loitering, he can ask that person to give an account of himself and, if that person fails to do so, the police officer, by section 47A, can ask that person to cease to loiter and move on. If he does not do so, there is a penalty.

I do not question any of the matters raised by the honourable member for Port Darwin. Of course, it is highly annoying to be hassled and harangued by drunks in the street. It happens to me constantly; it is very annoying when people come up and touch me for money, hassle me and harangue me. It is not very nice but there is more than sufficient legislation to cover that kind of offence already. Without turning to the legislation, there is in fact an amending clause that made it an offence to annoy another person. With provisions like that existing already in the legislation and an all-embracing section in the Summary Offences Act which says that a person may be asked to move on if he fails to give a satisfactory explanation to a police officer as to why he is doing what he is doing, I do not see any necessity whatever for any further legislation on the subject. I was touched by the honourable member for Port Darwin's humanitarian concern about what will happen to people when we kick them out of the parks and make them move on. I agree with him that that sort of problem will hardly be solved by legislation.

The honourable Leader of the Opposition has already touched on the part of this amending bill which specifically mentions vehicular and pedestrian traffic. That is already adequately covered in the Traffic Act which makes it an offence for a person to hinder pedestrian or vehicular traffic by walking or even standing about. Like the honourable Leader of the Opposition, I find it difficult to match this bill with the Chief Minister's second-reading speech. The particular problems the Chief Minister says that this piece of legislation will solve are more than adequately covered by legislation already on the books. I accept that the reports in the press that this bill is aimed at Aboriginal campers are incorrect. Logic tells you that anyway. If you read the Chief Minister's second-reading speech, you will see that these reports are incorrect. The bill seeks to solve the problem of people who loiter and who annoy other people by so doing. Life Be In It campaigns are encouraging people to lie around parks with their dogs and with their children. That is something to be encouraged. It is absolutely necessary to allow those people to do that without being annoyed. The legislation to protect those people already exists in 3 acts on the statute books, none of which are improved by this particular piece of legislation.

The only conclusion I can arrive at as to why this bill exists is that it is a political bill and that the government has been lobbied by people complaining about this particular matter. The matter has been raised through members with the government and the government has felt it necessary to demonstrate that it is doing something about the problem. I hardly think that that is any justification for piling more statutes on top of the statutes we have already. I think that the complaint that we have excessive legislation in this country is well-justified and this bill is a classic example of it.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have listened to the complaints of honourable members opposite that this is legislating to excess but I find their complaints to be without justification. Honourable members opposite are attempting to say that all the necessary legislation is already there and that the government is simply piling legislation upon legislation. Let us look at section 47A to which the honourable member for Arnhem referred: "A person loitering in any public place who does not give a satisfactory account of himself when requested so to do by a member of the police force shall, on request by a member of the police force to cease loitering, cease so to loiter".

To put it shortly, I am informed by the Commissioner of Police that that section is useless. The simple reason is that the arbiter of what shall be a satisfactory explanation is, quite rightly, a court. Every time a policeman moves someone on, he has to ask for this explanation and he has to be the judge as to whether the explanation is satisfactory or not. He then has to move him on, he has to take proceedings against him and may find that the court does not indeed accept his judgment that the explanation was not satisfactory.

The 2 additional grounds that we are looking at in proposed new section 47A(2) are quite different circumstances to those in the existing section 47A:

(2) Where a person is loitering in a public place and a member of the police force believes, on reasonable grounds -

(a) that an offence has been or is likely to be committed; or

(b) that the movement of pedestrian or vehicular traffic is obstructed or is about to be obstructed,

by that person or by any other person loitering in the vicinity of that person, or

(c) that the safety of the person or any person in his vicinity is in danger,

the member of the police force may require any person so loitering to cease loitering and to remove him from that public place.

To my mind, that is a much more objective set of circumstances which a policeman has to deal with and, indeed, different circumstances. I would like to cite examples of the problems that the police have in making neighbourhoods quiet and orderly for the satisfaction of the people who live in them.

Most honourable members will know the Shell Service Station at Casuarina and the numerous flats that are right across the road from that service station. Many honourable members will know that, after midnight, the Shell Service Station becomes the haunt of many young ladies and gentlemen who ride motorbikes and drive very loud motor vehicles. Of course, the police patrol the service station because the police station is just down the road. The police can patrol as often as they like because, when the cockatoo sees the police coming, everyone becomes very quiet when the police come round the corner. It has been explained to me that the only way the police will be able to move them on is to have this particular type of power. They cannot obtain the evidence against them of excessive noise because, when they turn up, there is no excessive noise.

I certainly have received petitions from people in the Fannie Bay

electorate and the Casuarina electorate asking that various things be done to improve the quality of life in those areas. My advice is that this legislation is necessary for that to be done. I might draw to honourable members' attention that this legislation is very similar to legislation passed by the South Australian Parliament when Mr Dunstan was Attorney-General.

If I may have your leave, Mr Speaker, I will read an article from a recent issue of the Northern Territory News which has the happy headline: "Walker to quit if street law fails". Apparently, we are not the only people who are having problems:

> *The New South Wales Attorney-General, Mr Walker, has undertaken to resign if the new street offences law fails. At a weekend meeting, he called on the Council for Civil Liberties to fight to defend reformed laws such as this. As a former member of the council, he was speaking, at its request, at its annual general meeting.*

I might say, Mr Speaker, that I have received no feedback from the Northern Territory Council for Civil Liberties on this proposed measure at all, either for it or against it but certainly not against it. The article continues:

> *Mr Walker said it was beyond him as to why opposition to section 5 of the Offences in Public Places Act had been so strong. The section says that it is an offence for a person in or near a public place or school to behave without reasonable excuse in a manner likely to cause reasonable people, justifiably in all the circumstances, to be seriously alarmed or seriously affronted.*

We are told we are passing draconian stuff! Without going on to read the rest of the article where Mr Walker promises to resign - something that we hope devoutly is consummated in due course - this legislation is necessary. It is not a duplication of existing legislation.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

SPECIAL PURPOSES LEASES BILL
(Serial 350)

Continued from 19 September 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, I have just seen the amendments that the minister proposes and they do put a different light on his second-reading speech at the last sittings. I must say that, when the minister presented this bill and subsequently made a press statement about it, I wondered whether or not he was confusing his government's policy of granting land directly to applicants with the issue of how the land should then be paid for. The government has adopted a policy, and attempted to implement it with one or two little setbacks, of granting land on lease to people within urban areas without contest. This is a departure from the previous policy whereby people were expected to bid at auction or to tender for the right to such leases.

The minister would know legislation already premits the minister to grant a lease to a person without contest. In section 5 of the Special Purposes Leases Act, he will see that this can occur. What the minister is trying to do by this bill is to alter the manner in which the leases granted

in this fashion will be paid for. That is a quite different issue from whether or not his government can directly grant leases because this can be done already.

With that in mind, the honourable minister prepared this bill whereby he proposed to amend the system of payment from the existing one which is that the lucky person to obtain the lease without contest pays a very small sum - in some cases, these sums have been as low as $1 and $5 outside of municipalities - and thereafter pays an annual rent which amounts to 5% of the unimproved capital value. The minister says that he is trying to amend the system so that the lessee can simply pay the current market value of the land or, in certain cases where development is to be encouraged, a sum less than market value but nevertheless related to the market value of the land.

When the minister was saying that, I thought he might have opened up a hornet's nest because he did not quite do the sums which told him how much rent is collected on special purpose leases. I see that the amendments have attempted to rectify this matter. The minister knows that outside of municipalities which, I gather, is the main thrust of this bill, special purposes leases are given for a variety of uses including residential uses. They are also given for a variety of commercial uses. The minister will certainly be aware that most of the licensed premises and highway inns are held under a special purposes lease. Clearly, these commercial purposes should not be given at very low rents or, in fact, very low premiums. Whilst the minister had the good intention of allowing people down the track or the social and sporting organisations which he mentioned to have the benefit of these once-only payments, he suddenly realised the variety of uses which are held under this type of tenure and his government has now changed its mind as to whether all these people should get these wonderful windfalls of paying no further rent in future years.

Certainly, the opposition supports the right of social, sporting and non-profit organisations outside of municipalities to have access to land. When I first read the bill and the second-reading speech, my own view was that the bill as it stood would place the obtaining of land even further away from bona fide non-profit-making organisations. What it meant was that people would pay the market value of the land and thereafter they would have no rental payments. In our experience, most organisations find that the burden of finding the lump sum payment for the land is the greatest impediment to obtaining it. I see that the minister has altered that by his amendments and I am quite pleased to see that.

The amendments have completely altered the intention of the minister when he first introduced this bill. At that time, he said that the amendments to the act would allow for a once-only payment for at least that was satisfactory to both the government and the lessee. Of course, this will not happen now because members will note the minister has had to insert specific provisions allowing for the premium and the reserve price to be paid in instalments. There will certainly be a category of special purposes lessees who will continue to pay by instalments so it will not by any means alter the instalments payment for some classes of lessees.

The other matter which the minister mentioned in relation to his original bill which has now been altered is the annual rent of 5% of the unimproved capital value. Presumably the minister has re-introduced this particular measure with that category of special purposes lessees who hold commercial undertakings by this form of tenure in mind. I quite sympathise with the minister in this particular matter because the Special Purposes Leases Act has become so unwieldy that perhaps the best thing we can do with it is to

throw it out and start again.

The minister had in mind that, by presenting these amendments, the whole system of administration of these special purposes leases would be simplified. I can assure him now that his amendments will not simplify but will merely add a new dimension relating to a category of leases issued between the 1965 amendment to this act and the current one. Before we had a certain number of leases which had to be dealt with differently and now we have one further category in which the same types of administrative problems and the same delays with valuations will arise.

Whilst I think the idea of giving these organisations outside of municipalities the same type of access to hold land for the purposes of their articles of incorporation, I think that the original purpose of the minister in allowing this matter to become administratively much less unwieldy will not be upheld. In fact, it will become a little bit worse.

Mr HARRIS (Port Darwin): I rise to speak in support of this bill. There is now, as there has been in the past, a need to make land available for development purposes at a reasonable cost to the developers. There have been many instances of people who were interested in developing the Territory - and I speak here particularly of those who in the past have been interested in agricultural development - but who have been unable, for one reason or another, to obtain any land whatsoever. These people have had the money, the expertise and, above all, the necessary drive and determination to try to make a go of some activity in the Northern Territory but, because of the lack of the availability of land, they have been frustrated. In some cases, there is also a need to reduce the size of the lease to make a particular project viable. It is also necessary to have a formula to establish a satisfactory price. If this were not done, we would never have any transactions. Those wishing to take part in the development of the Northern Territory are now able to obtain suitable land at a reasonable price and, I hope, reasonably quickly.

There has also been a need for direct grants of land to be made available to sporting bodies and also to associations who feel there is a need for a particular recreational facility. One of the problems that could eventuate in this instance is the duplication of various sporting ovals, halls etc. Under the proposed amendments to section 8 of the principal act, the minister will be able to control the type of development to some degree. I believe that he will have to be careful not to interfere substantially with what the local people feel that they want and require. If they have the necessary drive to develop an area of land and it can be shown that they have the capability to carry out that development, they should be able to do this without a great deal of interference. Notwithstanding this, it is only right that the minister is able to set the terms and conditions to make sure that development does actually take place on that particular piece of land.

The system that has been introduced is flexible. People are able to obtain land for a particular purpose, are only required to pay once and the cost of the land will be reasonable. This bill does not only make provision for land outside municipalities for the purpose of agricultural or private investment but it also gives to those sporting bodies and other development associations the opportunity to have their land, develop it and provide a much needed facility to people.

This legislation is needed and is yet another initiative of the Northern Territory government which will enable the Northern Territory to continue to develop. I support the bill.

Mr PERRON (Treasurer): Mr Speaker, I would like to briefly touch on the amendments that have been recently circulated in the House and a couple of matters which were raised by the member for Sanderson in relation to this bill.

The amendments were designed principally to maintain the status quo of those special purpose leases that have been issued up to now. It was found that these had been overlooked and the government would have forgone annual rental payments of something like $40,000 per annum if these amendments had not been proposed. There would have been also a very significant windfall to any of those persons who had acquired a special purpose lease from the government at a nominal cost because, all of a sudden, they would have had their rental payments wiped out. That is the principal reason for the amendments. They also clarify the area where the government may issue a lease upon payment of the first instalment. It is important that a person can get a lease in his hand and can undertake development or use the land in accordance with that lease right from the time he first pays his instalments, that is, if it is agreed that he can pay the land off rather than be required to wait to receive the lease after he has completed payment.

The member for Sanderson felt that the provision which would enable the leases to be issued on a nominal basis and to include a rental component in the future is not intended for special purposes leases which have commercial use. It is proposed by the government, as of matter of general policy, to charge a market value premium for special purposes leases in future and thereupon cease any further obligations to pay rental. We think it is an administratively better system for a person to pay for a lease and then own it rather than pay a very small sum for the duration of the lease which, at 5%, means that the land is paid for almost every 20 years.

The government will take a sympathetic attitude towards setting premiums and, in some cases, these will be lower than market rent. Sporting organisations and community-based organisations will in future, as they have in the past, have a right to obtain land at a nominal cost. As far as commercial undertakings are concerned, they will be entitled to apply to the minister for a determination of a premium less than market value and, provided that they put forward a case that their project represents some significant benefit, the government may well choose to offer a direct grant lease at less than market value.

We are really holding all our options open in regard to the issue of special purposes leases and we will have a number of these to issue as soon as possible to settle a long-standing problem in the 32-square-mile acquisition area. We hope to process this legislation fully at this sittings so that we can issue the leases.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

New clause 3A:

Mr PERRON: I move amendment 129.1.

This will insert a new clause 3A after clause 3. The intention of this amendment is to allow applications from social and sporting organisations for direct grants of special purposes leases to be dealt with on an individual

basis. The present legislation is restrictive, administratively cumbersome and expensive and does not distinguish between associations close to large population centres and those in remote localities. Such applications would be dealt with in future under the proposed new section 5BB(1).

Amendment agreed to.

Clause 4 negatived.

New clause 4:

Mr PERRON: I move amendment 129.2.

This inserts a new clause. The intention is to rationalise the requirement to pay survey expenses on new leases to be granted under section 5B with the existing obligations under section 4(2).

New clause 4 agreed to.

Clause 5:

Mr PERRON: I move amendment 129.3.

This amendment is designed to ensure that, where a direct grant has been made, the minister has the power to impose conditions which will ensure that development occurs. It further allows the minister to deal in a sympathetic manner with sporting and social organisations which are normally staffed by enthusiastic volunteers, lacking in financial resources and who obtain finance, in many cases, only by fund-raising events.

Ms D'ROZARIO: Mr Chairman, I think the minister's original subclause (2) did all those things that he just said. I think his amendment merely makes it clear that he can insert provisions requiring the lessee to pay rent which, I think, is the point he conceded in his reply to the second reading. It is simply the issue of paying rent rather than the ability to be able to impose covenants and conditions which are already included in the bill.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 negatived.

New clause 6:

Mr PERRON: I move amendment 129.4.

The new clause has 2 parts. New clause 6(1)(a) is a consequential amendment following the amendment to section 5BB and new clause 6(1)(b) provides a savings clause to Special Purposes Leases Bill (No. 2) of 1979 so that leases issued prior to the date of this bill retain the status quo.

New clause 6 agreed to.

Clause 7:

Mr PERRON: I move amendment 129.5.

This is required to retain the status quo of special purposes leases issued prior to the implementation of this proposed act.

Amendment agreed to.

Clause 7, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr OLIVER (Alice Springs): I find in the bill the expression: "the current market value as determined by the Valuer-General". I would like to ask the Minister for Lands and Housing to explain the difference between the current market value as determined by the Valuer-General and the unimproved capital value.

Bill read a third time.

DINGO DESTRUCTION ACT REPEAL BILL
(Serial 314)

Continued from 12 September 1979.

Mr DOOLAN (Victoria River): The opposition welcomes the repeal of the act. We believe it is quite unfair to impose a burden on all landholders to require them to submit an annual return of what they are doing about dingoes. We believe it is quite unfair for them to be required to pay a fee in regard to dingoes whether a dingo problem exists or not.

Mrs PADGHAM-PURICH (Tiwi): In view of all the encouragement I have had to speak on dingoes, I rise to speak about dingoes once more. All the honourable members here will agree that there has been some discrimination directed against dingoes for a number of years - directed against them officially and as a result of the ignorance of people who perhaps were not in official positions.

I am concerned at some comments in the Chief Minister's second-reading speech in which there seems to be an implication that dingoes are feral animals. In the feral animal report, dingoes were included as feral animals on pages 72 and 73. I disputed that then and I dispute it now. I consider that my information, my professional training and my watching of dingo behaviour is as good as that of anybody in the Northern Territory. I maintained then and I reiterate now that dingoes are not feral animals. On page 73 of the feral animal report, it was said that dingoes have been in the Northern Territory for 10,000 years. I have asked this question before: how long does an animal have to be in a country before it is not a feral animal? In fact, I would even query that 10,000 years; on the information I have received, it is nearer to 12,000 years. I do not regard dingoes as feral animals and I have spoken to the Chief Minister about this. I do not agree with the implication in his second-reading speech that dingoes are feral animals.

There is also mention made of dingoes being predators against native animals. They are predators against native animals but, again, the implication is that they themselves are not native animals. I maintain they are. There is also another mention made of total feral animal control which implies

that dingoes are feral animals. I maintain that they are not. If dingoes are feral animals, I wonder how many other native animals could be regarded as feral animals. Although I have reared, observed and liked dingoes probably more than many people, I still say that they do have some bad points. However, some other native animals also have bad points depending on what primary producers are growing and what the native animals fancy. If you are growing mangoes, probably some mango growers would like to see flying foxes declared as vermin and then we would have discrimination directed at another native animal.

In a newspaper recently, I see that there is a movement down south - I cannot remember the exact name - concerned with civil liberties for animals. Probably, the people concerned with that would be very pleased to see us repealing the Dingo Destruction Act. I think it is in line with our anti-discrimination views directed at other animals when we repealed the Alsation Dog Ordinance some time ago.

A long time ago, Mr Speaker, I asked a question about the amount raised from the dingo tax on primary producers. I was told that it amounted to about $14,000 which was not very much and therefore certainly was not very cost effective. From that point of view, I am glad to see the Dingo Destruction Act being repealed. It is not serving any useful purpose. If it did remain, primary producers would be forced to kill the dingoes on their properties if they have a property of more than one square mile and, on the other hand, we have wildlife officers actively encouraging the breeding of dingoes by killing about 1,800 buffaloes on the Murgenella Plains and just leaving the carcases there. If this would not encourage the dingo population, I do not know what would. It would encourage the health of the bitch carrying the pups and there would probably still be something around when the pups were born. Instead of the dingo regulating its own population as it does in 4 very distinct ways, the dingo population would increase to become a burden on the primary producer.

Mr Collins: What about pigs?

Mrs PADGHAM-PURICH: Pigs are another matter. I also do not agree with wanton destruction of pigs. I do not agree with the wanton destruction and the leaving of carcases to rot. I think the dingoes would have increased in numbers with the encouragement of wildlife shootings.

That just about concludes my remarks on the bill. I want to mention that I have references to records of work done dating back to 1916, 1972, 1952, 1969-70. There was also some work done in Victoria in 1968. The main bulk of the research on dingoes was done in Alice Springs over a period of about 6 years. I was concerned with it about 8 years ago. Very generally, people are becoming more aware of the importance of the dingo in the native animal chain of life in the bush. I like dingoes because they have some very good characteristics but they also have some characteristics, as do other breeds of dogs, which do not endear them to humans.

I would like to condemn most strongly the use of the word "dingo" as a derogatory term for people. To call a person a dingo implies that that person has no sense, is a coward and will run away from a fight. The dingo always fights from strength. It is one of the most intelligent native animals. With those concluding remarks in support of the dingo, I welcome the repeal of the Dingo Destruction Act.

Mr BALLANTYNE (Nhulunbuy): After listening to the honourable member for Tiwi's speech, I doubt if I have much to add on the subject.

Over the years, we have heard all sorts of stories about dingoes and the effect that they have had on livestock. They have not had any great effect on the environment. The original act was passed in 1923 and is completely outdated in its ideas on the control of pests. Most of the provisions are largely ignored by the occupiers of land. If you go back to the original act, section 5 says: "every occupier of land shall take reasonable and proper steps to destroy all dingoes on the land and shall forward to the Administrator, on or before the 1st day of March each year, a report of the steps taken by him in pursuance of this section". Little work has been done on this. I think it places quite a burden on the landowner and it is completely useless continuing with legislation that is not being properly implemented. All the landowners have to pay rates, whether they have a dingo problem or not, and that to me seems quite ludicrous really. There is a lot of rate money outstanding but it seems that, if the provisions have not been administered properly, how can one expect to obtain money out of the people anyway?

There is still a problem with dingoes and I think that they can be eradicated in the proper manner using the proper facilities of the Territory Parks and Wildlife Commission. This can be done under the feral animal control section. There is no doubt that the work can be achieved by a cooperative effort of the pastoralists and the Wildlife people. On looking at the feral animal report by Dr Letts which was presented in this parliament some months ago, there is no recommendation to eradicate the dingo. In fact, he said that, in some cases, dingoes can be a help to the environment by eradicating rabbits when other food is not available. There was very little submitted to the committee relating to dingoes which proves that they are not a real problem. They have menaced calves and kangaroos for years but they pose no real threat to the environment. They are very intelligent animals as the honourable member for Tiwi said.

Dingoes can become quite domesticated. They have certain traits which, with a lot of training, can probably be overcome. I can see no reason why they cannot be registered as ordinary dogs and kept as domestic pets. As a matter of fact, a great deal of inter-breeding has gone on between dogs and dingoes. Research carried out by CSR in 1962 and the following 6 years resulted in a report on their mating habits and how they were localised in certain areas. They were localised in an area of 7 square kilometres and further observed in an area of 34 square kilometres. They examined the stomach contents of dingoes to see what wildlife they were eating.

I cannot see any real problems with the dingoes and the sooner we take this off the statute book the better. We had the same situation with alsation dogs. We repealed that ordinance and we have not had any repercussions. I doubt whether we will see any repercussions from this. There has been quite a good liaison between the Parks and Wildlife people and the pastoralists and I am sure that this will continue. Wildlife officers will be keeping an eye on things generally to ensure that there is no excessive buildup of this species. I welcome the repealing of this act. There have only been 2 changes to that act, one in 1968 and the other in 1975. I think that speaks for itself. As far as I am concerned, it has been a useless piece of legislation.

Mr VALE (Stuart): Mr Speaker, I rise to support this bill because it seeks to destroy yet another anachronism that we have inherited from the rather colonial times of the Northern Territory. The Dingo Destruction Act became law 56 years ago at a time when the Territory's pastoral industry had already been in existence for at least that period of time. However, the industry is still rife with many more problems than those it is experiencing

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today. One of those problems it had then, and still has to some extent, is that of the dingo. We are seeking to throw out a mechanism which was intended then to alleviate a problem which still exists. However, the Dingo Destruction Act simply does not serve its purpose. Whether it did half a century ago, I cannot be too sure.

Suffice to say that technological advances have since enabled governments and industry - not forgetting environmentalists in the private sector - to take a different and more comprehensive approach to programs of eradication. The act has failed for several reasons, none the least of them the various disincentives that exist for people today to earn their entire livelihood as virtual bounty hunters. If this were not the case, there would still exist the problem of those in search of scalp payments concentrating on the more settled regions of the Territory and allowing the dog menace to build up to unmanageable proportions in the more remote areas. Our pastoral industry extends well into the remote areas and the viability of pastoral operations in those places would be severely jeopardised in the absence of today's aerial baiting programs which are far more effective.

The passage of time inevitably causes more and more chapters to close in the history of the Territory and this bill represents yet another. I believe, therefore, that we should record a tribute here to the role that dingo hunters, popularly known as "doggers", played in the development of the Territory. Implicit in this bill is a statement of their present-day obsolescence but, at one time, I understand they played a vital part in the protection of the pastoral investments in some and perhaps many areas in the Northern Territory. Also, we must not ignore the assistance these men indirectly gave by fighting the threat from dingoes to the maintenance of the natural environment and the ecological balance.

I congratulate the government also on its speedy adoption of yet another of the recommendations of the board of inquiry into feral animals. That report was hardly off the presses when considerations of this type were already in train as a direct result of the board's fine work. I implore the government, through its various agencies, to maintain close cooperation with landholders so that the potential dingo problem areas continue to be identified in their early stages of presenting threats. I would ask also that the government be ready at all times to accelerate dingo eradication programs when disturbing information is heard in particular areas.

The bill rids us of a useless provision on the statute books and this exercise only serves to point out that the government is ever-ready to wipe out the cobwebs and replace them by new and improved measures. I support the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the third reading of the Dingo Destruction Act Repeal Bill be taken forthwith.

Motion agreed to; bill read a third time.

JUSTICES BILL
(Serial 316)

Continued from 12 September 1979.

Mr ISAACS (Opposition Leader): The opposition supports the sensible amendment to the Justices Act. It is a result of problems of on-the-spot fines on traffic offences where an offender is given 28 days to pay. The

police are required to issue a summons within 30 days of the offence taking place. Quite obviously, if the fine is not paid, the police have only 2 or 3 days to commence proceedings. The amendment takes care of that and amends the Justices Act so that 60 days are available to the police to commence action. This only applies to cases of offences against the Traffic Act; the other provisions are preserved. The opposition supports that.

There are a number of formal amendments made. The first one in the schedule omits "20 miles" and inserts "12 kilometres". I do not know whether that is an intentional decision but, quite obviously, 20 miles is 32 kilometres. That is in relation to the oaths of office being taken by a person who lives a certain number of miles from the court in Darwin. The current act states "20 miles" and I am quite sure the 12 kilometres in column 3 of the schedule ought to be 32 kilometres unless the Chief Minister has some reason for reducing the distance from 20 miles to 7½ miles which I am sure he has not. The opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Schedule:

Mr EVERINGHAM: I thank the honourable the Leader of the Opposition for drawing this matter to my attention. I am quite happy to move an amendment without notice to change "12 kilometres" to "32 kilometres".

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

MAGISTRATES BILL
(Serial 333)

Continued from 12 September 1979.

Mr ISAACS (Opposition Leader): The amendment to the Magistrates Act is necessary for the purpose of administration. It enables the minister to appoint an acting Chief Magistrate while the Chief Magistrate is away for some unforeseen reason. It seems to me a perfectly sensible and practical proposition. The only thing is that it is open to a minister to keep extending the term of office although I notice that the Chief Minister says that it would not exceed 3 months. Quite obviously, the acting Chief Magistrate could have his term extended each 3 months. Naturally, that would not be anticipated. Nonetheless, the bill seems to be a sensible way of overcoming a problem.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the motion for the third reading be taken forthwith.

Motion agreed to; bill read a third time.

ABORIGINAL LAND BILL
(Serial 355)

FISH AND FISHERIES BILL
(Serial 313)

Continued from 20 September 1979.

Mr DOOLAN (Victoria River): In speaking to this bill, I would like to say at the outset that I feel that it is a great pity the government did not follow in its entirety the recommendations of the excellent review of the Northern Territory barramundi fishery which was compiled by Messrs Grey and Griffin. However, this is only to be expected because it seems par for the course for the CLP to disregard the findings and recommendations of most commissions and investigatory bodies - notably the Neilson Report and the report on the Liquor Commission - after spending huge sums on first commissioning such investigatory bodies.

I feel that the bill is basically a reasonable piece of legislation and may well help to preserve barramundi stocks in the Northern Territory which, from the point of view of both the commercial fishing industry and the tourist industry, are vital to the economy of the Territory. Since the review of the Northern Territory barramundi fishery was produced, several significant things have happened which did not follow the recommendations of this review. The review recommended that there be a closed season of 4 months for professional fishing and that amateur fishing be restricted to a bag limit of 5 barramundi per fisherman. This government, in its wisdom, has closed the season for 4 months to professional fishermen and also to amateur fishermen. To my mind, this is a particularly foolish decision. To extend the closed season for amateurs from 3 months to 4 months will have little, if any, effect on preserving barramundi stocks. There are 2 reasons why I make this statement. Even the professional fishermen did not ask that there be a closed season on amateur fishing because amateurs do not fish areas where barramundi spawn. Barramundi spawn only in the areas outside river mouths from September to March and they spawn only where these areas reach a particular level of salinity.

The great majority of amateur anglers fish in inland streams and billabongs. Fish leaving these land-locked billabongs are not in roe. It takes a minimum of 6 months to reach the stage where they are ready to lay eggs. Most of them do not reach this stage until February or March so the professionals have 2 months of netting within that time. Probably only 50% of those fish moving out of land-locked streams and billabongs will spawn this summer. The other 50% will spawn during September 1980 to March 1981.

In his second-reading speech, the Minister for Industrial Development said: "Sportfishing is the most important recreation activity for Territory residents as well as providing a major tourist attraction". Having said that, why on earch does he wish to deprive local amateurs of their recreation and why on earth lessen the tourist potential by insisting on a closed season for amateurs?

The minister went on to say: "It has been found that, in the management of the barramundi fishery, the activity of amateur fishermen is a significant fact which must be taken into account". I agree. However, why not follow the recommendations of the experts who produced the report? Their recommendations were that barramundi stocks could still be preserved by introducing a bag limit of 5 per angler and insisting on a licence fee, money derived from which could be used for further research. It could be said that there would be a great difficulty in policing bag limits. The obvious solution to this

would be to increase the number of inspectors which, at the moment, is ridiculously low.

Mr Everingham: Do you think you can let us in on what you are talking about?

Mr DOOLAN: Okay! There will always be greedy people who will want to catch more than their allocation. The majority of anglers, especially if they knew they risked a fine, would comply with the limit of five. In fact, any genuine disciple of Isaac Walton will agree that a bag limit is a reasonable proposition.

In the barramundi fishery review, Messrs Grey and Griffen recommended that net lengths be limited to 1500 metres which, again, seems to me to be a most sensible idea if we wish to preserve barramundi and salmon stocks. A net of 1500 metres set across mud flats in river mouths would not, in most cases, completely close off a river mouth as is being done at the present time. Nowhere in this bill is there any mention of net lengths or mesh grid. Nowhere in the regulations can I find any mention of these things. In the regulations, there is a copy of form 19 which relates to a return by the holder of a trawling licence which has a column for depth in metres and a column for grid square but length, depth or mesh size are not stipulated in writing. These things are probably covered in clause 51 of the bill which details conditions of licences.

Under 51(2)(c) it states: "a limitation as to the amount and type of gear and equipment that may be used under the licence, and its method of use". This apparently leaves such important matters entirely to the discretion of the Director of Fisheries. I believe that this is wrong in that such vital information should appear either in this bill or be detailed specifically in the regulations.

There are parts of the bill which I especially commend. Clause 13, which embodies the new licensing philosophy and sets out the classes of licences to be introduced together with the activities which may be carried out by those granted these licences, shows some forward thinking.

Clause 15, which allows a tourist operator to obtain a licence for tourists who are being conducted on fishing trips, seems sensible and should make things easier both for tourist operators and tourists.

Clause 11(1)(c) again streamlines the bill and facilitates matters in cases where professional fishermen, even though they have obtained a licence for a particular purpose, decide to enter into a different type of fishing activity. Instead of having to re-apply for a specific new licence, they can have a simple endorsement on their existing licence.

Clause 11(4) again shows good sense and saves possible loss of a catch in the event of such things as a breakdown in freezing facilities. This clause makes it possible to obtain a temporary licence in emergency situations by radio or telephone if fish or prawns have to be transferred to another vessel.

Clause 32 will be welcomed by the consumer. This clause provides that a person shall not sell fish with intent to deceive the buyer as to the identity of the fish. It happens far too often in the Territory that inferior-type fish are palmed off on the public as barramundi.

Clauses 20 to 23 control the activities of commercial fishermen who use

boats. Crews will now be required to obtain class A2 licences while the skipper is required to obtain a class A1 licence. This licence ensures that the skipper must remain in control of the fishing operations and be present in the vicinity of these operations except under prescribed circumstances. As the minister has pointed out in his second-reading speech, these provisions are of particular significance in the barramundi fishery where tender boats are used and nets set in a number of different points where employee fishermen may be involved.

Division 3 of part III, which controls the introduction, sale and culture of exotic and other fish is a much welcomed and important division and I believe that the very severe penalties provided are just.

Again, the opposition welcomes the establishment of a fishing industry research and development trust fund which is provided for in division 8. If the barramundi industry is to survive, it is obvious that a great deal of research must be carried out before we are quite sure of the best method of preserving existing stocks and, hopefully, of increasing them.

I am not particularly happy with clause 71. This clause provides that, if a person has a fish in his possession, under certain circumstances, it is evidence that he took the fish. The minister said that this particular division, which is division 1 of part VI, would raise eyebrows and I certainly raise mine. The particular provision which I feel could be abused is 71(b) which says: "in a vehicle that contained fishing gear". Whilst I agree that, if fish are found in a boat, as in 71(a), or in the vicinity of water or a swamp, as in 71(c), it would be quite reasonable to assume that this is evidence that the person would be guilty of taking the fish. I would also regard as evidence a four-wheel-drive vehicle loaded with nets and a boat but to presume guilt in the case of an amateur with a fishing rod in his car and one illegal fish is making it a little too easy for fisheries inspectors to secure convictions.

I find clause 12 particularly realistic. Granting a licence to each fisherman individually in an Aboriginal community would be useless paperwork especially since, in many Aboriginal communities, fishing is a major recreational and community activity and is normally carried out not as a commercial venture but as a food-gathering activity.

In clause 7, the minister has the power to appoint fisheries officers. At this stage, I would like to stress the fact that Aboriginals living in communities should be appointed fisheries officers on a part-time basis. By allowing local people to patrol the waters surrounding the land, we are assured of more efficient control.

Whilst on the subject of fisheries officers, clause 85 says that only a fisheries officer has the power of instituting a prosecution. I think this is too limiting and unrealistic because it is impossible for an officer to catch every offender. However, if any member of the public, as is the case with other parts of the law, has found evidence of an offence and the offender, then he should be able to institute a prosecution. In this way, fishermen and the public in general would be more alert. I am referring to an action such as a citizen's arrest.

According to the Fisheries Division, they always send 2 officers out. From my certain knowledge, they do not; they send one officer out at times. I think this is totally unfair to the officers concerned because, at times, they have to deal with some pretty desperate characters. I am not referring to professional fishermen but to certain illegal fishermen and members of the

House might recall the case of Wright versus Lindner which Mr Pauling very wittily referred to as the coyote and the roadrunner. They were involved in a constant battle. Illegal fishermen, who risk losing all their gear, their boat and everything else, become very desperate at times and I think it is totally unfair for a fisheries officer to venture out on his own to apprehend these characters. The Fisheries Division says that this practice does not happen but it does. On behalf of officers who do have to venture out on their own, I think it is totally unfair because they have to confront some fairly desperate people. I would like something to be incorporated in the bill to cover that. I would also like to know the status of the regulations because the existing regulations are completely out of date.

Mrs Lawrie: You're going to get a new lot.

Mr DOOLAN: As the honourable member for Nightcliff said, we should get a new lot. It is very urgent that we have some new regulations drafted. The point that I am trying to make is that it is quite unfair to expect a fisheries officer on his own to apprehend an illegal fisherman.

Mrs LAWRIE (Nightcliff): I rise to support this bill; it is long overdue. Because of the importance of this legislation, fisheries will be no longer some kind of subsection of the rest of the Primary Industry Division. The fishing industry is now acknowledged as one of the most viable and vital available to the people of the Northern Territory, not only as consumers but also as employers of skilled labour.

The honourable member for Victoria River said that new regulations are required. As I go through the bill, honourable members will appreciate that the regulations that will be brought forward to service this act will be the size of a mini-bible and close attention will need to be paid to the drawing up of those regulations. They will affect the industry in most significant ways.

The introduction of this bill will mean better regulation of the commercial fishing industry, an appreciation of the problems associated with amateur fishermen and, at long last, a war on quasi-amateur fishermen who have been undercutting the industry for some years by operating as so-called amateurs and taking huge quantities of fish and selling them for profit. This is something which we hope will no longer continue. It might be surprising to some to know that I speak with some interest in this matter having been a keen amateur fisherman and also probably the only member of this House ever to have held a professional fishing licence. Things have certainly changed for the better since my days in the early 1960s.

The honourable member for Victoria River criticised the closure of the waters to amateur fishing for the first time this year. I do not agree with him. I read the report on the barramundi fishing industry and some parts of it disturbed me. The minister paid me the courtesy of advising me that there would be a closure for amateur fishermen. I sought an interview with him and discussed the issue at some length. This is something which I think is available to all people. The information I received at that time led me to believe that it was necessary to close the waters to amateur fishing for this season. If the minister erred and is to be criticised, he erred on the side of conservatism to protect a very vital industry. Had I been in his shoes, I would have done the same thing. It was not a popular move. No one is going to win votes by saying to people, "I am sorry but you cannot go out fishing this wet season". Nevertheless, on the evidence which I have seen and which was obviously available to the minister, there were few options. We have seen many letters to the papers and people passing judgment on this matter in

certain publications. Most of these were not involved professionally but had taken it upon themselves as amateurs to say what should or should not be done. On the inquiries I have made, none of them actually approached fisheries officers or the minister to obtain the other side of the story. This is one case where I will publicly defend the action of the minister who has received a fair degree of criticism. I can only repeat that, on the knowledge available, I would have done exactly the same thing.

If we look at the bill in some detail, we see the minister will be appointing such persons as he thinks fit to be fisheries officers and members of the police force of the Northern Territory have and may exercise all the powers of these fisheries officers. Thus, there will be large numbers of people able to exercise the powers conferred under this act. This may help to allay some of the fears of the honourable member for Victoria River that, no matter how good the act is, unless we have sufficient people to police it, it may prove ineffectual. This is something which none of us wants.

By clause 9, we see the converse: "A fisheries officer who is carrying out his functions and duties under this act has, in addition to the other powers conferred on him under this act, all the powers and protection of a member of the Police Force of the Northern Territory with the rank of constable". I would ask either the minister or the Attorney-General to say specifically why that clause has been presented in such a manner. From memory, I do not know of any similar provision in the enforcement provisions of various statutes of the Northern Territory. It is a very serious thing to confer upon fisheries inspectors the powers of constables when exercising any power under this act. In other words, I am asking what other power do they need in carrying out their functions under this act which is not given to them specifically and which they would need as a constable of the Northern Territory Police Force. That cannot be accepted without particular and precise information being laid in front of the House which we have not seen as yet.

Under part III, we have the issue of the licences. The only criticism I have is one of administration and interpretation and not of the legislation itself. The people obtaining the A, B and C licences are expected to be able to understand the industry and the application of this act. However, holders of D class licences, the amateurs, if they read this act in the way in which it is presented, will have some difficulty in finding out what they can and cannot do. In addition to that, the regulations have yet to be brought down which will describe precisely the type of gear that amateur fishermen are allowed to have. I believe my criticism is justified and I would suggest to the minister that these fishermen, who are not expected to have the same expertise as the professional fishermen but who comprise a large proportion of our population in the Top End, deserve to have an explanatory booklet made publicly available describing precisely what kind of gear they can have and what is expected of them.

In my discussions with large numbers of people following the announcement of the closure of waters to amateur fishermen, not one amateur fisherman protested at the thought of bag limits or licences. Indeed, the honourable member for Victoria River agreed that all appreciated the need for bag limits at least and probably licence fees. Under the old act, it was not possible to introduce them by way of regulation so now we have a new act encompassing those and I have yet to meet one amateur fisherman who disagrees with that viewpoint. I will not go through the provisions of that section dealing with the issue of licences. I have made it clear to the minister that, as far as amateurs are concerned, it is certainly convoluted. There are many cross-

references and it will be very difficult for an amateur to obtain a copy of the legislation when he arrives in the Territory. We do not want people offending against the act as a result of sheer ignorance.

Clause 23 has my utmost support. There has been an abuse of the system whereby some people hold fishing licences and do not fish but allow their quota of fish to be taken up by others who are fishing full time. Clause 23 will stop that because a holder of a class A1 licence shall at all times be in the vicinity of and maintain direct physical control of his fishing operations or, if, for a reason that is accepted by the Director of Fisheries, he is unable to so do, he shall maintain such control as is specified by the director. There are certain people in Darwin who will not like that clause at all. That is their bad luck. If they do not want to be physically fishing and controlling the taking of fish, they should surrender their licence because there are plenty of people on the waiting list who have a knowledge of the industry. These ghost operators had better relinquish their licences and let the genuine fellows have a go. Clause 26 is also an extension of this: "A person shall not process fish that he did not take unless the person from whom he received them acquired them lawfully".

The honourable member for Victoria River mentioned clause 32: "A person shall not sell or offer for sale a fish or a product containing fish with intent to deceive the buyer as to the true identity of the fish". This kind of provision really echoes so many other pieces of legislation whereby we hope to eliminate malpractice and false advertising. If you sell a fish as barramundi, it must be barramundi. The malicious misrepresentation of one type of fish for another is not supported by anybody. In fact, it is really sad that that provision has to be there. I guess that it has been put in for the purpose of making it quite clear in the act that the description of the fish must tally with the goods being offered.

Division 3 relates to the introduction of exotic fish and other substances which are described. The penalty for bringing into the Northern Territory live fish which are not indigenous, or a living egg, fry or larva unless allowed is $10,000 or imprisonment for 12 months. This is a whopping penalty but, given the potential destruction of the industry by some exotic species, that penalty is warranted. However, I do have a query for the honourable minister. The penalty for bringing in such "prohibited" things - a word which is used time and time again throughout this legislation - is $10,000. For releasing them - something which is probably more horrendous - the penalty is $2,000. Previously, in legislation under this minister's control, I pointed out there seemed to be a great discrepancy in the penalties provided. Certainly, I agree that, given the importance of the fishing industry, a heavy penalty is necessary for the illegal importation of exotic species which may be very harmful. Why then is the penalty for releasing them only one fifth of the penalty for introducing them?

There is another penalty which may be imposed by the court on a person who releases such a fish, fry, egg or larva: "The court may, in addition to imposing the penalty, order the person to pay to the Director of Fisheries such amount as it thinks fit in respect of searching for and destroying the fish that is the subject of the offence and the progeny of that fish". It is only fair to draw to the attention of the House and the public that that gives a limitless discretion to the court and it could run into millions of dollars. The sponsor of the bill might say that we only need a penalty of $2,000 if the potential penalty from the court can be such as to cover the cost of destroying the species illegally released. I do not think this particular provision has received any public attention. I am not saying that I am against it but I am saying there is a provision by which the court can order an incredible amount of money to be paid. There should be more publicity

so that the general public will know that, if they do release an exotic species which is believed to be harmful, they could be up for this tremendous cost in the attempted recovery of that fish or its progeny. That is in clause 35(5).

Division 4 relates to certain regulations. The regulations may make provision for or in relation to just about everything. I draw to the attention of the House the tremendous need for scrutiny when the regulations are drafted. The regulations will be 3 times the size of this act.

Clause 45: "(1). The Director of Fisheries may, by notice in writing served on a person, require that person (a) to take an action to comply with, or to remedy a contravention of, a regulation; and (b) to refrain from using, for a specified purpose, premises, part of premises...". In other words, he can stop anything being done or limit its application. Subclause (2) says: "A person shall comply with and shall not contravene a requirement of the Director of Fisheries made under subsection (1)". Of course, that is logical. If you are to give the Director of Fisheries the powers to prescribe certain matters, it will then be unlawful to not comply with that prescription. However, subclause (3) provides a direct right of appeal to the minister by a person who has been served with such a notice from the Director of Fisheries and the minister may, upon a request of the person who is served with that notice under subsection (1), review the action of the Director of Fisheries and make such order, if any, as he thinks fit relating to that action pending the review. That is a fairly significant provision; there is a direct right of appeal to the minister against an order emanating under this section from the Director of Fisheries. It is one which I appreciate and I think it deserves a mention. Of course, it could be misused by any minister who bowed to electoral pressure and consistently overrode the consideration of his Director of Fisheries. It is not one that I am assuming would be used or misused by any of the people present in the House. Nevertheless, there is the potential there. One way to guard against this is for an annual report to be presented to this House. In that report, the number of times the minister considered and, having considered, overrode the recommendations of his chief fisheries officer should be noted because one has to be very careful that political considerations do not hold sway and proper industry regulation become subservient.

I ask the minister whether he will accept the idea that there should be a report tabled in this Assembly annually because, as I said at the outset, the fishing industry is now no longer the poor withered arm of another branch of the Primary Industry Division; it is coming into its own as a very viable and vital force. Therefore, I am very appreciative of clause 45 although I have one small reservation that it could be misused by a weak minister.

The granting, endorsement, renewal, transfer etc of licences really gives the Director of Fisheries incredible power over the livelihoods of people and over the industry itself. We also have a transitional provision whereby people who held a licence will continue to do so but renewal will be subject to the provisions of this bill. If honourable members look at clauses 48 to 50, they will realise just what degree of power the Director of Fisheries exercises. Naturally, he is the only proper person to exercise such a degree of control. Given that he has that power, I think that a report, which is subject to public scrutiny, would ensure public acceptance of his powers.

Paragraph 51(2)(e) states: "a limitation as to the persons to whom fish, or a specified fish, may be sold or otherwise disposed of". I ask the sponsor of the bill whether that should be "classes of persons". The way in which I read it, people will have to be named as being persons to whom fish may or

may not be sold. I think that a formal amendment making it "classes of persons" is necessary.

In division 7, I see with some amusement that there is a reference to the Crown Lands Act. I applied on behalf of a person who had asked for an aquacultural lease to what I thought was the appropriate department but the application was sent across to somebody in the Lands Unit who said that they handle agricultural leases. I had to point out in one-syllable words that this was an aquacultural lease not an agricultural lease and, eventually, everything was sorted out. A good deal of confusion existed. Aquacultural leases, at that stage, were not considered normal leases and I am pleased that the issue has been tidied up so that such leases will be available under clauses 57, 58, 59 etc as prescribed. Everybody will know where he stands.

Clause 63, which relates to a Crown lease registered within the meaning of the Real Property Act notwithstanding that part or all of the land comprised within the lease may be under the sea, states: "A lease does not of itself confer upon the lessee the right to exclude a person from passing over the surface of the water". That is a necessary provision but it becomes a little confused inasmuch as the Director of Fisheries will have to ensure that, where it is likely for people to be, in the normal course of events, travelling across the surface of the water through that lease, it is marked adequately so that people do not trespass but only exercise their right of way across the surface of the water and that any such marking does not constitute a navigational hazard. All I can say to the honourable minister is that I wish him well in that endeavour because it will be quite difficult.

Subclauses 64(3) and (4) will also deal with the contentious issues of aquacultural leases: "A person who allows a harmful thing to enter the waters over leased land, whether by drifting or otherwise, commits a trespass" and "a person shall not, except in stress of weather, trespass on a lease". The penalty is $1,000. I can see the necessity for that clause. Administratively,it will be difficult. Certainly, one has to consider also the release of oil and noxious substances which could prove so harmful to a lease that they could kill anything being bred there. Under those circumstances, a penalty of $1,000 would be insufficient. I presume the person would then have to take civil action to try to recoup the damage or total loss.

In divisions 2 and 3, we see again the wide powers of seizure, forfeiture and entry, which unfortunately will be necessary if we are to police this bill. Subclause 79(2) states: "Where a foreign fishing boat is seized under this act, the court shall, on conviction of the master of that boat for an offence in connection with the use of that boat, order that the boat and fish and all the fishing gear and equipment that was on the boat and was used in connection with the offence, be forfeited to the Crown". That could not be more explicit and that certainly has my support. Subclause 79(3) states: "A forfeiture under this act shall be in addition to and not a part of a penalty imposed under this act". That is a very significant provision and, again, it has my support. The courts will have to take notice of that so that any foreign fishing vessel that is convicted of an offence under this bill will have to face a substantial penalty - and so it should.

I have a query dealing with a thing which has been seized and delivered to the Director of Fisheries. Under clause 81, if no prosecution is instituted within 30 days in respect of the use or possession of the thing, the Director of Fisheries shall, by notice in writing, require the person from whom the thing was seized, or a person appearing to him to be the owner of the thing, to claim delivery to him of the thing seized. However, under clause 83, when all of that has happened, the person from whom it was taken has to

make a claim in all respects as if it were a claim by a claimant of property under section 130B of the Justices Act. If something has been seized, I cannot understand why he must go through that procedure. There would have been no action through the courts proceeding towards a conviction and I ask the minister why it is worded in this convoluted form and why the relevant person could not simply have his property returned.

Clause 89 states: "The Administrator may make regulations, not inconsistent with this act". If honourable members look through subclause 89(2), they will see just how important these regulations will be.

While speaking in support of the bill, with the few reservations which I have expressed and I think fairly supporting the minister in some of the strong measures which he has proposed, I say again that the regulations under this bill deserve the widest possible scrutiny both publicly and within the Assembly. We are all aware that, once they go through the Executive Council and are gazetted by the Administrator, they are in force and only subject to disallowance. Because of this, I would ask the minister if, prior to gazettal, he would allow the members of the Subordinate Legislation and Tabled Papers Committee to review them with him in confidence because, if ever there was a set of regulations that we want to operate correctly without any doubt as to their legality or as to their ability to enable this bill to function properly, it is this set of very complex and very important fisheries regulations.

Mr Speaker, having made those few remarks, I support the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this legislation is most comprehensive in the way it deals with the fishing industry. We introduced legislation dealing with animal health and legislation dealing with plant health, both of which are connected with primary industry. Now we have this comprehensive legislation of another section of primary industry to deal with: the fishing industry.

I had several representations from commercial fishermen, amateur fishermen and people who were generally interested in this legislation. In talking with them and with senior fisheries officers, the introduction of this legislation seems to be only the start of legislation concerned with the fishing industry. After I have spoken on the bill, I will raise several matters that were brought to my attention regarding marine safety which I think is connected with the fishing industry though not particularly pertinent to this bill.

The bill as presented regularises the exploitation of a natural resource. I do not really like the word "exploitation" but it is used in the industry. I would prefer to use the word "harvesting". It is not normally termed as such with wildlife but only with fisheries.

The first definition that I found to be not quite the same as definitions in other legislation is the definition of "boat". In this legislation, this definition includes a hovercraft. In the legislation dealing with wildlife, hovercraft are excluded. I feel that there should not be this discrepancy; they should both be the same.

The definition of "Crown land " is very interesting. I have been told that, by existing Crown lands legislation, it is not appropriate to grant leases on the sea bed. The new State Powers Bill restoring the 3-mile limit back to the states is not a power but a sovereignty and it is much like leasing. The power of exploitation of fish to the 3 miles from the base line is an ad hoc power because the Commonwealth does not exert its power. This base line is

laid down in letters patent setting up the states.

I found the definition of "fish" rather interesting in that it includes all aquatic animals including animals that we do not usually regard as fish and strictly speaking are not fish. If the legislation is introduced to protect them, although I do not agree with this very wide definition, I think that is good. Things like dugong, whales, seals, dolphins and porpoises would all be included in this definition because they are aquatic animals and are not crocodiles or birds.

In relation to the word "trans-shipped" as used in the definition of "landed", there seems to be a discrepancy with the actual definition of the word "trans-ship". Part (b) of the definition of "landed" says: "If the fish have been taken with the use of a boat - put ashore at or trans-shipped at a wharf, jetty, pontoon or prescribed place". The definition of "trans-ship" says: "Trans-ship at sea, and does not include trans-ship at a wharf, jetty, pontoon or prescribed place". There is an obvious discrepancy.

In clause 7, where the minister may appoint such persons as he thinks fit to be fisheries officers, I would like to see the qualifications of these particular people set out in the regulations. As it is written now, it seems very wide. The minister may, in all good faith, appoint people he thinks suitable for the job but they may not have the qualifications. The regulations should stipulate how qualified they should be in this particular field.

It was suggested to me that, in clause 9, it may not be wise for a fisheries officer to have the same powers as a police officer. It was said that the police officers are a disciplined group of people; they must pass certain medical standards; they must pass certain mental health standards; and they must have some knowledge of the law. If the fisheries officers had to undergo the same stringent examinations as police officers, I would not disagree with that provision. More than in any other legislation, the fisheries officers depend on the fishermen to help and administer their own industry.

There is a change in name from "fisheries inspectors" to "fisheries officers". I think this is a bit like the change in name from "wildlife rangers" to "wildlife officers". For a long time yet, people will call them "inspectors" as they will continue to call the wildlife people "rangers". Everybody knows what they are but it will be some time before the public become used to the change in name. The way government departments seem to change their names these days, perhaps they will revert back to the names that everybody uses now anyway.

In clause 12(1), I would like to see a clearer expression than "in the vicinity of". It also arises in clause 23(1) in relation to somebody being in charge of a fishing boat. I feel it is much too subjective and should be much more clearly defined.

It was pointed out to me that there is no provision for reporting such as those in the regulations relating to plant diseases and artificial insemination whereby officers appointed to police those acts must report back to certain senior people, including the minister. I have been told that, if it is necessary for a fisheries officer, who is acting in good faith and who thinks that there is something wrong, to search a place, a person or a vehicle, he would routinely report the incident. If he has to question anyone, the statement of the interview would be taken, a file would be started and it would be sent to the Crown law officer to consider whether to prosecute or not. If it is necessary to lodge a report with the Administrator-in-Council or the

minister, this possibly could be an obstruction and I understand Mr Justice Muirhead commented on this procedure in a certain very well-known case that came before him. If the person who is the subject of the search or the interview feels that he has been wrongly done by, he has the normal recourse open to him of getting in touch with the Police Commissioner, the minister in charge of this legislation, the Chief Minister or his local politician. There are plenty of avenues for redress if he thinks that he has been wronged.

I had a bit of trouble at first understanding the licences. I hope they are clear to the people who will operate under them. I could not quite understand what a class B licence was for but I understand a class B licence is used when one is buying from a class A1 licence holder and also when one is processing. A class B licence is necessary to buy and resell but it is not necessary for the ordinary person who buys fish in Pedro's fish market. Provision is also made for endorsements on a class B licence.

When I first read the context that "endorsement" was used in, I had in mind the endorsements that you get on your driver's licence which could be considered a black mark of some sort. I understand that this is not the case with this legislation. An endorsement on a particular licence would refer to particular places where you could fish or particular fish that you could take; for example, reef fish, mackerel, prawns, crabs or barramundi. An endorsement could be for taking prescribed fish in prescribed areas; it could be for beach seining and crab-potting or it could be an endorsement to use the 3 crab-pots which are allowed per family.

Clause 17(3) seems to be a rather new way of looking at things. It says: "The court shall not sentence him to a term of imprisonment and shall not impose a fine that exceeds ...". I am informed that that provision gives the magistrate some guidance.

In clause 18(2)(b), the word "trans-shipped" occurs again. I think this should be looked at in view of the definition of "trans-ship" at the beginning.

By clause 20, a person shall not assist a class A1 licensee except under and in accordance with a class A2 licence. I asked whether teenage children working after school for their father or mother who held a class A1 licence would have to hold a class A2 licence. I was told that, if they were doing it full time, they would. It would be highly unlikely that they would be working full time and therefore they would not need an A2 licence. They would only be helping at short, irregular intervals.

In relation to clauss 23(1), I have already spoken about the words "in the vicinity of". I think that is too subjective and should be clearer. The subject of safety arises in clause 23 where it says "a class A1 licensee who is using a boat as a tender boat shall ensure that it remains within a prescribed distance of the boat in respect of which it is a tender boat". Safety certainly comes into it there but I will speak about this briefly later.

The regulations will include provisions relating to deceased A1 licensees. It seems a bit odd making regulations for deceased people but I understand it is quite in order in that particular clause.

Some people who came to see me were rather worried that fisheries officers would take a God-Almighty attitude and perhaps not be completely fair. They could say that the licence holders must do this, that and the other and the licence holders would have to do this, that and the other.

However, by clause 31, there is some protection for the licence holder: "A person shall not interfere with or harass the holder of a licence in acting under and in accordance with his licence". The licence holder who is obeying the law and the regulations would have recourse to law if he was harassed by a fisheries officer.

Turning to division 3 relating to exotic fish, it is very important to stop the spread of disease. This restricts indigenous and non-indigenous fish being introduced into the Northern Territory and by "fish" I include eggs, fry and larvae. This very thing is mentioned in the feral animals report. It says that 3 species of exotic fish have become established in Northern Territory waters: 2 species of mosquito fish, gambusia affinis affinis and gambusia domiciensis, and 1 species of guppy, poecelia reticulata, have been found in particular places in the Northern Territory. At the moment, according to the report, there is little scientific evidence available that they provide more effective mosquito control than native species and therefore their introduction to control the mosquito can no longer be regarded as a justification for their introduction. The report says that none of these cases of introduction is a serious threat to the environment at the moment except that the establishment of feral populations alters the balance of freshwater eco-systems. The competition by these exotic fish with native fish populations would result in a declining number of native species. As we have talked about feral animals at length, I feel that feral fish must also be discussed if they are in competition with our native fish. I do not know how they are going to be eradicated because it might be more difficult to eradicate fish like that than other feral animals which cause damage.

Division 4 deals with certain regulations. The regulations may make provisions in relation to the harvesting of aquatic plants. This is desirable because it is bringing legislation in before an actual industry has started. It could start here. In certain countries in the world, seaweed or kelp is harvested for fertiliser, for human consumption and also for medical purposes. We could see something happening in the future with aquatic plants and the legislation will be there. At the moment, the only thing that would be harvested would be certain algae for agar.

On first reading, clause 49 seemed to be too comprehensive to do the industry any good. However, I understand that the fisheries officers and the department will be in full consultation with the fishing industry at all times. Further, the regulations will be considered on the advice of the fishing industry. I commented on clause 49(1)(e): the Director of Fisheries, when he is granting a licence, may have regard to the extent to which the applicant or transferee will earn his livelihood from activities carried out under the licence. I understand that to obtain a licence in other states, fishermen must make the majority of their income from that particular industry.

I think markets is another important matter and this is covered in clause 49(1)(f). I thought at first this was too restrictive but, if the barramundi industry, for instance, needs to be regulated, net and line conditions would be brought in. Clause 49(1)(h) states that the director will consider "the environment, conservation, the establishment of other industries and other factors". It seems a wee bit wide but I would hope that the director - and I am sure he would have a thorough knowledge of the industry - will act on the advice of the industry. If that happens, then other factors could be considered. Paragraphs (h) and (k) more or less say the same thing.

The next clause I would like to touch on is 51(2)(e). I think the honourable member for Nightcliff also mentioned this: "a limitation as to the

persons to whom fish, or a specified fish, may be sold or otherwise disposed of". If I could draw a parallel with the cattle industry, some time ago we had a blue-tongue scare and there was a definite limitation on persons to whom cattle could be sold and where cattle could be sold. There would be a similar situation if disease turned up in fish.

Clause 63(1) refers to the exclusion of a person from passing over the surface of water. As I understand it, this would be similar to legislation relating to travelling stock through and along properties.

Division 8 relates to the Fishing Industry Research and Development Trust Fund. This is quite a new idea. "The Treasurer shall open a trust account under section 6 of the Financial Administration and Audit Act for the purpose of assisting in the development of the fishing industry and research ...". It is my understanding that this does not occur at the moment in relation to the cattle, sheep, wool or meat industries. Thus, it is a first again for this legislation.

I query clause 69(4) relating to the committee advising the minister on the disbursement of the trust fund: "A member of the committee other than the chairman holds office during the pleasure of the minister". In other legislation relating to committees such as this, there are set terms. I was told that the fishing industry has much more impermanence than rural industries. We must have continuity and we would get it by a member holding office at the pleasure of the minister.

Clause 72 provides an appeal to the courts if a person feels that he has been wrongly accused. I mentioned earlier about a wildlife ranger being called "a warden" and a fisheries inspector being called "an officer". I do not think that the public will change those names for some time.

Division 2 relates to investigations. Clause 78 states the penalty for offences if fisheries officers have reasonable grounds under clause 75. The two of them are considered together.

In relation to clause 77, I asked what a "fishing device" was. I found out that, under the old act, it was a fixed engine. It is a definition of a "net".

By division 3 of part IV, relating to forfeiture, a person can be fined or imprisoned. He may have his fishing gear and boat forfeited and be required to pay the cost of storage. If the offender has to do all these things, I feel that the cost of maintenance should also be added. I think that should be considered. It is not much good storing a boat if the person gets it back, after a long period, in a state of disrepair. If it becomes the property of the Crown and is to be put up for auction, it should still be maintained. Somebody must maintain it while it is being held.

Clause 89 says the regulations "may" make provision; it does not say they "shall" or they "will". I queried clause 89(2)(k) relating to hygiene on premises. I understand the old Food and Drugs Ordinance is far too wide to cover the particular things that the fisheries officers want it to cover. As the industry is in its infancy, they want to start everything off on the right foot. It is necessary in the beginning to present good quality produce to the public and this can only be achieved by having regard to the hygiene of the premises, the vessels, plant, gear and everything else. If bad quality produce is presented to the public in the infancy of an industry, it will not do any good. Paragraph (k) is aimed at ensuring a good quality product. It may also cover hygiene in the supermarkets but, in all probability, it will not.

Clause 89(2)(s) says that regulations may be made relating to the "labelling, marking and advertising of fish and fish products". I understand that this would cover the honest descriptions or the dishonest descriptions, whichever way you look at it, of fish on a menu in a hotel. If one sees a menu and wants mackerel or cod or barramundi, that should be exactly what one gets and not something else perhaps of a lower grade but a higher price.

I would like to touch briefly on certain points which were raised by people who came to see me. These people were very concerned about the safety regulations in the industry at present. It probably cannot be covered by this present legislation. At the moment, any man in the street can buy a boat; he is not required to have any navigational or other qualifications. That boat can be passed by the Fisheries Division and that particular man can go to sea with a crew and he can obtain a fishing licence. He does not necessarily have to have marine survey done unless he is doing charter work. If he is undertaking charter work, the Telecom people become involved and the Department of Transport give him his registration. The report of a qualified marine surveyor is taken into consideration and the Harbour Master also checks on the master's qualifications. Otherwise, at the moment, he can take a crew on board and all his family and not be required to undergo those rigid tests.

I was told that, in Western Australia and Victoria, the crew must be covered by worker's compensation which is not the case up here; it is voluntary not compulsory. I understand that worker's compensation legislation regarding seamen will be considered in the future. Insurance companies will not insure a boat for worker's compensation unless it has been dry docked and a marine surveyor has found it to be satisfactory. In a way, safety does come into it but it is not compulsory, only voluntary.

In connection with safety, there is a parallel with buffalo shooters. Several commercial fishermen who approached me feel that, as well as licences to use high-powered rifles, they should be able to obtain pistol licences. When the nets are being pulled in, the boats become pretty slippery. They might have a crocodile in the net and it is almost impossible to use a .303 and not get it caught in the net whilst trying to dispose of the crocodile safely. This same situation could arise if you are in a dinghy in a 4-foot sea. This has happened to one particular woman who came to see me and who works with her husband fishing. They have had 3 very narrow squeezes.

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

Mr COLLINS (Arnhem): Mr Speaker, I only wish to contribute briefly to this debate and, in deference to your request, I will not even avail myself of copious notes.

I believe that it is appropriate, during the course of the fisheries debate, to extend the best wishes of the House for a speedy recovery from his current illness to the most famous of the Northern Territory's illegal fishermen, the Prime Minister, Mr Malcom Fraser.

There are only 2 particular aspects of this bill that I want to touch on. Firstly, I commend the government for the introduction of clause 23. This relates to an aspect of the fisheries industry that has been known to me since my days in the Primary Industry Branch. The problem of the absentee fishermen is a very vexing one and I applaud the government for the initiative it has taken in this direction. There is absolutely no reason whatever why people should be able to hold fishing licences and not work themselves.

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The other aspect that I want to touch on is one which affects my own electorate: the problem of enforcing this legislation. It is unfortunate that it only takes one boat acting in an improper manner to give the whole industry a bad name. The majority of the fishing boats do everything by the book but it only takes 1 or 2 boats to blacken the name of the whole industry. That is certainly the case in my electorate where it appears that most of the problems, most of the trouble, friction and disturbance is caused by very few boats. One of the great problems in dealing with these boats is to be able to gather sufficient evidence to obtain convictions. The problem is one of distance, of being able to get fisheries inspectors out from Darwin in sufficient time to catch these people red-handed. I agree with the government that the only solution in the long term is to have fisheries inspectors resident in the communities, particularly the ones that appear to be most affected. I refer to quite large communities such as Galiwinku which has a resident population of about 1,500 people.

In saying that, I recognise the real problem in bringing this about. I do not think that it will happen in the short term. It is a very easy matter to talk about having Aboriginal police aides and Aboriginal fishing inspectors but the only real point of having this kind of involvement by Aboriginal people is if it will result in obtaining evidence which will result in convictions. In order to do this, it is necessary to have people of sufficient calibre and training to be able to stand up under cross-examination in a court room and who will be able to collect evidence of a high quality in the first place. One of the very vexing problems in controlling the fishing industry is the great difficulty in obtaining convictions even after illegal fishermen have been caught.

I want to support the government in its moves towards having resident fisheries inspectors in Aboriginal communities. This is the only real way of catching the people in the outback. I understand from experience that people who break the law are fairly proficient at doing so. They have the game really sewn up. From past experience, I know that these people listen to the telegram "scheds" on the radio. This is a very simple matter indeed; I have a radio which is quite capable of picking up these. They also have radio equipment which is capable of picking up the transmitting bands of the radio-telephone. When reports are made, as they have been in the past, by telegram to Darwin, there is a real danger of the telegrams being listened to and the activity ceasing.

In the case of illegal fishing activities at Galiwinku, a procedure is being adopted whereby messages are sent across to Milingimbi and telephone calls are made on the micro-wave link between Milingimbi and Darwin to try to obviate this problem. The whole point is that the people who are breaking the law have large stakes involved. These people face the possible forfeiture of their boats and equipment - investments that often run into hundreds of thousands of dollars. For the protection not only of the communities involved but for the future of the industry itself, it is absolutely essential that this kind of law enforcement be carried out. I believe that the government should begin an investigation into the most practical way of commencing the training of Aboriginal people as fisheries inspectors. I am well aware that to achieve a degree of training which would enable these officers to give evidence in court is not something that will happen overnight. I do applaud the government's stated policy in this direction and I look forward to seeing it fulfilled.

Mr BALLANTYNE (Nhulunbuy): I rise to speak on the bill. It is long overdue and it will provide a new mechanism for the fishing industry in the Territory. There is no need to go into the full details of the administration

because the controls and duties are laid down in the bill from the director right down to the fisheries officers.

One particular aspect that interests me is the Fishing Industry Research and Development Trust Fund. Of course, one of the new provisions is licensing in clause 13. The table indicates the licences and actions which are to be approved and granted by the director. This depends on the needs of a fisherman - whether he is processing fish or whether he is an amateur, a tourist or a professional.

The amateur fishing licence is well overdue. Those of us who have come from other states know that this is rigidly controlled in the other states. I cannot understand why this was not done years ago in the Territory. The honourable member for Nightcliff said earlier that the drafting of the regulations pertaining to licences will be a big job and there will probably be more regulations than exist at present. I would like to recommend to the minister that, for those persons who apply for a licence and do not have any idea what it is all about, perhaps a handbook could be produced which explains the licences and the regulations relating to each particular licence. This has been done in Victoria and New South Wales and it is very effective.

The big discussion in the Territory at the moment relates to barramundi fishing. In most states, the barramundi is classified as a delicacy but, in the Territory, it is just an ordinary fish for the ordinary people to exploit. I do not think we look at the barramundi in the same light as interstate people do. The necessity to impose a ban on barramundi fishing from 1 October to 31 January indicates that we have reached the stage where barramundi fishing is in trouble. I cannot understand why this was not done earlier.

I recently read an article in the October 1979 issue of Australian Outdoors. They have read the report of the 2 officers of the Fisheries Division, Grey and Griffin. They dissected that report and complimented the Northern Territory government on it. In Queensland, the fishermen have all sorts of problems, particularly the commercial fishermen. The commercial fishermen's organisation in Queensland does not have any real future at present. They do not know where they are going because they do not have legislation which adequately imposes restrictions. People here are looking forward to seeing just how this will operate in the Territory.

Some years ago, I was speaking to Mr Kirkegaarde who at the time was the Chief Fisheries Inspector. He had a vision of the type of set up that we are introducing in this Assembly now. In those days, he had frustrations because he was operating under the Commonwealth system. In the very short time since self-government, action has been taken to bring in the necessary controls and regulations for the fishing industry. That man was a man of vision along with the other chief inspectors who have been looking foward to this day.

There will certainly be many regulations imposed on people. However, I feel that each particular category will abide by the rules. I do not think there will be anything outrageous; the fishing industry has been operating for hundreds of years. I am sure we can obtain some guidelines from the states if we do not have the expertise here. However, I am sure that we have the expertise here without having to cause too many problems. I look forward to seeing those regulations. As the member for Nightcliff said, the regulations will be very important subordinate legislation.

I was quite amazed to read a report recently by the minister about the economic potential of the fishing industry. I was further amazed when I

read his article which said that the earnings from commercial fishing is in the order of $2m to $3m whilst recreational fishing contributes in the order of $7m to $8m to the economy. That is astounding and I would like to see just what will happen with the earnings from the commercial side in relation to the amateur side of fishing. I believe that fishing must be a commercial enterprise which is as large and as professional as possible. We must encourage outside interest and also use our Territory people who have been fishing for years. This can be done.

The Fisheries Division must be congratulated for the work that it has done in the past despite the frustrations of the system. I am sure that every member knows of the work it has done and will continue to do in the future. I am very pleased with the way it has set about its task of training the Aboriginal people in recent times. As we know, many Aboriginal fishing enterprises have not been successful probably because they were a bit premature. There was no real control and no real follow-up. I only hope that the recent work that has been done by the Fisheries Division, particularly in Groote Eylandt, Borroloola and Yirrkala, will ensure a better future for those people. I am sure that they can join in realising the future fishing potential of the Territory. One has to look at the recent Galupa Seafoods production in Nhulunbuy which was transferred to Elcho Island. Recently, it had problems with management and is not producing at the moment. In time, I believe it will build up that industry and will create jobs for the Aboriginal people. Perhaps some expertise will come through from the Fisheries Division to help it in the management of that very fine industry.

In my electorate, there are excellent prospects of setting up a fishing industry. It has been mooted for many years. Groote Eylandt has been successful with its prawn processing factory under the Kailis group. Having visited there and seen the work that has been done, I compliment that enterprise. In the near future, a fisheries enforcement station will be established. There is already one at Groote Eylandt. This will have a fishing expert to look into the operation of the prawning industry and will create many jobs.

Recent reports have shown that there will be a massive increase in the fishing industry by the Kailis group which operates out of Western Australia. This will be tied in with the Taiwanese fishing people and we can have great expectations for the future. This will be a big industry to control and I know that the present staff of the Fisheries Division would not be able to handle such a massive job. I only hope that it does not reduce its ranks in other areas to cope with the size increases.

Some years back, I spoke in an adjournment debate on a paper written by a Nhulunbuy fisherman at the time, Mr Noel Whitehead. He was referring to the problems of ciguatera. This problem dampens the prospects of fishing in that area and that is one reason why I welcome the research and development section of the Fisheries Division. This is one area where they may be able to involve their experts. In the past, money was promised but nothing ever eventuated; we are still waiting for it. I know that they have documented many of the areas by drawing up maps to show where these poisonous fish originate. Some of those fish are normally quite edible and people in that area are very wary of eating fish, particularly from places such as Bremer Island. I welcome the setting up of the research and development trust. We have 2 experts in the Territory, Messrs Griffin and Grey, who perhaps could initiate something very shortly.

On the subject of ciguatera, I will refer to some of the problems relating to eating contaminated fish. The species of fish that can carry this are very well

known to all of us. They include mackerel, queenfish, turrum, coral trout, cod, sweetlip, red emperor, scarlet seaperch and coral cod. These are just a few species of fish that are known to carry ciguatera. The symptoms of ciguatera poisoning are dizziness, vomiting, diahorrea, nausea and tingling around the mouth and extremities. These effects usually take place from 4 to 24 hours after eating the fish. In severe cases, muscular aches and loss of control, balance and co-ordination may occur. In other parts of the world, there have been cases where people have experienced loss of hair and finger nails. I have revealed these facts not to put any damper on it but because I would like to see something concrete come out of this survey. Perhaps an investigation can be undertaken into the problems to see if there is some way that it may be overcome.

I welcome the new bill and I am sure that the regulations will be drawn up with all the expertise that has been shown in the past.

Debate adjourned.

PHARMACY BILL
(Serial 346)

Continued from 20 September 1979.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this is a simple bill to amend membership of the Pharmacy Board which is responsible for the registration of pharmacists in the Northern Territory. Up till now, there have been 2 medical officers on that board: the Chief Medical Officer and one other doctor who was also the deputy chairman. The effect of the amendment is to remove that second medical person from membership of the board so that it will consist of the Chief Medical Officer and a number of pharmacists. Those changes have the support of the opposition and, certainly, of the profession. I think that they probably have the support of the community as a whole.

This bill brings to our attention the whole question of the number of registration boards controlled by the Health Department. At the moment, there are 6 boards relating to doctors, nurses, dentists, pharmacists, optometrists and radiographers. It would prove very valuable to give some thought to amalgamating those various boards into one general board to oversee the registration of people working in the health services generally. In addition to those people mentioned, there is a great need for the registration of physiotherapists. I understand that physiotherapists have approached the minister about this in the past. Perhaps he can inform us what stage that matter has reached. Certainly, physiotherapists are registered in other states in a similar manner to pharmacists and dentists and, obviously, it should happen here also. Chiropractors also indicated that they would like some sort of recognition of their qualifications. That would be difficult because there is no obvious Australian standard of training for that group of people but, nevertheless, perhaps it could be looked at also.

I ask the minister to indicate his thinking on the registration of these other groups of people in the health services and whether it would be possible to reduce the very large number of boards currently operating. There would be obvious cost savings if this could be achieved. I attempted to find out the cost of running these 6 boards. I have had no success because they are not separately accounted for in the budget papers. I found it most interesting that we have these statutory authorities but do not have separate budget allocations for them. However, I am sure that, if some sort of consolidation could be achieved, there would be a saving in costs and that is always desirable. The opposition supports this bill.

Mr TUXWORTH (Health): I welcome the support of the opposition for this bill which is pretty simple. The whole idea of the bill is to remove the medicos from the Pharmacy Board. From what I can see, there is a great deal of jealousy between the various specialities in the medical field. They all regard it as an intrusion into another area if pharmacists become involved in medical boards or doctors become involved in pharmacy boards. These boards were created many years ago when the only pharmacists and the only physiotherapists that were available in the Territory were employed by the government. I guess that is how the board became so heavily entrenched under the department's wing.

I take the point the honourable member raised about the proliferation of boards. I have raised it myself with the medical profession and there does not seem to be a way around it because of the professional jealousies that exist.

I would also like to comment on the fact that the physiotherapists wish to have their own board so that they can establish a formal process of recognition of qualified people within the Territory. We are working on the legislation for that now and, after consultation with physiotherapists, I am in a position to say that the legislation will be based primarily on legislation now in operation in the Australian Capital Territory.

As everybody knows, the chiropractic profession does not have the sympathy of the medical profession in general. It will probably be out on a limb but it is important that we have some formal recognition of chiropractors in the Territory and that some standards be agreed upon for people practising this profession.

The honourable member raised the point that there was no line in the budget for these independent statutory authorities. They are statutory boards. There is a line in the budget of $5,000 which indicates operating expenses for hospital and other boards including the medical and the professional boards.

I commend the bill to honourable members.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ELECTORAL BILL
(Serial 327)

Continued from 20 September 1979.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr ISAACS: I move amendment 122.1.

If this amendment is defeated, I will not be proceeding with amendment 122.2. This amendment is the first reference that can be made to optional preferential voting. The key clause for optional preferential voting is

clause 84 but clause 3(2) relates to the formality or otherwise of a ballot paper. The amendment is specific; it relates to optional preferential voting. We have canvassed the issue in the second-reading debate. I do not believe the government has effectively answered the argument. It seems to us that, when looking at what is the best system available for voting for the Northern Territory, we have to look at what experts say. The expert on this occasion is Mr F.E. Ley, the Chief Australian Electoral Officer, who said in 1974 that optional preferential voting was the most suitable method for the Northern Territory. We are seeking to insert it for that reason and also because it happens to be Labor Party policy. I do not think it will assist a great deal to canvass all the views. We did that in the second-reading speech.

I move amendment 122.1.

Mr EVERINGHAM: I personally do not intend to canvass all the views again. The Opposition Leader cites the previous Chief Electoral Officer as an authority on this matter but there are other electoral officers who have stated otherwise. As the Leader of the Opposition says, all the arguments for these amendments have been canvassed in the debate on this bill and I indicate that the government's attitude to the Leader of the Opposition's amendments has not changed since the matter was last before the House.

Amendment negatived.

Clause 3 agreed to.

Clauses 4 to 8 agreed to.

Clause 9:

Mr ISAACS: I move amendment 130.1.

Members of the committee will notice that, in schedule 122, I had also circulated an amendment to this particular subclause whereby the Administrator would, by notice in the Gazette, appoint a judge of the Supreme Court of the Northern Territory to be a member of the Distribution Committee. In responding to my remarks in relation to the chairmanship of the Distribution Committee, the Chief Minister indicated that judges of the Northern Territory Supreme Court were fairly few in number - 4 to be precise - and there were difficulties because the Chief Judge acts as the Administrator when the Administrator is absent and may be required to issue writs. The next most senior judge can often act as the Administrator as well. There is an Aboriginal Land Commissioner who is the third judge. Thus, when you talk about judges of the Supreme Court of the Northern Territory, only one judge is available. There is no choice. Quite honestly, I do not believe that is a particularly strong argument for saying that one ought not to have a judge of the Supreme Court as chairman of the committee.

Nonetheless, the response did indicate to me that, if the Chief Minister took the point that the chairman of the Distribution Committee had to be someone about whom it could not be said there is any chance of bias, it appears that the most suitable person to be the chairman is a holder of judicial office. Without canvassing greatly the argument put by the Chief Minister in his summation, I have attempted to overcome the difficulty by amendment 130.1 which enables the Administrator to appoint either a judge of the Supreme Court or a holder of judicial office in Australia to be a member of the Distribution Committee and, by the subsequent subsection, that person

would be the chairman. I do not think it is good enough to hear from the Chief Minister that the person whom he will appoint as the chairman of the Distribution Committee will be somebody beyond reproach. If that is the case, we ought to be prepared to enshrine it in legislation.

I was somewhat concerned, I must admit, when I heard the Minister for Mines and Energy refer to the person who was appointed by the former minister, Dr Patterson, and subsequently by Mr Adermann as the third person on the Distribution Committee as a person who happened to be on their side. I do not know what Mr Quong might have to say about that but he has always struck me as a person who has no political affiliations at all. I must admit, if that is the knowledge which members have about who is independent and who is not, then it certainly does worry me.

Perhaps I might indicate to members what the position is with regard to distribution committees in the other states. The Conspectus of the Electoral Legislation of the Commonwealth, States of Australia and the Northern Territory, a publication of the Australian Electoral Office, shows that, in the states of New South Wales, Western Australia and South Australia, the chairman of the Distribution Committee is either a judge of the Supreme Court, a judge of the Industrial Commission or a judge of the District Court as in New South Wales. In Western Australia, the chairman is in fact the Chief Judge of Western Australia and, in South Australia, the chairman is a judge of the Supreme Court. In Tasmania, of course, no distribution committee is required simply because the electorates there mirror entirely the federal electorates. In Victoria, the 3 members are: the Chief Electoral Officer, who is chairman, the Australian Electoral Officer for Victoria and the Surveyor-General. The only state which appears to deviate somewhat is good old Queensland. The 3 electoral commissioners are appointed by the Governor-in-Council and all 3 are selected by the Premier.

Thus, if you look at the state of play around Australia in regard to distribution committees, the head of the distribution committee is generally a judge. It is appropriate that it not be left to some random choice. I am quite certain the Chief Minister is quite sincere when he says, "Don't worry, the person I appoint will be somebody independent and he might not come from the Northern Territory". It seems to me appropriate that we ensure that the Chairman of the Distribution Committee, a very important position, will be a judge of the Northern Territory Supreme Court or a person who holds a judicial office in Australia.

Mr EVERINGHAM: I must oppose the amendment. Whilst listening to the Leader of the Opposition's argument that we should bind our hands to the holder of a judicial office within Australia, one of the most suitable persons who sprang to my mind as an independent, impartial chairman of the Northern Territory Distribution Committee is a retired judge who was not the holder of judicial office in Australia but who has an intimate knowledge of the Northern Territory. This is the particular problem that the Northern Territory faces.

Firstly, it is not quite as easy to lay your hands on a judge as the honourable Leader of the Opposition would perhaps have us believe. For instance, Victoria generally rejects out of hand any application for the use of any of their judges in any commission whatsoever. They have a practice - and I think it is a sound one but, unfortunately, it was not so soundly carried out in South Australia not so long ago when they had an acting justice carry out an inquiry - whereby judges of their Supreme Court are deemed to be there to try suits between the Queen's subjects and in relation to the administration of the law. The people whom they use to hold inquiries, commissions and tribunals such as this are in fact either retired judges or

Queen's Counsel. I am pretty much of that school of thought myself. In any event, I oppose the amendment and I do not think the case is in any way as straightforward as the Leader of the Opposition would have us believe. I do reiterate that, as far as I am concerned, the person who will be named in due course as the Chairman of the Distribution Committee will be a person who is beyond reproach.

Amendment negatived.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12:

Mr ISAACS: I invite defeat of clause 12 and seek the insertion of amendment 122.4.

It seems to me that distributions ought to be carried out given certain circumstances. The circumstances that I contemplate are those which I canvassed in my second-reading speech. When the number of electorates exceeds their tolerance by a certain amount, we ought to make it mandatory that a redistribution take place. I said in my second-reading speech that, of the 19 electorates in the Northern Territory, 6 currently have their tolerance outside the 20% level. I believe it is not good enough to simply allow that to occur. If that is the position, then a redistribution ought to take place within a specified period. To overcome the situation where fluctuations do occur - it may be that, 12 months before a due date of an election, the number of electorates which are outside the tolerance exceeds 25% and you had a distribution and 6 months later required another one - the draftsman has drafted the clause so that, if in a period of 6 months between 12 months and 6 months before the due date of an election, the number of electorates outside the tolerance is greater than 25%, then a redistribution will have to take place. That is the effect of amendment 122.4.

I believe that it is equitable that a distribution take place under these circumstances. The member for Arnhem read into Hansard the figures as at 27 July 1979. I understand that a further updating has taken place as at 26 October 1979. I do not know the effect of that but, with regard to the figures of 27 July 1979, it is extraordinary that the seat of Stuart Park had 1,821 electors and the seat of Sanderson had 3,813 electors and that 6 seats out of the 19 exceeded the tolerance. That is more than 25%; almost 33.33% of the seats are outside the acceptable tolerance level, even given the 20% stipulated by this government, never mind 10%. I think it has gone too far. I believe a redistribution ought to take place in those circumstances. Amendment 122.4 will achieve this. In order to achieve it, I ask members of the committee to vote against clause 12 with a view to inserting amendment 122.4.

Mr EVERINGHAM: We have heard it all before. There is adequate provision in the bill for redistribution. The government will oppose the amendment.

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14:

Mr ISAACS: I rise to speak to clause 14 because, if there is to be a

redistribution before the next election, then the matter of tolerance will not be a matter which will concern the distribution commissioners. Under the self-government act, subsections 13(5) and (6) are relevant, especially 13(5) which I will read: "For the purposes of subsection (4), each electoral division shall contain a number of electors not exceeding or falling short of the quota calculated under that subsection by more than 1/5th of the quota". By that subsection, members would believe that the distribution commissioners are bound to accept that that tolerance will apply; that is, the 20% tolerance will exist. Of course, as the Chief Minister has pointed out on many occasions, section 62 adds one constraint to that: it does not apply until the second election. If there is to be a redistribution before the next election, as I believe there ought to be, then that redistribution will take place without any tolerance constraint on the commissioners; that is, all those items in 14(a) to 14(h) will apply but the matter of tolerance, which I believe is an important one in relation to the principle of one vote one value, will not be an item which the commissioners will have to take into account.

I believe, therefore, that clause 14 ought to contain a provision which relates to the tolerance level. If we do not insert it and there is to be a redistribution of electorates before the next election, then the matter of tolerance will not be taken into account. I believe that, as a matter of form anyway, the question of tolerance ought to be mentioned in clause 14 simply as a reminder in our own legislation that that is one of the criteria which the Distribution Committee will have to take into account. I do not believe that it is good enough to say, "Oh well, the tolerance is already covered by another piece of legislation". I think the principle we have adopted and espoused on both sides of the House has been that each piece of legislation ought to be as self-contained as possible.

Therefore, it would be appropriate that a new subclause (i) be inserted to at least give effect to what the tolerance level ought to be. As far as we are concerned, the tolerance level should be 10% but we know that the government would say: "No, it is 20%". I do not want to go into an argument about that but I suggest to the Chief Minister that we ought to add a subclause (i) to clause 14 to take account of the tolerance level. I will be interested to hear his remarks on the subject.

Mr EVERINGHAM: Mr Chairman, I do not have the self-government act with me but I am certainly agreeable to consideration of clause 14 being postponed to enable me to have a quick look at it before the passage of the bill is completed.

Further consideration of clause 14 postponed.

Clauses 15 to 60 agreed to.

Clause 61:

Mr ISAACS: I move amendment 122.6.

We seek to return the position to 8.00 pm closing time for polling stations. The matter has been fairly well canvassed. There will be many changes which people will have to take into account when the election is held. It may be that people will be under a misapprehension that the normal thing will apply; that is, 8.00 pm closing of polling booths. I ask the Chief Minister, if he is not to be persuaded by the arguments that were raised in the second-reading speech, to ensure that, at the time of the next election, sufficient publicity will be given to the new closing time. Members of the

public may be deluded into believing that they will have till 8.00 pm to vote when, in fact, closing time will be 6.00 pm.

Mr EVERINGHAM: The government opposes the amendment. Indeed, this is a change of mind and a change of heart on the part of the opposition. I believe that the 6.00 pm closing of the polling booths is a progressive step. Nevertheless, not only this but other changes will be advertised quite widely before the next election is held and I am certain that a wide voter-education program will be embarked on.

Amendment negatived.

Mr ISAACS: I move amendment 122.7.

This seeks to add 2 words to subclause 61(5) which currently reads: "The authorised witness shall sign his name on the postal vote certificate and shall add the title under which he acts as an authorised witness and the date". It seems to me that there is a chance for a number of postal ballot papers to be filled out after the ballot has closed. The opposition considers that a simple way to ensure that ballot papers are not signed and filled out after the date is to have the witness specify the time and date on which the ballot paper was witnessed. That would be an effective way of closing a loophole where ballot papers might be filled out after the closing date. I put that to the Chief Minister as a sensible way of overcoming what I regard as a loophole.

Mr EVERINGHAM: The government accepts that proposal.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 to 67 agreed to.

Clause 68:

Mr ISAACS: Mr Chairman, I invite defeat of clause 68.

This is with a view to inserting the new clauses as set out in amendment 122.8. There are a number of innovations which the opposition would like to see in ballot papers. The effect of defeating this clause and agreeing to amendment 122.8 would be to give effect to those innovations.

First of all, we suggest that the names on ballot papers ought to be selected at random and not in alphabetical order. I understand that Tasmania has introduced an innovation of this sort although it is somewhat confusing because each candidate is given a chance to head the ballot paper. However, the suggestion of the opposition is that the names be chosen at random rather than in alphabetical order. The reasons are obvious and have been thoroughly discussed in the second-reading debate.

The next innovation is that we believe the names of candidates ought to be accompanied by the political affiliation of the candidate as a means by which the voter will be able to identify the candidate of his or her choice. Very often, electors vote simply on party lines. It is true that, in the Territory, electorates are small and probably most electors know who the candidates are and probably have been badgered by door-to-door knocking and so on over the 3 or 4 weeks campaign prior to the election. Nonetheless, it is true that some people simply vote for the political party of their choice. For that reason, we believe it is a sensible innovation to have the political

affiliations of the candidates next to their names.

Thirdly, we believe that photographs of candidates ought to be attached to the ballot paper as well. I appreciate that the government has introduced an innovation whereby the photographs of candidates will appear in the polling booths but it seems to us that it would be sensible to have the photographs appended to the ballot papers themselves. It seemed to work extremely well in the NAC elections. If a candidate did not wish to supply a photograph, his or her photograph was not displayed. There was an obligation on candidates to supply them and I think it worked well in the NAC election.

Those are the 3 innovations which will come into effect if the committee accepts our amendments. I invite defeat of clause 68 with a view to inserting amendment 122.8.

Mr EVERINGHAM: The government opposes the proposed amendments.

Clause 68 agreed to.

Clauses 69 to 78 agreed to.

Clause 79:

Mr EVERINGHAM: I move amendment 125.1.

This amendment adds a new subclause to clause 79. It provides for assistance to be given to illiterate and physically-handicapped voters. The new clause will enable a voter to use a how-to-vote card to indicate his order of preference to the officer marking his vote.

Mr ISAACS: The opposition welcomes the amendment. It is similar to amendment 122.10 as circulated by myself. Obviously, it is amended for the purpose of full preferential voting rather than optional preferential voting. The amendment is an excellent one. It takes up almost word for word the decision of Judge Smith in the Court of Disputed Returns. I believe that it is a proposal which will be given widespread acclaim not only by Aboriginal communities, who probably would provide the bulk of the people who would use this particular provision, but also by those people who find it an embarrassment and do not vote simply because they are unable to fill out a ballot paper.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 116.1.

This removes the existing subclause (3) and substitutes a new one which I am told is drafted in a more suitable manner.

Amendment agreed to.

Clause 79, as amended, agreed to.

Clauses 80 to 143 agreed to.

New clause 144:

Mr EVERINGHAM: I move amendment 116.2.

This is to insert a new clause 144 in the transitional part. Subclause

(1) provides for the persons who are not required to have their names on the roll pursuant to regulation 25 of the Northern Territory Electoral Regulations; namely, Aboriginal people will not be guilty of an offence if they fail to enrol under the Electoral Act. Subclause (2) provides that subclause (1) shall cease to have effect at 6.00 pm on the day of the issue of the writ for the first election. In other words, there is an amnesty for the first election but, after that, Aboriginal people will be just as liable as anyone else.

New clause inserted.

Schedule agreed to.

Title agreed to.

In Assembly:

Progress reported; report adopted.

ADJOURNMENT

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

Mr STEELE (Ludmilla): Mr Speaker, on a previous occasion in this House, I indicated that I sought to obtain more information on a matter referred to in the House by the honourable member for Nightcliff. The honourable member had drawn our attention to an article in the Bulletin published on 17 July this year alleging that the Taiyo Fisheries of Japan was the illegal purchaser of whale meat allegedly procured from the North Atlantic Ocean. We understand that it is the same company which was named in a Cabinet decision of the Northern Territory government in relation to feasibility fishing studies that are to take place in waters off the Northern Territory coast. The honourable member was concerned to ensure that the Northern Territory government was not conducting business with anyone or any company that was operating outside the provisions of the International Convention for the Regulation of Whaling.

To draw on material which has since become available, I will first quote the full text of the letter to the editor of the Bulletin which was published in that magazine on 31 July 1979. It was written by Mr S. Hinata,Information Officer, Embassy of Japan, Canberra. Under the heading "Japan's role in whaling", it reads as follows:

> *I have read with great interest the article entitled "The Whale Poachers". I would like to assure readers of the Bulletin that whaling carried out by Japanese interests is done with respect for the preservation of natural species in strict accordance with the directions of the International Whaling Commission. The commission's assessments are based on the results of scientific studies at an international level and the Japanese government stands by and respects these assessments.*
>
> *I would like to make it clear here that the Japanese government has for some time viewed with concern the extent of whaling operations outside the International Whaling Commission regulations and, in line with the intent of the resolutions of the 29th annual meeting and the 1978 Tokyo Special Meeting of the commission, has already adopted legal measures to ban the import of whale meat and whale products from nations which are not parties to the International Convention for the Regulation of Whaling. These measures were promulgated on 28 June 1979, a point your correspondent apparently overlooked in his analysis of Japan's*

position vis-a-vis the International Whaling Commission. I would also like to add that the existence of a contractual relationship between the Sierra and the Taiyo Fishery Co Ltd is yet to be officially proved.

Mr Speaker, officers of the Fisheries Division had the opportunity to meet in Darwin with a consultant to the Sumital operation which is to jointly conduct the particular feasibility fishing exercise in Territory waters with Taiyo Fisheries. Several points were made during these discussions and, on other information available to us, including correspondence with the International Whaling Commission, we have no reason to doubt anything passed on to us by the consultant to whom I refer.

On 5 July 1979 Japan passed legislation to prevent the importation of illegally-harvested whale meat; that is, whale meat taken outside the International Whaling Commission Convention. In consideration of this Japanese legislation, Taiyo Fisheries, if ever it did receive whale meat from the Sierra, would presumably have been operating within Japanese law at the time. It should be noted that the Bulletin article was published 12 days after Japan passed the legislation I referred to. It would be extremely difficult for us to establish whether an offence may have occurred during that 12 days or after. Mr Speaker, it would be a matter for Japanese courts to judge on the facts. It is not for Australians to judge on unsubstantiated media allegations. On the basis of available information, and we have done our very best to obtain all we can, it would be quite irresponsible to contemplate overturning the arrangement we have entered into concerning Taiyo.

In conclusion, I would like to speak very briefly on these feasibility fishing projects. They will be for a maximum period of 2 years each and will be subject to review after the first year. Feasibility fishing under these arrangements is to be conducted under the extremely strict supervision of Commonwealth, state and Territory authorities. There will be pre and post fishing inspections, placement of observers aboard the vessels concerned, strict use and inspection of log books and comprehensive and regular radio contact, particularly in relation to navigational details, so that surveillance machinery available to authorities can be used to verify that they are indeed operating in accordance with prior arrangements made with us. There will be a threat of removal from our fishery in the event of any contravention of conditions mutually agreed to between the parties.

Members may be interested to note that the joint Sumital-Taiyo feasibility fishing interest, in so far as it concerns Australian waters, has already been at work for almost 12 months off the north-west coast of Western Australia. I am informed that there have been absolutely no complaints. Sumital-Taiyo, when it arrives in Northern Territory waters, will regard its activities here as only an extension of its Western Australian activities. The government is satisfied that there is no reason for concern that it has taken an unwise action. We believe the agreement is in the long-term interests of the Northern Territory and is consistent with our stated policy.

I would like to quote from a letter received on 11 October 1979 from the London Secretary to the International Whaling Commission:

In response to your cable and letter of 8 October, I can make the following comments. The whaling vessel Sierra has operated under various flags, most recently those of Cyprus and Somalia. Neither of these countries is a member of this commission and so whaling operations by a vessel under their flags is not liable to restriction by the International Convention for the Regulation of Whaling (1946). Thus, although the operations by the Sierra are contrary to IWC regulations, they are not

illegal in this sense.

Cyprus, the current country for registration, has ratified the Convention for the Regulation of Whaling (1931) which requires statistical information to be recorded and sent to the Bureau of International Whaling Statistics. This has not been done recently and we have been unable to obtain any response from the government of Cyprus to our inquiries on this matter.

Because of concern within the IWC in recent years about the problem of trade by members in whale products obtained by non-IWC members, this commission has passed a number of resolutions to prohibit such activities. The first of these was adopted at our 29th annual meeting held in Canberra in June 1977. Japan abstained because of legal difficulties related to her domestic legislation. More recently other governments have noted comparable legal problems, including members of the European Economic Community.

However, all members of IWC have expressed sympathy with the intent of the resolutions and a number have now passed or are in the process of enacting the necessary legislation to prohibit the import of whale products from non-IWC countries. Japan has announced such a ban with effect from 5 July 1979.

We are well aware that the manner in which the whaling operations and the shipping of the products have been conducted have given rise to the popular term "pirate whaling". Nonetheless, the purchase and import into Japan of whale meat by the Taiyo fishing company does not seem to have been in contravention of any valid legal restrictions.

I hope that this information will be of assistance to you in concluding your fishing agreements.

Dr R. Gamble
Secretary to the commission.

Mrs O'NEIL (Fannie Bay): Honourable members will be aware of the presence in the gallery of a number of people most of whom are employees of Darwin Hospital. These people have come in an orderly fashion to the Legislative Assembly.

Mr DEPUTY SPEAKER: Order! I have to ask the strangers to remove the posters displayed. You may remain but there must be no displaying of the posters.

Mrs O'NEIL: These people have come to the Legislative Assembly to indicate to us, and particularly to the government, their concern at the proposal that cleaning at Darwin Hospital and at the Casuarina Hospital should be taken over by contract cleaners. This is a matter of grave concern to these people who see their employment threatened. They have wives, families, husbands and children to support and it is a well-known fact that the government is at this moment investigating the possibility that the cleaning of these hospitals should be taken over by contract cleaners. Mr Speaker, I urge the government to take heed of this responsible demonstration by these citizens of the Northern Territory today and to take note of their concern expressed in this manner as to the future of their jobs.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, over the last weeks in Katherine, there has been quite a lot of trouble over 2 murders of Aboriginals. In the course of the "action", as you might call it, quite a few kids

have been roughed up. This is pretty natural; I am not worried about that part of it so much. However, while talking to youths who were not concerned in the murders but who had been questioned, I discovered that they felt that the 3 things causing the trouble in Katherine are the police, the blacks and nothing to do. There are only 3 ingredients in gunpowder and I understand they go off with a pretty good bang too. My main difficulty here is to convince the government to do anything about Katherine.

Only last week, the front page of the Informer indicated that the Minister for Lands and Housing did not appreciate the problems of land shortage in the town - and that is one of the reasons I am speaking now. These blokes have nothing to do. I have been to the Commissioner of Police and discussed the matter with him and Mr Porter. They agree that this is the trouble in most of the towns. They do not dodge the issue that the police are sometimes at fault. They do not dispute that blacks have a lot to do with it because there is racism whether you like it or not. The thing we can do something about is the "nothing to do" problem. I spoke to these kids for about 3 hours and, amongst other things, I said: "What about the Youth Club?" They replied: "What about it? It has been under construction for 15 years or 20 years and they were going to have a swimming pool there. There is nothing there now but, when it is finished, it will not satisfy us". I asked them what they wanted to do. They don't know.

What about the police? What about the blacks? They said, "We have seen gins" - I call them Aboriginal women - "fall down the steps of the Crossways and urinate in the streets and the coppers didn't see them". They said - and this is exactly what they said - "We have seen 6 blackfellows go through a gin over there in the donkey paddock" - this is right across the road from the Crossways - "and the police didn't see that. The Hooker Creek blacks can come in looking for a fight and the police don't see them but they say to us, 'Get home you little c...'". In my opinion, that is the right thing for the police to say because they should be home. I don't believe that the kids should be out all night.

Deprived kids are not of any particular colour or of any particular background. They are just deprived kids. They might have plenty of money in their pockets and no home or no home life or a poor home environment. They do not have to be stony broke and walking. What do we do about this? Do we just let nature take its course or do we do something like the Chief Minister suggested, apparently, to the Press Club in Canberra: form some kind of - I don't like the word particularly - youth "army", youth corps or holiday camp? Something to get these kids out of town into some kind of practical work or practical education - that is probably what I am talking about. Many of these kids leave school and they are not educated except to do nothing. I have said this many times in this building: the education of children who do not want an academic education is neglected. These kids are going to go out and work with their hands. They pour scorn on the academic side of education or neglect it yet we keep many of them in school by force. We keep them there and we teach nothing of value to them. We could teach them something of value if we turned to practical education or put them in some kind of army - not Dad's Army, but an army in which they would learn something of value for the 2 years after they leave school.

Katherine has 2 meatworks but all the meatworkers come up from south. The town kids do not have a chance to work at the meatworks because they are not trained. I have put this idea forward to the people who own the meatworks and I think they are trying to do something about it. However, it is our responsibility. They are our kids; they don't belong to the Hooker Meatworks but to the town of Katherine. We talk about our greatest asset

being our youth but we are not doing much about it in Katherine.

I left those kids at about 12.30 am that night. I said, "What are you going to do?" They said, "We are going down to the town". This was at half past twelve at night. We heard the Chief Minister speak today about the bikies at Casuarina. They are probably at that service station when they should be doing something else. There is nothing for them to do except get into mischief. It is the same thing in Katherine. I honestly believe these kids work during the wrong time of the day. They retire late and they arrive late. If we did something constructive with practical education - it would cost money but they are our most valuable asset - we could keep many of these kids out of gaol. We will not save 100% but we might save 50% and that is better than saving none.

I commend this idea to the Assembly. If any member would like to come down to see the situation for himself, he has missed the boat because, as a result of the activities of the police and questioning, there are very few people in town.

What happens with the drunken Aboriginals? I am sure no one will gainsay that Katherine is the centre for about 6,000 people, most of them Aboriginals. Quite often, these people are denied the right to drink in their own communities and, when they want to go on a bender, they head for Katherine. There are plenty of them there and they are entitled to be there but they are also entitled to behave. I spoke with the police and they said that they did lock up about 20 Aboriginals in Katherine to every white person. That astounded me. The layabouts you see in the street and in the parking area next to TAA around the toilets - the toilets have a fatal fascination for them; they are there all the time - are not being pinched. I suppose the gaol only has a certain capacity. We have had 26 inquiries, I believe, into the effects of alcohol on Aboriginals yet these people seem more determined than ever to commit alcoholic suicide. We are just not getting anywhere. The people I am talking about are the deprived people of any colour who could be better off under a scheme something like the Chief Minister suggested. Do not draft them - possibly, if absolutely necessary, commit them. We must find some solution to the problem. The solution that I have been advocating for many years is work.

Mr DOOLAN (Victoria River): I would like to respond to what the honourable member for Elsey said. He said several contentious things. I agree that the Aboriginal problem in Katherine is pretty bad; there are all kinds of drunken Aboriginals hanging around the town and they are not a very nice prospect to face. What he did not say is that, when the season cuts out, the ringers from the stations come into town to blow their cheques. They do precisely what the Aboriginal people do: they get drunk. I know of many people who had intended to go to Sydney for the last 20 years but who never made it past Katherine. This is the example that the Aboriginal people have. I am not criticising the ringers; they live a lonely, isolated life. They live in isolation for months on end and they become very frustrated. They run out of things to do so they come to town to hit the slops and that is where their cheques finish. The Aboriginal people, as the honourable member for Elsey has complained, do precisely the same thing. There is a problem. There is no doubt there is a racist problem in Katherine; it is probably the most racist town in Australia.

The honourable member for Elsey refers to drunken Aboriginals lying around the town and he is certainly right but there are certainly many drunken whites lying around the town too. This is the result of months of isolation and months of desolation; they come into town to do their thing and they do

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not get past the place. The honourable member for Elsey spoke about the toilets being congested by people lying about there under the influence of liquor. Aboriginals are very obvious to the public view because they are black. Everybody notices them. Tourists notice them and comment on them in the papers and so forth. If one did a head count of the number of people lying about in front of toilets in Katherine, I think one would find that percentage would be about 50/50. There are an awful lot of ringers on a spree who do the same thing.

I am not saying for one minute that the honourable member for Elsey's speech was biased; I do not think it was. He obviously shows a genuine concern for Aboriginal people and he has done so for many years. He probably knows more about Aboriginals than most people in the town but I do think that his speech was slanted one way and I do think that the emphasis on Aboriginals was unwarranted.

Katherine is the centre for a pastoral area. When I go down to my electorate which is near Katherine and is very pastoral, people often say "we went to town last week". They are not talking about going to Darwin or Alice Springs; they mean they went to Katherine. I must say that I think the emphasis was a little bit pointed on Katherine and drunken Aboriginals because I can assure you, having been in that country for nearly 30 years, that Europeans and, in particular, ringers from the stations do precisely the same thing and the Aborigines have merely followed suit.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak on behalf of 56 people in my electorate. These people have presented me with a petition which, due to a technicality, could not be presented this morning. They presented to me 2 petitions on 2 subjects of great interest to them. My interest in both subjects goes back many months to when they first approached me and asked me to do something. I did all I could; I approached the minister and I approached the relevant government departments. I will read the letter as it was sent to me:

We the undersigned voters hereby petition you, as our elected member, to request our Northern Territory government to seal Gunn Point Road to the point where it reaches our subdivision, which is approximately 3.5 kilometres.

The road is subjected to heavy usage from large sand trucks, government vehicles and increasing motor traffic. It is a busy and dangerous road. During the dry season, heaps of soft dirt plus corrugations result in poor visibility due to dust. Accidents have resulted when vehicles go to the side of the road to allow traffic to pass and become out of control due to heaps of bulldust or, in the wet, heaps of mud. In the wet season, the dust danger is diminished but the road is still dangerous. Visibility at the Howard Springs-Gunn Point corner is poor and accidents have been caused by vehicles cutting the corner. Grading the road is a waste of cost because, within 24 hours, the corrugations and heaps of dust return.

Surely the government royalties from sand plus the heavy usage previously described merit upgrading this busy road. Your urgent action is hereby petitioned and your assistance would be appreciated.

The Stuart Highway-Howard Springs turn-off needs redesigning as it has been the scene of some nasty accidents. We would appreciate your urgent attention to these matters.

Mr Deputy Speaker, this is the letter written by 56 very concerned people

in the subdivision off Gunn Point Road. Just recently, the road had reached such a bad state that, on one particular afternoon, the school bus dropped a young girl from the high school on the road and she was forced to walk 3.5 kilometres home. The bus stopped and refused to go up the Gunn Point Road. 3.5 kilometres is approximately 2 miles. This child is in her second year in high school. She is a young girl and she is reasonably active but 2 miles on a hot afternoon is not the sort of thing that I think should be recommended, especially after a child has finished a heavy day's work at school. To add to this, there was no prior notification given to the parents that the school bus would not go up this road. The father works shift work and they only have 1 car in the family. The mother did not have the use of the car and there was no prior notification. The child was forced to walk 2 miles to her home. As well as the actual physical danger of the road, if the child was accosted by undesirable people, it would have been very hard for her not to accept a lift. As it happened, this did not happen and the child reached home safely.

The parents came to see me the next day. I think this happened on a Thursday. I had already asked for the Gunn Point Road to be graded as it is not on the works' program this year to be bituminised. The school bus company was also contacted. The Education Department was also contacted because this is a most reprehensible action by the school bus company in refusing to go up this road although I can understand why they do not want to go up the road. I was assured that, in future, this would not happen but it is a pretty poor show when the roads are so bad that children cannot be taken home. This would not happen to city children. They just get on a bus and the bus takes them home. It seems that the people out in the rural areas are somewhat disadvantaged.

I think it is high time - and I have written to, telephoned and badgered the relevant people quite a bit - to put roads like Gunn Point Road and other main roads in the rural area on the works' program for next year to be upgraded. Not only the local people use this road but heavy trucks use it to transport sand and gravel. The local people do not get anything out of the sand and gravel mining in the area. All they seem to get are very bad roads.

The second letter relates to a subject about which I have spoken in this House before and of which many people in the rural area are becoming increasingly aware. It is done by city people and by the people who live in the rural area. I refer to the subject of shooting. The letter says:

> *We, the undersigned voters, hereby petition you to introduce legislation or take whatever action is necessary to prohibit shooting in and around our residential area. Destruction of birds and wildlife must cease. In addition, there is an increasing risk to our lives and those of our dogs and pets because our area is being used as a shooting gallery. Our pleasant, rural environment is being destroyed by incessant shooting in and around Howard Springs Reserve. Dogs return home wounded and some do not return. It is no longer safe for children to go for bush walks or for youngsters and adults to ride horses around our area without the risk of being shot. Firm action must be taken now to stop this desecration of our bird life before a human fatality results from this senseless and dangerous shooting. "No shooting" signs must be prominently displayed and the area patrolled until the situation is brought under control. The erection of signs and patrolling must commence now.*

This is a subject in which I am very interested and I have expressed my interest before. I have also spoken of it before around Dutchie's Lagoon area, around the Howard Springs area and further down the track in other areas. I am hoping that, when the new firearms legislation is introduced, this practice will stop altogether or be greatly reduced. People go out into a

rural area because they want to be free of certain restrictions while still obeying the law and still considering their neighbours. In the rural environment, it is quite in order to ride your horse up and down the road or on vacant land which is not fenced or to go for a walk with your dog on vacant land if it is not fenced. People should be allowed to do this. By fencing an area, the government or owners signify that they do not want people to come onto the property. When land is unfenced, if people are not breaking the law, they should be allowed to engage in these reasonably passive pursuits without running the risk of being shot or, as they say in the letter, the area being used as a shooting gallery or animals being wounded.

In conclusion, Mr Deputy Speaker, I would just like to say that these 2 petitions could not be presented in the usual way in the Assembly. I have spoken this afternoon on behalf of 56 people who have petitioned me.

Mr VALE (Stuart): This afternoon, I would like to ask a personal favour of the Northern Territory government, particularly the Minister for Transport and Works, on behalf of myself and, I believe, thousands of children throughout the Northern Territory and probably their parents. It is a favour that will not cost any money; in fact, I think it will save money in the long run. It pertains to the colour of fire engines. He is well aware of my concern because, in his own words, I have "yanged" him for many months every time we have passed the fire station down the end of the street. I would like to raise 2 points on this.

Recently, the member for Alice Springs and myself attended a large school function for young school children at Anzac Hill in Alice Springs. At that function, there was a red fire engine and a police car. By far the most popular attraction on that oval that day was the red fire engine. While it is possible that yellow fire engines are attractive, I do not think anything will replace the popularity of the red fire engine.

The second point that reminded me that I had not "yanged" the minister for some time was an editorial in the Australian which sums up the feeling of all the school kids whom I know and my own feelings in particular concerning the colour of fire engines. Part of the editorial reads:

> *Our page 1 story yesterday that fire engines may soon be painted yellow instead of red is yet another body blow at tradition along with the abolition of the mile and the ounce in favour of the kilometre and the gram. Fire engines have always been red. Goodness knows how many thousands of children's books and stories will become outdated if we change this mode and that is only one angle. Red is the traditional colour of danger. Will the amber in traffic lights be swapped with red? Angry people have gone red in the face in the past. Will they go lime yellow in the future? Lime yellow is the repulsive shade favoured by the Australian Chapter of the International Association of Fire Chiefs. They claim that it is easier to see than red. Will they go further and add a floral motif and perhaps a few flower pots? It is enough to make anybody see red.*

I don't think the fire people's argument that yellow is more noticeable than red is supported by statistics. I know of no fire engines in the Northern Territory or, for that matter, anywhere in Australia that have been involved in accidents. A red fire truck and a flashing light are easily noticeable and attract the attention of everyone. As I said before, Darwin can have the yellow fire trucks but please do not bring that colour down to Alice Springs.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

Alleged Abuse of Authority by Dog Catcher

Mrs LAWRIE (Nightcliff): Mr Speaker I present a petition from 685 residents of Darwin expressing their concern at the continued reports of alleged abuse of authority by the Darwin dog catcher. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read.

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of Darwin respectfully showeth that continued reports of alleged abuse of authority by the Darwin dog catcher, alleged harassment of complainants by officers of the Corporation of the City of Darwin and alleged failure of the Corporation of the City of Darwin to fully and justly investigate these reports and complaints is causing concern and distress. Your petitioners therefore humbly pray that you will defer all action on your proposed new Dog Act and institute a complete inquiry into the handling of the dog problem by the Corporation of the City of Darwin, and your petitioners, as in duty bound, will ever pray.

PERSONAL EXPLANATION

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, there was a report on this morning's ABC national news in relation to the position at Jabiru and Kakadu. I will read into Hansard the last part of the report for the information of honourable members who may not have heard it: "Mr Everingham said outside the Northern Territory's Legislative Assembly last night that he would make a further statement on the issue this morning". That is correct, Mr Speaker. "He said, as the position stood now, the township site had been extended to 52 square kilometres by his government which had granted a special purpose lease to the Jabiru Town Development Authority for the area". That is not correct. Those words are attributed directly to me in this report. The report uses the words, "He said, as the position stood now". In fact, the words that I used to the 2 reporters who accosted me at the conclusion of the business of the Assembly yesterday afternoon were that I would be making a further statement on the issue to the House - I propose to make that shortly - but that the Northern Territory declaration of the town of Jabiru under the Crown Lands Act stood as did the issue of the lease. I made no mention whatsoever of the site having been extended to 52 square kilometres and I take grave exception to words being attributed to me that I have not used at all.

JABIRU TOWN SITE DEVELOPMENT AND KAKADU NATIONAL PARK

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, last week there was a report in the press saying that I had been summoned to Canberra to discuss matters "having the utmost importance to the Territory's immediate future". In fact, that was not the case at all because it was on the Northern Territory's initiative that we went to Canberra for discussions with the Commonwealth concerning the status of the Kakadu National Park and the development of the mining town situated at Jabiru in the Alligator Rivers region. As a result of those talks, the Right Honourable the Deputy Prime

Minister, Mr Doug Anthony, yesterday made a statement in the House of Representatives. Mr Speaker, I seek leave to table a copy of that statement.

Leave granted.

Mr EVERINGHAM: I can assure honourable members that the objective of the Northern Territory government is to cooperate with the Commonwealth government to ensure that the day-to-day administration of the Kakadu National Park is carried out as fully and as effectively as possible. Satisfactory working arrangements have been and will continue to be developed to ensure that this is administratively possible. I understand that the Northern Territory government, through the Territory Parks and Wildlife Commission, is to provide the majority of staff to run Kakadu. However, I should say that, politically, the Northern Territory government believes that an appropriate function of this government should be the administration of the Alligator Rivers region generally, including the Kakadu National Park and the town of Jabiru. The Northern Territory government will continue to fight at a political level for actual control of the Kakadu National Park.

We recognise that the Commonwealth has an agreement with the Northern Land Council with regard to the development and management of the area but we see that, with the effluxion of time, the area should come under the actual control and management of the Northern Territory government. Nevertheless, the Northern Territory government's declaration of a town site under the Crown Lands Act stands as does the issuing of the special purpose lease for the Jabiru Town Development Authority and our invitation to the Northern Land Council to nominate 2 of its members to the Jabiru Town Development Authority.

NORTHERN TERRITORY DISASTERS BILL
(Serial 367)

Bill presented and read a first time.

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

One of the early decisions taken after Cyclone Tracy was to create under Territory law an organisation trained and equipped to cope with any future disasters affecting the Northern Territory. This organisation was established under the Northern Territory Disasters Act 1976. Since its establishment, constant planning for counter-disaster activities has ensued and the organisation has been refined and developed to accord with that planning. Developed planning is tested by exercises, both practical and theoretical, to examine the efficacy of the planning in dealing with different situations. This testing shows up any deficiencies and enables us to be better prepared for any emergency. This testing has also revealed weaknesses in the act. The purpose of the bill is to correct those weaknesses so that the act gives the necessary power to deal with disaster-type situations.

The bill covers 3 main aspects. The first of these is the power of the Administrator to declare a state of disaster. Section 20 of the act so empowers the Administrator in respect of an existing or impending disaster. It is questionable, however, that this power could be exercised in circumstances where he has good reason for believing that a disaster has occurred or is impending. For example, there could be good reason for believing that foot and mouth disease virus had been spread but, in the lack of evidence such as infected animals, it is questionable that the Administrator could exercise the powers. The bill puts the matter beyond doubt by amending section 20 and thus empowering the Administrator to act where he believes, on

reasonable grounds, that a disaster affecting the Territory exists or is impending.

Secondly, the application of the act in its present form to circumstances such as terrorist activity or hijacking is unclear. Although there are obviously circumstances in which it may be necessary to invoke the provisions of the act, the combination of the definition of "disaster" and the application provisions of section 4 of the act raise serious doubts that the provisions of the act could be exercised in such circumstances. To overcome this, the definition of "disaster" has been amended by the addition of a new paragraph (da) relating to violent or intimidatory actions. The qualifications under section 4 are amended to exclude them when the problem is one related to terrorist-type activity. Excepted, of course, is paragraph (c) of section 4. Under no circumstances is it contemplated that this act would be used to deal with a strike or lock-out. I would also remind all honourable members that this amendment would not automatically apply the act when terrorist-type activities occur. The Administrator may only declare a state of disaster when the matter is beyond the normal resources of government in the area.

A consequential amendment has been made to section 13 paragraph (a) of the act to remove from the Director of Emergency Services the function of preparing counter-disaster plans for such circumstances. Obviously, planning for dealing with violent activities is a police matter and a high degree of confidentiality must be maintained in such planning. The director would not know those plans and it would not be desirable for them to be revealed to him for presentation to the Counter Disaster Council for approval.

The final point is the action to be taken once a state of disaster has been declared. Section 21(1)(a) provides that it shall be in accordance with approved counter-disaster plans. That provision is good on the assumption that all possible emergencies will be anticipated and appropriate plans prepared and approved. To take note of the unexpected, the provision will be expanded to give the power of direction to the Territory Co-ordinator if there is no relevant plan to cover the circumstances.

The bill also amends the definition of "Territory Co-ordinator" to relate it to the current Police Administration Act. It also amends section 6(2)(a) of the act to conform with the terminology of the Public Service Act.

This act is one which I hope will not be required but it is essential that, if it ever is required, it will be effective. As I stated earlier, the counter-disaster organisation is constantly testing its planning and preparedness to meet any emergency. Detailed plans are worked out and approved to ensure that effective action is possible no matter what happens. The effectiveness of the act itself is tested to ensure it will work properly if needed. It was during one of these exercises that these defects were largely detected. Only last week, honourable members would have heard of the exercise involving Darwin, Gove and Adelaide which was conducted on a national level and in which the Northern Territory director, Mr Bob Phillips, participated at the national headquarters in Canberra. The subject matter of this bill comes from all these types of tests and the purpose of the bill is to ensure that the act will be better able to cope with any emergency that arises. I commend the bill to honourable members.

Debate adjourned.

PRISONS BILL
(Serial 368)

Bill presented and read a first time.

Mr DONDAS (Community Development): I move the bill be now read a second time.

The purpose of the bill is to amend the Prisons Act to make provisions for alternatives to the incarceration of juvenile offenders in adult prisons in the Northern Territory. Within the current legislation, there are no existing provisions which permit juvenile offenders to be transferred from a prison to alternative facilities for possible treatment and participation in rehabilitation programs as may be recommended by either the courts or other authorities. The 3 Northern Territory prisons are adult institutions which do not cater specifically for children. They can accommodate juveniles when necessary but they lack facilities for specific rehabilitation programs for juveniles. Their major orientation is towards the needs of adults.

The necessity to keep juveniles segregated from adult offenders places additional restrictions on their activities whilst in prison. Late last year, the government directed that a new Prisons (Correctional Services) Bill be prepared. This bill has been drafted and is presently under final consideration. In due course, it will be presented to this Assembly. Included in the new bill is a clause which essentially will allow the responsible minister to transfer juvenile prisoners from a prison to any alternative facility.

However, the sentence to prison of the 3 juveniles involved in the Huckitta murder case has accelerated the necessity for the introduction of the appropriate legislation. The government now finds itself in a position where,in order to meet the sentencing demands and community expectations, it must pursue the amendment to the existing Prisons Act now. Further, it must be noted that this amendment which is now before the Assembly is exactly the same as the relevant section in the proposed new Prisons Act. The Minister for Community Development may transfer a prisoner under the age of 17 to an institution where adequate facilities exist to provide custody and control. An institution is defined within the meaning of the institutions provided in the Child Welfare Act. The minister may, by notice in writing, direct the terms and conditions under which the prisoner is serving his sentence. When a prisoner reaches the age of 17 while being held in an institution under this section of the Prisons Act, he shall be transferred from the institution back to a prison to serve the unexpired portion of the term of his sentence.

In conclusion, I would like to amplify the demands and the pressures that have placed the government in a position where it is forced to consider the issue prematurely. In the sentencing decision made by His Honour Mr Justice Gallop, strong concern was expressed about the imprisonment of the juveniles in the prison. In the specific case of one of the offenders, the judge indicated that the sentence should not be served in the Berrimah or the Alice Springs gaols.

Though the government recognises and accepts the sentencing authority's responsibility to exact punishment on juvenile offenders, it also recognises and accepts the courts' and the community's expectations that juvenile offenders will serve their sentence of detention against programs specifically planned and operated for juvenile offenders.

Proposed amendments to the Prisons Act should be regarded as an interim

measure only as a consequence of the demands created by the immediate situation which cannot wait for the presentation of a new Prisons Act.

I commend the bill to honourable members and I indicate my intention to seek urgency so that the bill passes through all stages at this sittings.

Debate adjourned.

NURSING BILL
(Serial 362)

Bill presented and read a first time.

Mr TUXWORTH (Health): I move that the bill be now read a second time.

Mr Speaker, the purpose of this bill is to insert in the principal act provisions relating to conditional registration of nurses and to the issue of annual practising certificates. The provisions relating to conditional registration are set out in clause 3 of the bill whilst those relating to annual practising certificates are in clause 4.

At present, the Nursing Act sets out the qualifications required for registration in the various categories of nursing and are subject only to evidence of good character and sound health. The Nurses Board has no option other than to register an applicant who satisfies those requirements. There are, however, 2 areas where this gives rise to some concern. Firstly, where an applicant has not practised the profession for some time and, secondly, where an applicant has completed courses which, although academically sound, do not include adequate practical experience.

The proposal is to enable the board to register such applicants subject to certain conditions. This will enable them to practise under supervision for a period of time so that a full assessment can be made of their practical capabilities.

The amendments incorporated in clause 3 provide for such conditional registration to be granted initially for a period of up to 12 months and renewed for a further similar period. At the conclusion of the period of conditional registration, the board is required either to register the person concerned without condition or cancel the registration altogether.

The purpose in providing for the issue of annual practising certificates is to enable the board to keep the register of nurses and the roll of nursing aides and mothercraft nurses up to date. At present, many people who have long left the Territory continue to be registered or enrolled simply because the procedures for keeping the register or rolls up to date are not adequate. The amendments proposed in clause 4 will require an annual review of registrations and enrolments and thus ensure that registers and rolls remain current.

Mr Speaker, this bill was prepared after representation from the Nurses Board and will be of value to the nursing profession and to the people generally in the Northern Territory. I commend the bill to honourable members.

Debate adjourned.

FIREARMS BILL
(Serial 336)

Continued from 19 September 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition welcomes and supports the Firearms Bill. I received a number of representations from various members of gun, pistol and rifle clubs. These people are somewhat concerned about particular sections of the bill. I have not had an interest in firearms except from the point of view of my own safety and that of my friends and family.

The Police Commissioner will have extensive powers under this bill. I welcome those powers. I believe that the Police Commissioner is the responsible person to exercise the proper control over the availability of firearms in the community. The people who enjoy the sport are responsible people and I believe that the sport is most worth while. Although I have never taken any part in it, members of my family have.

There is a general concern throughout the community that firearms ought not to be allowed without regulations. There was a very sad incident on the weekend when a fatality occurred because a firearm was kept unsecured in a house. The bill goes much of the way towards ensuring the security of firearms and towards assuring the public that they will be secure even though people have firearms in their possession.

I wish to make a number of comments on the bill. Every policeman in charge of a police station will be a registrar under the bill. This means that the police will have to be well versed not only in the provisions of the bill but also in the details of firearms. That may well mean that the police will have to undergo special training on the regulations and duties of a registrar.

In clause 78, there is a provision to declare restricted areas: "The minister may, by notice in the Gazette, declare an area of land to be a restricted area". That is obviously required to ensure that people do not take firearms into restricted areas. I suggest that it should be a matter of government policy that the Police Commissioner notify those bodies which may be interested in the gazettal of such areas. It is not sufficient to say: "Well, the area is restricted and the Gazette said so". It is far more important to inform interested people. I suggest to the Police Commissioner that dealers and gun clubs etc who have an interest in the matter be notified when gazettals take place. Perhaps a notice may also be inserted in Northern Territory newspapers.

I notice that it is an offence to bring, discharge or carry a firearm into a restricted area. Clause 81(2) states: "It is a defence to a prosecution for an offence against subsection (1)(a) or (c) that the person charged had no intention of discharging the firearm in the restricted area and did not in fact discharge the firearm in the restricted area". It seems to me that that defence will probably not be available to many people. Lord only knows how somebody with a rifle and a swag of ammunition in his possession would convince anyone that he had no intention of discharging it. Clause 81(2) does not have much meaning. It may seem to provide a loophole but that is an illusion.

I am somewhat concerned at clause 90 which relates to unsafe firearms. Clause 90(1) states: "Subject to this section, no person shall have in his possession an unsafe firearm". I think we would all say "hear, hear" to that.

But subclause (2) says: "A licensed armourer or dealer may have an unsafe firearm in his possession for the purpose of repairing it". Obviously, that is also a practical proposition. Subclause (3) says: "A licensed collector may have an unsafe collector's piece in his possession". I am not quite certain what is in the mind of the government in relation to that particular subclause. It seems to me that, if a firearm is unsafe, then it ought not to be in anyone's possession except, as in subclause (2), for the purpose of repairing it. I would be interested in hearing comments from the Minister for Education who has a deep interest in the matter.

Perhaps clause 98 should also be looked at : "No person shall have a firearm in his physical possession while under the influence of alcohol or any drug". I am not certain what "under the influence of" means. Does it mean that one has taken a drug? Does it mean a prohibited drug? I do not wish to do away with the clause but I wish to make certain that it will be enforceable. It seems to me to be perfectly sensible that a person ought not to have in his possession a firearm when his action may be impaired by alcohol or a hallucinatory drug.

Some people take all types of drugs for particular ailments, which do not affect their capacity to use a firearm; for example, asthma sufferers. Obviously, under this particular piece of legislation they would not be permitted to use one. Other examples spring to mind which illustrate that clause 98 may be far too broad. I make that comment simply to ensure that the intention of the clause will be able to be carried out. I hope to hear some explanation from the government.

The opposition welcomes the Firearms Bill. There has been a great deal of interest expressed by members of gun clubs. By and large, they accept the provisions of the bill and its necessity. Everyone I spoke to struck me as being responsible and ready to ensure that the best thing is done by them and the community. However, they are concerned about the items which I raised in this speech. The opposition welcomes the bill.

Mr OLIVER (Alice Springs): I rise in support of the Firearms Bill. I agree with the Chief Minister who said in his second-reading speech that, with the growth of the Territory, improved access to rural areas, the increase in irresponsible elements and indiscriminate shooting, this bill is very necessary.

I welcome the terms of division 5 which cover shooters' licences. In particular, I like clause 51 where it says: "The Commissioner shall not determine an application for a shooter's licence until the applicant has undergone an examination of his knowledge of the laws in force in the Territory relating to firearms and demonstrated his ability to handle firearms and ammunition safely".

The Alice Springs Pistol Club expressed some concern about who the examiner would be and whether he would be sufficiently trained. I imagine that the examiner would be a member of the police force. At least, I hope so because that would ensure that the examiner was well trained.

Clause 51 is complemented by clause 52(2): "The Commissioner shall not grant a shooter's licence to an applicant unless he is satisfied that the applicant is a fit and proper person to possess, carry and discharge firearms". Hopefully, that will eliminate the irresponsible element; that is, the indiscriminate shooter. Both those provisions are necessary.

Clause 52(2)(c) states that the applicant must have "adequate training

and experience in the discharging and safe handling of firearms and ammunition". I wonder whether the commissioner could set up a training area, or use an existing training area, to teach inexperienced and would-be shooters about the safe handling of weapons to achieve a standard policy of firearm handling and safety procedures.

Clause 52(2)(d) states: "If the application relates to a firearm class C or D - has a sufficient reason to possess, carry and discharge a firearm class C or D, as the case may be". I am referring to class C which relates to pistols. Again, I had a query from the Alice Springs Pistol Club. They informed me that the existing ordinance states that being a member of an approved pistol club is sufficient reason to acquire a licence. This provision says that only a sufficient reason is required and the Alice Springs Pistol Club would like to see the old provision included; that is, that a person would have to be a member of an approved pistol club first.

Clause 54 relates to infants: they may not be granted a shooter's licence in respect of firearms class B, C or D. These classes are for high-powered weapons.

Clause 54(2) states: "Subject to this section, the Commissioner shall not grant a shooter's licence in respect of firearms class A to a person under the age of 16 years". That is a very good provision because it eliminates the youth element.

Clause 54(3) states that the commissioner may, if he is satisfied that a case warrants it, grant a licence to somebody below those specific ages. This is necessary out in the rural areas where young lads of 13, 14 or 15 quite often have to shoot a bullock.

Part VI deals with restricted areas. I fully support the terms of this part because, at least, there will be some havens of refuge around the countryside. Both from the public and environmental viewpoints, firearms should not be discharged in certain areas. A few years ago, I discharged in a chasm in Central Australia and the reverberations could be heard more than half an hour later. I had to drive away from the sound of it.

It is very good to see the wide range of offences and high penalties in part VII. Everybody must remember that a firearm is a dangerous item and there must be strict controls on its use.

Members of rifle clubs established under the Defence Act of 1903 are exempt from the registration of their firearms and licences. This is fair enough from the defence point of view. That was the reason for initiating this provision: in time of war, there would be plenty of skilled riflemen available. I wonder whether this could also apply to members of pistol clubs. The pistol is a very good weapon at close quarters. After the riflemen have finished, we may need a squad of pistol men. I leave that with the minister.

I support the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I rise to speak on the Firearms Bill. The Arnhem Shotgun, Rifle and Pistol Club has awaited this bill for some time and has had quite a deal to do with it. When the drafting instructions were circulated, it provided some feedback to the draftsman. I am sure that its comments were considered because its members are shooters who are registered with an association. One of the important things that they recommended was that a shooter be licensed and that all shooters should belong

to a recognised club or association except where the firearm is part of a person's job; for example, policemen, bank staff or graziers. They also made certain recommendations about shooters' licences and grading. They recommended that the purchase of a weapon by a licensed shooter should be simplified by allowing him to produce his licence to the firearms dealer. The registration of the weapon should be made by the dealer in a central register and by the shooter to his local police station.

Until now, the system of obtaining a pistol licence has been administratively difficult. I have seen many instructions from the Arnhem Shotgun, Rifle and Pistol Club on how to obtain a pistol licence. I have a description of the procedure which I will read to illustrate the red tape that must be gone through to obtain a pistol licence at the moment. First, the person must join a club which is affiliated with the Northern Territory Pistol Association. He must attend pistol shoots regularly for a period of 3 months before he may ask the pistol captain to recommend him to the secretary to obtain a reference letter. He will then obtain a reference letter and application for a permit to purchase a pistol from the secretary. He must take both these forms to the police and comply with any other requirements requested by them. He must then wait for the permit to purchase to arrive from Darwin. If he does not receive the permit to purchase within 2 to 3 weeks of lodging the application, he must contact the secretary. It has taken up to 3 months for any communication to be returned. I had personal experience of that. At present, the administration is not 100% efficient.

When the permit to purchase arrives, the applicant must use it within 7 days. If the firearm is to be purchased from somewhere other than Nhulunbuy, it is best if the firearms dealer sends it by registered airmail to the senior sergeant of the local police station and the police will then notify the person of its arrival. When the firearm arrives in Nhulunbuy, he must then ask the secretary for a certificate of membership form and an application for a pistol licence form. He must take both these forms to the police, lodge the firearm with them and pay the sum of 50 cents for the licence. He then receives a miscellaneous property receipt for the firearm and another receipt for 50 cents. He must then wait for the licence to arrive from Darwin. If he does not receive it within 2 or 3 weeks, he must contact the secretary. Immediately he receives the licence, he must sign it.

That is the procedure that people must go through. For that reason, I welcome this new bill and the new administrative system which will be set up. The bill will ease the burden on a person who wishes to apply for a permit to purchase or become a licensed shooter. Once a person is registered, any firearm he obtains will have a particular classification which will be noted on his licence.

The Commissioner of Police has done an excellent job in assisting people. He visited various centres and spoke to interested people, particularly shooting clubs and rifle clubs. He came to Nhulunbuy and club members raised some matters with him, particularly matters relating to the definition of "shooter's licence" and "dealer's licence". He did not show them the draft of the bill because, at that time, it had not been presented to this parliament.

They raised the matter of the licensing fees which they thought were too high, particularly the dealer's licence fee which was mooted to be $200. They said that this was excessive and the charge should not be more than $10. They related it to the registration of a business or company.

They also talked about the collector's licence, particularly those

relating to firearms manufactured before the 1900s. They were concerned that new ammunition has been brought into the industry which can be used on some of the old collectors' pieces. I have since talked to the members and the commissioner who said that he is not interested in anything manufactured before 1900. If new calibres come into vogue which fit some of the old pieces, there would still be a measure of protection because a firearms collector must have a collector's licence.

The matters of registration and fees were also raised. They felt that the registration of all the pistols and rifles of an enthusiast would be very expensive if those fees are high. I am sure that discretion will be used when the fees for particular rifles and pistols are finally worked out.

They are concerned about the permit to purchase clause because they feel that a shooter's licence should in itself provide authority to purchase. However, the commissioner assured me that it is mainly for administration purposes and to keep a tag on people who want to purchase certain firearms. It is not only people who belong to clubs who must be considered. We must also consider the average John Citizen who wishes to purchase a particular pistol.

They are quite happy with the temporary permit provisions which would help shooters going interstate and other people coming from interstate. Under the present system, there is a great deal of red tape. For example, my wife is a pistol shooter. She wanted to take a pistol down to Victoria in a couple of weeks and she had a problem trying to find out the best procedure. The matter has since been rectified. There is not enough communication between the police department and other states. People do not know to whom they should apply. The commissioner wants to see the new administration work and I am sure it will. That sort of problem can be ironed out.

I know that it will take time to set up a computer system for registering weapons for the licensed person. In the long term, no doubt, deputy registrars will be appointed at all the major centres. Hopefully, the computer will operate from those centres and obviate the necessity for sending papers backwards and forwards to Darwin. I think that is the long-term aim of the commissioner and I commend him for that.

Club members were a bit concerned about the offence relating to the possession of a silencer. They recommended that the clause should include "on special application to the registrar, silencers may be used in specialised conditions". They also queried the barrel length of one of the classes of pistols. In silhouette matches, they sometimes use short-barrelled pistols which would be classified as illegal. I am sure that is another administrative problem which the commissioner will examine. These things have been used in the past and I am sure that discretion will be used by the registrar. I can see no real harm in that.

I think that the Firearms Bill has been very well thought out, particularly when compared with the complicated existing legislation. It will now be up to the registrar to decide whether a person may register a gun of a particular calibre or type. The new provisions relating to dealers, armourers, collectors and shooters are clearly defined in the bill and will satisfy shooters. Some of the content of the bill will not be acceptable to all shooters because they feel that, as responsible people, they should not have so many restrictions placed on them. In many instances, one could probably agree with them but I think that, in the long term, things will not be so hard on them as they imagine.

There have been ludicrous instances where permits and licences were lost in transit. It has taken up to 5 months for a person to obtain a licence to shoot. An enthusiast may want to commence shooting at a club but cannot do so because he does not have a licence. The commissioner has a big job to do within the police structure. He will have to decide whether various policemen should handle the system in the major centres or whether he should appoint a deputy registrar to overcome administrative problems.

This bill is in line with legislation in other states. I have been through it a number of times with club members and we are very pleased with its content. Hopefully, the Chief Minister will have this bill assented to and operating in the not too distant future. I know there will be a problem with the computerisation. I believe that Winchester have a good computer system of all their sales in Australia. I am sure that they would be only too pleased to assist the Northern Territory Police Force with the computer program and could even make some recommendations to the commissioner. I am sure that the commissioner is aware of that particular program from his experience in South Australia.

Most shooters in the Territory have had an opportunity to provide some feedback. A meeting was convened for various interest people. I only hope that those people are satisfied that their input has been examined and that they do not continue to whinge that they were not listened to. Plenty of time has been given to this bill and there will be more time before it becomes an act. I commend the bill.

Mr DOOLAN (Victoria River): The opposition supports this bill. I rise to read a letter from the Arms Collectors Association of the Northern Territory in which they put their views. They are mostly complimentary. It reads:

It was pleasing to see that, in relation to the new firearms legislation, there was some meaningful consultation with the general public and interested bodies and, as a result of this, some of the more obnoxious earlier proposals have now been deleted. There are, however, still a few areas of concern to us and, bearing in mind that most of our members are also sporting and/or competitive shooters, the following points are commended to you for consideration.

Whilst we also condemn irresponsible shooters and vandalism with firearms, almost without exception, weapons so used are .22s and shotguns, not the so-called high-powered firearms and this supplies even in states where they are freely available; for example, South Australia.

Definitions of various classes of licences in the second-reading speech, page 5, paragraph 4, do not coincide with page 3 of the bill as we were given to believe by the commissioner that normal semi-auto sporting rifles and shotguns would be included as a matter of course in category B, not D.

Whilst the commissioner does need some discretionary powers, and we would not wish to see him as a legislator in his own right, we feel that many items should be prescribed in the regulations rather than as determined by the commissioner.

If an operable antique cap and ball firearm is not covered by clause 5(1) and clause 6(1)(a)(iv), why should modern working replicas, as used in competition, require registration and licence?

Collectors' provisions are generally acceptable and not much

changed although, in clause 49, the prescribed form should cover the period up to and including 31 December and be forwarded within 7 days thereof.

Notwithstanding clause 6(1)(b), specific provisions should be made for collectors to be able to possess deactivated machine-guns and other heavy ordinance. We would add that, to render a weapon permanently inoperable, it is not necessary to weld every moving part thereon and turn it into something good only for use as an anchor.

In relation to class licences, membership of a recognised pistol club should be formally included therein as being sufficient reason. This is not included in the present legislation and the various clubs feel most strongly that it should remain.

There is one thing which I would query in this bill. "Firearm class A means a firearm which is (a) a rim-fire rifle (an automatic or semi-automatic rim-fire rifle excepted)". Class A appears to be a form of restriction for low-powered rifles which young people could obtain. "Rim-fire rifle" is not specific enough because there is a whole range of rim-fire bullets and it certainly means more than a .22. I would like to see that clarified perhaps on the basis of velocity and punch-power. I think we should have some sort of specification as to the grain powder in the shell. I have no other complaint about the bill but it seems to me that "rim fire" is too wide a term. It will not restrict kids from obtaining rifles if it remains as a rim-fire rifle.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I fully support this legislation. I will commence my remarks by saying that, following on representations made to me by people in my electorate and also from my own inquiries and my own experience, there is a time to use firearms and there is a time not to use firearms. Firearms are not bad things that one does not, under any circumstances, use or have or think about. Firearms are used by people legitimately in the course of their livelihood and obtaining food. They are used legitimately on extensive properties to dispose of predators against stock and humans. I have spoken in the Assembly recently about the misuse of firearms in the rural area. This legislation will not lie heavily on the people who use firearms legitimately but I hope it does lie very heavily on the people who use them illegitimately. These people come from town over the weekend or live in the rural area and go about shooting up the countryside.

When I was speaking to the fisheries legislation, I mentioned pistols. Just in passing, I mention it here. Commercial fisherwomen and fishermen have expressed that there are difficulties in obtaining pistol licences to dispose of crocodiles in nets. It is very difficult to dispose of them with a .303 which is what they are supposed to use. Also, a pistol would be much more useful to a buffalo shooter when a beast has been brought down but is not dead. A pistol would be much more useful than a long-barrelled, high-powered rifle.

A definition of "rifle club" is given but there is no definition of a pistol or gun club. I understand that consideration is being given to this. The pistol and gun clubs will be approved by the commissioner. They will not be considered under federal laws.

I queried the fact that clause 6 did not apply, among other things, to a spear-gun within the meaning of the Spear-Guns Control Act. I was told that separate legislation is being considered for the control of spear-guns and will be euphemistically called the fish and chips act.

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I also queried the fact that parts III and IV would not apply to employees within the meaning of the Public Service Act. I understand now that firearms legislation cannot bind any employees of the Crown. The police will be liaising with public service employees of particular branches in relation to their licences. These would be the public service branches who have employees who go out into the field such as wildlife officers and water resources officers. There would be others. Security firms were not mentioned but they would still have to fulfil the same requirements as the ordinary person who wishes to purchase or use firearms. I think everybody would agree with that.

The commissioner will delegate his decisions to the registrar; that is, the person in charge of a police station. I understand that this would apply to the person who, for the time, was in charge of the police station. I was told that every member of the police force would receive training, if he had not already received it, to equip him to administer this legislation as it should be administered.

I queried clauses 19(2)(b) relating to a person from another state coming into the Northern Territory. It states "carry, possess or store the firearm" but it does not mention "use". It was pointed out that that was done to cover a particular case. The example given was of somebody coming over the border from Queensland and the Avon Downs Police Station being closed. The next police station would be at Tennant Creek, perhaps 2 days' travel away. In that time, the police would not want the person to use firearms. He may carry, possess or store the firearms but they do not want him to use them until he has fulfilled the requirements of our legislation regarding shooting.

Clause 26(1) states that a licensed dealer may, subject to the terms and conditions of the licence, carry, possess, repair, store and deal in firearms on the premises specified in the licence. "Use" was not mentioned there but there is specific mention of it in clause 28(2)(a) where it says that a dealer may use firearms when they are being displayed to members of the public.

A member of the police force may inspect a dealer's premises at any time during normal business hours but this provision does not apply to armourers. I was given 2 reasons for this. One was that, in many cases, a dealer would be an armourer so that the premises would be inspected. Also, armourers are not dealers in firearms. The case was mentioned of a dealer being able to import firearms from overseas. He could have in his possession a certain number of firearms which could be sold to undesirable people such as terrorists. It is highly unlikely that an armourer would have firearms like that on his premises.

I was pleased to see that, in clause 54(3), the commissioner, if he is satisfied under special circumstances, may grant a licence to an infant to use firearms. This is a person under the age of 18. This would particularly apply to pastoral properties because some of these kids have to be able to shoot.

In part VII, safety provisions are spelt out in some detail and I think that everybody would agree that, where firearms are concerned, safety is of primary importance. I would hope that an amendment would be considered somewhere around clause 90 where it says: "Subject to this section, no person shall have in his possession an unsafe firearm". It continues on that dealers, collectors and armourers can have unsafe firearms in their possession. The situation could arise where a person's firearm becomes

unsafe through use or accident and he has every intention to take it to the dealer. I feel that this should be covered.

Clauses 95 and 96 were brought to my attention by people living on properties. Clause 95 states: "No person shall discharge a firearm on land (vacant Crown land excepted) owned or occupied by another person". That is understood and appreciated except for "vacant Crown land excepted". If vacant Crown land is next to an occupied property, it may be rather difficult for the person living on the property. I would like to see some protection against illegal shooting for the people whose properties adjoin vacant Crown land. Roads are mentioned but not vacant Crown land. I think it is only fair and any pastoralists or farmers would agree; they are usually fair-minded people.

Clause 96 states: "Subject to this Act, no person shall be in possession of a firearm on land owned or occupied by another person the boundaries of which are fenced or otherwise clearly marked". If the boundaries were not fenced or clearly marked, there would be a defence for the person who was on a property and I think any property owner would concede that.

The property owners were also badgering the minister in relation to people entering their fenced properties with firearms. It is a defence if a person was on a track on his way to request permission to shoot on that property, which I suppose is reasonably fair.

Clause 106(1) states that any member may, without warrant, search the person of etc when looking for something. Usually, in legislation dealing with people searching other people, only females may search females. I do not see any mention of that in this legislation. I wonder whether it will be considered.

In view of the importance of illegal shooting and the question of gun clubs operating in my electorate, I made a few inquiries. The town planning guidelines, as they affect the rural area, have not been fully decided as yet but they have been considered by many people. By and large, people want gun clubs to be well away from areas of domicile. Gun club members, by virtue of the fact that they joined clubs, are used to regulations. I am sure that, in order to maintain their good name, they would fit in with these planning regulations. When applications for land are made, the relevant minister will insist, as part of the terms of granting the land, that full consultation between the gun club and the Commissioner of Police take place in relation to safety factors, people living nearby and public roads etc. I support the legislation.

Mr PERKINS (MacDonnell): I rise in this debate on the Firearms Bill to make a few comments which I feel are pertinent. I would like to say at the outset that I do not have a wealth of experience with firearms but, like the Opposition Leader, I have had the occasion upon which I have been able to use firearms and I did so in a responsible manner. Certainly, I endorse the remarks of the honourable Opposition Leader in the support which has been given by the opposition to the major thrust of this legislation.

However, I had some discussions with one of my constituents who, I believe, is a fairly responsible person and who occasionally uses firearms. Obviously, he does so in a responsible way. There were a number of matters which he raised with me in relation to this legislation and I have undertaken to bring those matters to the attention of the House.

There are 4 classifications in the Firearms Bill: A, B, C and D. It

appears that these classifications are a bit loose, particularly classification B. There seems to be some confusion surrounding this particular classification. It might be in order for the honourable the sponsor of the bill to give us some indication as to the government's thinking on this matter.

It would seem that it depends entirely on the registrars as to what particular firearm anyone can register under class B. At this stage, there has not been any declaration of intent on the part of the government in relation to firearms that come under class B of the Firearms Bill. Unfortunately, this could lead to a situation where people who are not clear, or are in a confused state of mind, will not be able to respond to the bill or even be able to know how to respond to it.

On the subject of the high penalties which are outlined in the Firearms Bill, I think that it was thought at first that some of the penalties were fairly high and that this was a little unfair to those people who are able to use firearms in a responsible manner. However, I am told by my constituent that, as an afterthought, he understands and appreciates the importance of having these high penalties in the Firearms Bill. After all, it is the apparent intention of the government to ensure that there is proper regulation and control of the use of firearms in the Northern Territory.

As I mentioned earlier, there appears to be some confusion about class B. Under that class, one must prove a justifiable use. The particular constituent who discussed this matter with me asked what would happen in a situation where a person wanted to take a sporting rifle to the bush with the particular view in mind that he wanted to keep himself alive or, on the other hand, protect himself should the need arise, for example, if his vehicle broke down. He might even have to live off the land. It is unclear, at this stage, as to what would happen in those particular situations and whether that would constitute a justifiable use of a sporting rifle.

He also used the example of pilots flying light aircraft who wished to take a rifle out with them in the event that they were forced to land their aircraft and needed to use their rifle either to survive or to protect themselves. Would that constitute a justifiable use of that particular firearm? That particular situation ought to be cleared up in the legislation.

I would also like to comment on the implications that this particular legislation will have for Aboriginal people. I know that the provisions in the bill will have some significant implications for Aboriginal people in the Territory. In the bush, there are many Aboriginal people who use a whole range of firearms for hunting purposes in the main and, in some cases, for purposes of protection. We obviously need to take that particular situation into account when considering the regulation and control of firearms in the Northern Territory.

On the one hand, I entirely agree that there has to be proper regulation and control of the use of firearms in the Territory but I also feel that it is important to ensure that the people who will be directly affected by this legislation are adequately informed about the intentions of the legislation and, in particular, the requirements. I feel that Aboriginal people ought to be informed adequately about the main provisions in this legislation and we should ensure that they have an adequate understanding of what is required of them in relation to the use of firearms.

Perhaps the honourable the sponsor of the bill can take into account the suggestion that there might be a transitional period allowed in relation to Aboriginal communities. I feel it is important that they have the benefit

of the knowledge of the provisions in this legislation because it will affect them directly. They will need to know what is the law in relation to the use of firearms because, as I have indicated, there are many Aboriginal people in outback areas who use a whole range of firearms on many occasions. It is important that they know what is happening in relation to the laws of the Territory which govern the use of firearms.

I noticed during the second-reading speech of the sponsor of the bill that it was a policy of the government to allow an amnesty in relation to firearms and, in particular, in relation to those firearms which have not been registered. It would be interesting to know how successful the amnesty has been. In particular, it would be interesting to know how many firearms were actually registered or presented to the police stations since the introduction of the limited amnesty. I believe that that would give some indication of the importance and responsibility which those people who own firearms place on these matters.

I also wanted to comment on the matter of the registration of firearms which is covered in the bill under part III. Under that particular section, there is reference to the registration of firearms, penalties etc. It also outlines the situation whereby the Commissioner of Police will be able to determine applications. However, in that particular part, there is no reference to infants. That is unusual because, in other parts, for example, under part IV which deals with licences, there are references to infants. Under clause 24, the commission will not be able to grant a dealer's licence to an infant. Under clause 35, the Commissioner of Police will not be able to grant an owner's licence to an infant. Under the registration of firearms, there is no mention of what the commissioner will do in relation to the registration of firearms owned by infants. I wonder whether the sponsor of the bill might be able to clarify that situation. Will the commission be able to register a firearm in the case of an infant? I understand that the government's definition of an "infant" is a person who is under the age of 18 years. That is a definition perhaps which is used in other legislation. I feel it should be spelt out because it does not say under clauses 15 or 16 or any other clauses in part III exactly what a commissioner will do in relation to an infant on the matter of the registration of a firearm.

If we discuss firearms, we are discussing high-powered ones. There is a whole range of firearms which is provided for in the legislation and I would like some indication from the sponsor of the bill as to whether that particular situation with infants has been overlooked or whether the government intends to handle the matter by way of regulations. Perhaps the honourable sponsor of the bill would be able to spell that out for me.

As I have indicated, I would like to join with the Opposition Leader in supporting the major thrust of the legislation. I feel that it is important to realise that the success of such legislation will largely depend upon the extent to which it is enforced properly by the responsible authorities. I think it is important that the government ensure that the legislation is enforced properly by the authorities concerned. I think that the fears that the honourable the member for Alice Springs has in relation to the people who indulge in the indiscriminate use of firearms is a real fear and a very real problem. When I travel in my electorate, there are many road signs and many other objects on the side of the road which have been severely damaged by indiscriminate shooting. I think that it is important that, while we pass this legislation in this House, we ensure that it is enforced and that problems like indiscriminate shooting are handled properly by the authorities concerned.

Mr VALE (Stuart): I would like to speak in support of this legislation which has been very well drafted to control firearms in the Northern Territory. Whilst I had intended to raise quite a number of points during the debate, many of these were covered by other speakers this morning. There are only 3 clauses which concern me.

By clause 15(3), the commissioner may require an applicant to deposit the firearm, the subject of the application, with him for the purpose of inspecting it. Whilst I do believe that the commissioner will act as quickly as possible, I think the owner of that firearm should have some type of insurance that he will get it as quickly as possible. I would suggest that some limitation of the time that the commissioner may retain that firearm for inspection should be incorporated in that clause.

Clause 97 refers to discharging firearms on or alongside of roads. This needs amendment because Aboriginals use roads now in Central Australia and, because of the past few years of heavy rain and continued growth, they cannot move off those roads to hunt kangaroos and other animals. They shoot from the edge of these roads. As the clause stands, it would mean that they would be breaking the law if they continue to shoot kangaroos and other animals as they have done in the past. Similarly, this relates to other people who go kangaroo shooting or rabbit shooting in Central Australia.

The other clause of concern is clause 98. I support what the honourable Leader of the Opposition said concerning drugs. I think that would need some amendment because, as it stands, I and any other diabetics in the Northern Territory who take insulin would be unable to be in possession of a firearm whilst we are on insulin. I suggest that it could be amended by the use of some expression such as "alcohol or any other prohibited drugs excepting prescribed drugs".

As I said before, I think this legislation will go a long way towards controlling the use of firearms throughout the Northern Territory. It is long overdue and I compliment the people who have assisted, particularly the police department, in putting this legislation together.

Mr ROBERTSON (Education): In rising to support this bill, perhaps there are a couple of things I ought to declare. The Leader of the Opposition has alluded to my interest in the field of competitive shooting and firearms generally. For the public record, I would like to declare that, since childhood, I have regarded competitive shooting as my main sport. In the early days, I was a member of a rifle club using a weapon with which my fellow ex-serviceman, the honourable member for Victoria River, would be very familiar. My interests ranged from pistol shooting to clay-target shooting, the latter being my main interest in the sport at the moment. I am Sectretary/Treasurer of the Northern Territory Clay Target Association which is the state body working with the Australian Clay Target Association based in Melbourne. Thus, I have a particular interest in seeing workable and reasonable firearms legislation.

The honourable Leader of the Opposition summarised the general attitude fairly succinctly: people who enjoy the sport of shooting are generally responsible people. I commend him for that attitude. The honourable member for Nightcliff, in private conversation, also indicated that the people who are interested in the sport of shooting are the ones least likely to break the laws relating to the responsible use of firearms.

The honourable Leader of the Opposition mentioned the provisions relating to restricted areas and the defences which will lie open to people who are

caught with firearms on restricted areas. In my view, the Leader of the Opposition's query related to those people who are passing through restricted areas rather than those who are domiciled in them or spend a great deal of time in them. In other words, the provision of that clause is designed to give a defence and, hopefully, a defence to the police officer in the first instance. The defence would be that there was no intention to use the firearm within that area and that the person was merely passing through with it. It is very easy to determine whether or not a firearm was recently fired. The principal stipulation of that provision is that the firearm was not discharged within the area. That is quite easy to determine by simply looking down the barrel and smelling the firearm. There are certain characteristics of smokeless powders, which are used almost exclusively these days, which make it very obvious as to whether or not a firearm was recently fired.

The other question that the Leader of the Opposition raised was in relation to collectors in clause 90(3). He queried the possession by a collector of an unsafe firearm. His question was prompted by a cursory reading of the legislation. Nonetheless, the possessor of a collector's licence will not be permitted to discharge that firearm under his collector's licence. Within the parameters of that licence, it will not matter whether it is safe or not. He will either acquire a shooter's licence for that type of weapon or he will need a special dispensation from the registrar, and the subsequent provisions, to discharge it. The registrar would want to know whether or not the weapon was safe before permission would be granted to fire it. Therefore, while it will be quite reasonable for a person to have an unsafe firearm as a collector's piece, it will not be quite reasonable for him to fire it, particularly if the public is likely to be affected by it.

A very good example of this can be found with some of the early models of 12-gauge shotguns which incorporated Damascus twist barrels. The Damascus twist barrel was something like the centre of a toilet roll. It was constructed from a long strip of metal which was wound around a rod and welded together. Of course, that weapon is completely unsafe with modern ammunition. If people ever tried to use modern, smokeless ammunition with one, they would lose their left hand and probably their eyes and half their head in the process. That weapon could quite properly be described, in terms of modern day 12-gauge shotguns, as being an unsafe weapon. Nevertheless, there are many of those collector's items around. In respect of the possession of unsafe firearms by collectors, the provisions of the proposed legislation are adequate.

The honourable member for Alice Springs raised the question of training. As a very keen participant in the sport of shooting, I must say that a firearm to me has the same offensive significance as a tennis racquet: it is purely a sporting implement. It has been quite some time since I did any hunting. Nevertheless, the concern raised by the honourable member for Alice Springs is a very valid one. There is little point in establishing legislation to govern the possession of firearms and their use unless we educate people on how to use them safely and properly. That is something which the Department of Education is actively pursuing at the moment with such firms as Winchester Australia and ELI, which is an offshoot of ICI, to develop throughout the schools a composite program of safety instruction in firearms. That is probably the key to any responsible use of dangerous implements.

Nonetheless, I think we must all regard firearms in the light of the current program which is being nationally promoted by the Sporting Shooters Association and the clay target shooting movement in general: to outlaw firearms would mean that only outlaws would have firearms. I think that is a

pretty accurate description. It is disturbing to me - and I am quite sure it is disturbing to the public at large - that, for every man, woman and child living in this world today, 4 firearms have been manufactured since the Boer War. Quite clearly, legislation will not prevent the wrong element from possessing them. It is a staggering figure.

On the other hand, we must educate those people who have a legitimate reason for possessing firearms; namely, sport. On the other hand, we should have somewhat draconian penalties for those who abuse the privilege - it is not a right - of possessing firearms. When this matter was before Cabinet, I insisted that the draft penalties be doubled because it is my belief that there is no excuse for any person, who has been given the trust of the community to possess a firearm, to use it for other than lawful purposes. I think the bill goes a long way towards providing a deterrent against misbehaviour.

The honourable member for Victoria River raised a question in relation to rim fire rifles. He picked on a section which also bothers me and I will be taking this up personally with the sponsor before the bill goes to the committee. He also raised a question in relation to the definition of class A, B and C licences. It is normally assumed that rim fire relates to a standard .22. A rim fire rifle can also be a .22 magnum which is a 45 grain projectile projected out of the barrel at something like 2,000 feet per second. Very early weapons had projectiles of up to 450 grains which were projected out of a barrel at something like 1,000 feet per second. The honourable member raised a point which is worth clarifying. The public needs to be clear on the meaning of a class A licence.

This brings me to a more difficult problem and I apologise to the sponsor for not picking it up earlier. There certainly is an anomaly in the reference to a class B firearm in terms of shotguns. The definition says that "a firearm class A means a firearm which is (a) a rim-fire rifle (an automatic or semi-automatic rim fire-rifle excepted)" - I do not have an argument with that - "(b) a shotgun (an automatic or semi-automatic shotgun excepted)". We assume that there is some significance in the difference between a shotgun and a shotgun which has automatic capacity. That poses a bit of a problem because there exist pump-action, 7-shot, 12-gauge shotguns which a skilful user can fire off every bit as rapidly as he can an automatic. This is classified under A yet an automatic, 2-shot shotgun is classified under B. There seems to be some misconception on the nature of automatic weapons. It is my view that all shotguns should be class B rather than class A. If you put a solid slug up the spout of a shotgun, you would be churning out a .75 inch projectile which has about 2,600 foot pounds of energy at the muzzle. It is an extremely destructive weapon indeed. You can do that with a manually-operated, single-barrel gun.

It might be advisable for the sponsor of the bill to look at the possibility of having all shotguns classified in class B. I have an under-and-over trap gun for down-the-line track shooting. I also have an under-and-over skeet gun for a completely different form of shooting. In addition, I have an automatic. Does that mean I must get a completely different type of licence to use my automatic skeet gun instead of the under-and-over?

Mr Everingham: See now why he is Manager of Government Business.

Mr ROBERTSON: I suppose, as Manager of Government Business and a person concerned with shooting, I should have taken better note of the legislation and read it more thoroughly.

This is definitely an area of concern. We have weapons of a similar type but with different licence requirements. Certainly, this is a matter which I believe ought to be examined along with the matter raised by the honourable member for Victoria River relating to a more accurate definition of "rim fire".

With respect to the honourable member for Tiwi, I cannot help but take this opportunity to defend the Top End Gun Club. It seemed quite clear that she was referring to the publicity given to that organisation and the activities occurring down at Howard Springs. The Top End Gun Club received adverse publicity as a result. The Top End Gun Club is affiliated with the Northern Territory Clay Target Association which, in turn, is affiliated with the Australian Clay Target Association which, in turn, is affiliated with the International Olympic Federation. The rules governing that sport are probably the most stringent of any sport in Australia.

I will not go through the whole range of controls, balances and checks which are involved in that sport. It is suffice to say that we start, in rules governing that sport of shooting, with a club management which has a number of referees attached to it. In order to become a referee, you have to do a written or verbal test and a practical examination before a referee examiner. To give some idea of the tight controls involved, there are only 2 referee examiners in the Northern Territory at the moment. The referees themselves must be determined by a person called a rules examiner of which there are none in the Northern Territory. The sport is very carefully controlled and the penalties for a breach of conduct are extremely severe indeed. In fact, it can amount to never being allowed to shoot competitively again. Unfortunately, there was a lot of confusion over the Top End Gun Club operating at Howard Springs but, nonetheless, those people operating there are doing so under the auspices of a national body which is affiliated internationally. I urge the Minister for Lands and Housing to expedite an area so that those people can conduct their sport in security.

The honourable member for MacDonnell referred again to the classification of licences under B, which I think was touched on here earlier, and made mention of the question of infants being able to obtain licences. Well, I suppose I cannot be too critical because it is obvious that I overlooked the part in my earlier comments. However, he has clearly overlooked clause 54 which very precisely sets out the requirements as to the issue of licences to infants. Basically, it is a blanket ban unless the Commissioner of Police, through his registrar system, expressly allows the infant to possess a firearms licence. I would imagine that that situation could arise in the pastoral industry. Basically, clause 54 is the area to which I refer the honourable member for MacDonnell because I think it would answer most of his questions.

I was somewhat taken aback by the comments of the honourable member for MacDonnell when he said that the Aboriginal people in his electorate possess numerous firearms for the purpose of hunting. If that is the way they want to do it, none of us would argue. I have always thought that, if it is for traditional purposes, it should be by traditional methods rather than driving around in the back of 4-wheel-drive vehicles with high-powered firearms.

He also mentioned that they require firearms for the purpose of protection. It would be of use to all of us if he would explain why Aboriginal people in his electorate need firearms for the purpose of protection. There is certainly no reference to it in the Chief Minister's second-reading speech; there is no reference to the requirement of firearms in this bill for the purpose of protection. Is he suggesting that the people in his

electorate are under some sort of threat. If so, from whom and what solutions does he propose to this Assembly to overcome this grave threat which necessitates the use of firearms for protection in his electorate?

The bill is probably one of the most modern in Australia. I am very much aware that the hierachy of sporting-shooting organisations in Australia is totally opposed to one of the concepts which I have not yet touched on, that is, the concept of registration. I know that the honourable member for Nhulunbuy has received a telegram from the Secretary of the Australian Clay Target Association, a body to which I have referred to before and to which I am somewhat answerable because I am an executive officer of the state association. I would assume, therefore, that every other member has received a telegram from that body. If not, it must have been simply because he was so actively involved in the Arnhem Shotgun,Rifle and Pistol Club. I certainly received a telegram opposing the concept of registration.

For the last 15 years that I have been in competitive shooting, I have been dogmatically opposed to the concept of the registration of firearms because, as far as I knew, no firearm ever committed an offence. It is the person behind it who commits the offence. Nonetheless, after all that time of being so actively involved in trying to persuade governments to do away with the concept of the registration of firearms, I now find myself dissuaded from the view which I have long held. Naturally, that is a result of conversations with the Commissioner of Police.

There is little doubt that not only is the registration of firearms in the interests of crime detection, which is its main reason, but it is also a very valuable aid to the police force in returning stolen and lost firearms to the rightful owners. I do not think that anyone who is a member of a club or a possessor of firearms should forget that. A registration gives an initial point of investigation. If a firearm is found which was used for the commission of an offence in Melbourne, its registration is taken down by the investigating officers. The number is fed back through the national computer system and the address of the person who last registered it is noted by the police. It gives them a base from which to operate in their further investigations. At the conclusion of the investigation, and subsequent trial if any, it also allows the police to return the weapon to the rightful owner. If anyone thinks it is fun to lose a competition-grade firearm, I would suggest they look at what I have in my cabinet and I make no secret of it. My trap gun, a model 880SKV, is worth $2,200 and I would love to get that back if it was stolen.

I have spoken long enough on this legislation which I totally support. I have looked forward to this more open approach to the possession of firearms by responsible citizens for quite a long time. The totally restrictive manner which existed in the past,where the mere application for a firearm had an implication of some criminal intent,no longer exists. After all, you can kill your neighbour as effectively with a baseball bat as you can with a firearm. What we must reach, as has been pointed out by the honourable member for Alice Springs, is a responsible attitude to a sporting instrument. To the pastoralist, the gun is a means of eliminating vermin.

Firearms should not be abhorred or feared by the community, provided that the community regards them properly, behaves responsibly and the legislation is there to back that responsible behaviour. Accordingly, I support this bill.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 337)

Continued from 20 September 1979.

Mr PERKINS (MacDonnell): The opposition welcomes and supports the Local Government Bill. As honourable members will be aware, this is a simple bill which is complementary to the Firearms Bill which has just been debated in this House. The reason why the opposition supports this bill is because it provides a sensible measure in that a community government area council has to actually notify the Commissioner of Police in the event that it wants to make a bylaw in relation to the possession, sale or use of firearms in that particular area. We believe that that is a sensible requirement. It means that the Commissioner of Police has to be consulted on these matters. This is quite right because he is the person who will have the large responsibility for the use, regulation and control of firearms under the Firearms Bill. We support the bill and we will be cooperating with the passage of that bill through the committee stage.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

LOCAL GOVERNMENT BILL
(Serial 329)

Continued from 20 September 1979.

Mr PERKINS (MacDonnell): Mr Speaker, the opposition is not in favour of the Local Government Bill, which is under consideration at the moment, because it actually provides for the compulsory preferential method of voting in local government council elections in the Northern Territory.

It seems extraordinary that this particular bill actually replaces a bill which was introduced earlier by the honourable the Minister for Community Development. The original bill which was introduced into this House contained a clarification under the Local Government Act of the method of voting in the local government council elections. Under that particular legislation, the minister quite rightly endeavoured to clarify the method of voting in local government elections in the Territory. The method of voting that was proposed under that legislation was optional preferential which has the support of the Labor Party in the Northern Territory. It is our policy that elections in the Northern Territory, whether they are at local government level or at Assembly level, ought to be conducted under the optional preferential system of voting.

However, under this legislation, we see that the government has performed a somersault in that the method of voting in local government council elections has been brought into line with the proposed method of voting in elections for the Northern Territory Legislative Assembly. The arguments against that method of voting have been well canvassed in the debates on the Electoral Bill which is still under consideration in this House. There is probably no need for me to elaborate in any more detail on the reasons why the opposition opposes this particular piece of legislation. I guess it is largely a result of policy and philosophical differences. On the one hand, we are in favour of the optional preferential systems but the government of the Northern Territory is not in favour of that system. They have opted for the compulsory preferential system.

It is unfortunate that the government wants to legislate in this House to provide for the compulsory system of voting in the local government elections because it can only serve to confuse the situation even more. It will not handle the situation as well as could be expected. I think that the government should have done the right thing and clarified the optional preferential system of voting in the Local Government Act and left it at that. I guess they have their reasons for wanting to change the method of voting at this stage. As I have indicated, we will not be supporting this bill.

Mr VALE (Stuart): I rise to comment on the speech of the honourable Deputy Leader of the Opposition. He kept referring to the full preferential voting system as compulsory voting. I think he did not explain the opposition's case in full and he ignored the facts.

Let us consider any election for the Assembly or local government in the Northern Territory. Let us assume that there are 4 candidates for a particular seat. Under the system of voting which is proposed by the opposition, the situation could eventuate whereby a candidate won a seat in this House or in local government with less than 25% of the support of the community. Our argument is that, with full preferential voting, the rest of the voting public, the other 75%, have a second and third choice. Therefore, a candidate who wins a seat has the backing of the majority of the electorate.

I am not quite sure whether the Deputy Opposition Leader was speaking in support of non-compulsory voting or full preferential voting because he just kept on saying that his party was opposed to compulsory voting. I believe he chose his words badly. I think he was actually opposing full preferential voting.

Together with the members of this government, it is my belief that full preferential voting is a much more democratic way of allowing elected members in local, state and federal politics to have a backing of the majority of the electorate.

Mr DONDAS (Community Development): Mr Speaker, this particular piece of legislation was originally introduced to clarify voting procedures and to stop the confusion that existed in various council elections.

Apart from political reasons, and I can see that the opposition would never support this particular piece of legislation, the bill has a practical intention of simplifying directions to voters in municipal elections. That is the whole thrust of it. It is also part of the government's program of updating legislation according to the needs of the people of the Territory, a continual review of the Local Government Act being paramount.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

MENTAL HEALTH BILL
(Serial 334)

Continued from 20 September 1979.

Mrs LAWRIE (Nightcliff): Like all other members of the House, I welcome the introduction of legislation to update the Mental Health Act which, as it stands at the moment, is an absolute disgrace.

It is quite obvious why all members have paid particular attention to this bill. It would be very easy to rise and say it is a non-political issue but, in the minds of the public in other parts of the world, nothing is as political as the various Mental Health Acts. They are used by totalitarian governments of both the extreme left and the extreme right to put away people for a long time, ostensibly for purposes of re-education, because those citizens have demonstrated a dislike for a particular regime.

A large proportion of our population is comprised of first and second-generation immigrants who can recount horrible tales of the type of wickedness that governments can perpetrate under the guise of mental health. Therefore, it behoves us all to pay particular attention when, in 1979 and, fortunately, in a democracy, we introduce a new Mental Health Bill.

I particularly welcome some of the amendments which have been circulated by the shadow minister for health, the member for Fannie Bay. I hope that the government will accept aspects of those amendments.

We are dealing with a very difficult area of public health. Although a broken leg is easily diagnosed, a mental disturbance is far more difficult to diagnose and to quantify. In dealing with mental incapacity, we are also dealing with the deprivation of the liberties of citizens. Therefore, mental health, as distinct from the physical health, deserves particular consideration.

I agree with the suggestion that, as this is dramatically new legislation, it would be wise for a complete review of this legislation to be undertaken in perhaps 12 months. I think the phrase used was "sunset" legislation. Clause 41 states: "The Minister shall table an annual report in this Legislative Assembly on the operation of this Act". At the very least, we will be able to debate that report. I agree with the member for Fannie Bay that a complete review of the act should be undertaken in approximately 12 months to serve the best interests of the community which has a particular and vital interest in any legislation affecting their liberty and the treatment of people who are mentally ill and who may be a danger to themselves and to others around them.

There is an urgent need in the Territory, not only in Darwin which is bad enough, for the provision of more psychiatrists, support-counselling services to assist the psychiatrists and the physical upgrading of what meagre facilities there are. The bill is a dramatic improvement on what we had but it must go hand in hand with both staff and premises which are suitable to the treatment, care and, unfortunately in many cases, the custody of those people who will be affected by the passage of the Mental Health Bill.

Along with the members for Fannie Bay and Victoria River, I have certain misgivings about the phrase "standard medical treatment" because, in the realms of psychiatry and the treatment of mental disease, what is standard medical treatment one year is considered something else the next year. It is not as easy to set a simple standard. Electro-convulsive therapy, which was given a decade ago, is now out of favour, praise God. Certainly, it is out of favour if it is given without the benefit of anaesthetics. I can assure the House that, about 20 years ago, this treatment was given without anaesthetics and with dire results. Yet it was standard medical treatment in those days.

This becomes particularly important when we realise that the persons who are likely to undergo this treatment are not likely to have the right to negate the wish of the persons,who are treating them in good faith, that they undergo a particular treatment. It is dramatically different from a physical injury where one can say: "My leg may be broken but I have full

possession of my faculties and I refuse to allow it to be treated". That is not a particularly bizarre example. There are people who, for one reason or another, deny themselves physical treatment for a variety of illnesses. We are all well aware that, if the person is of age and is deemed competent, that is his right.

When a child is denied medical treatment because of the religious beliefs of the parents, society can and does intervene to protect the patient. Checks and balances have to be built into this legislation to provide similar protection for the patient.

The part dealing with the admission of voluntary patients is a very difficult area. The provisions relating to admission and discharge of all patients in this field and certain sections of the bill cannot be read in isolation. Clause 4(4) states: "A person shall be deemed to have been voluntarily admitted to a hospital if he is admitted on the voluntary application of himself or, if he is an infant, of his parent or guardian". There are certain procedures that accompany that application. We must then turn over to clause 15(3): "Where an order is made under this Act that a person be released from custody and that another person have the powers of a parent in relation to that person released from custody, the order does not prevent that second-mentioned person from immediately applying for the first-mentioned person to be admitted to hospital as a voluntary patient under this Act". I ask the sponsor of the bill to clarify this because it does appear, and with legal advice I might add, that someone can be discharged and immediately re-admitted by his guardian. This can occur repeatedly without any means of breaking the cycle.

I appreciate the difficulties facing the minister administering this bill and incredible difficulties facing the draftsmen. I am fully aware that all members of this House, as we are a democracy, have taken a non-partisan approach. However, so much needs to be more clearly expressed to safeguard any abuse of the legislation. We cannot pass this bill on the assumption that all people shall behave reasonably. If all people behaved reasonably, we would not need the bill. I would like this considered along with clause 6: "A voluntary patient in a hospital shall be discharged from the hospital subject to the reasonable rules of the hospital concerning the admission and discharge of patients upon his request or, if he is an infant, upon the request of a parent or guardian".

I ask the sponsor to consider clause 20 relating to the right of persons to have communications with other persons. Clause 20 will be far better if the amendment proposed by the member for Fannie Bay is accepted so that whoever has guardianship of that person, or any other interested person, will be adivsed of the rights of the patient in custody to communication. There is not a lot of sense in having that clause in the bill without the additional safeguard of interested parties being aware of the right to communication.

The provisions regarding the taking of persons into custody and the court to then be involved are significantly enhanced and streamlined by the legislation. It is far better than the original bill.

I note clause 15(2)(a) dealing with orders for release from custody. It may include an order that a relative, friend or other person may exercise the power of a parent in relation to the person released from custody as though that person were a child. It refers to certain steps which can be undertaken to ensure the continuing treatment, welfare and well-being of that person in those circumstances. That has my support. However, I do feel that,

under clause 15(3) and other clauses throughout the bill, there appears to be a need for the mentally-ill person to be represented legally at every available opportunity if at all possible. I do note that the honourable member for Fannie Bay has an amendment which will delete the word "necessary" in clause 29(b): "The court or magistrate shall not make an order under this act unless the person in custody is represented by a legal practitioner or the court or magistrate is satisfied that, in the circumstances of the case, such representation is not necessary". I appreciate the intention but I agree that the word should be "practicable" not "necessary". It is insufficient to leave it as it is because we are dealing with the deprivation of the liberty of people and putting into train a sequence of events which includes treatment which may not have their approval but which is deemed necessary for their well-being. The greatest safeguards must be exercised.

The other respect of the bill which concerns me related to clause 38. In the absence of any other person having custody of the person taken into custody under this legislation, the Chief Medical Officer will be the guardian. He will have all the powers of a guardian in relation to the patient. We must remember that, at the end of 6 months, these orders for committal are to be reviewed by the court. The magistrate is bound to make a decision about the continuing custody of that person only on the evidence presented to him. If the Chief Medical Officer, who has to present evidence anyway as to the patient's well-being,is also the guardian, there will not be the independent assessment which the magistrate may require. He is bound by the rules of evidence to make a judgment only on the evidence presented to him.

I have discussed this with magistrates and it is their opinion that another person presenting evidence would certainly be desirable. It is my wish that, instead of the Chief Medical Officer being the guardian in such circumstances, another person removed from that jurisdiction be so appointed. In discussing this with magistrates, various options were considered - the Public Trustee, lawyers from a panel or legal aid representatives. Recently, the suggestion has been made that it should be the person who is deemed to be the guardian of infants when they are the subject of orders for adoption. It could be the Director of Child Welfare or the Director of Social Welfare. I earnestly suggest to the sponsor that he consider this. I hope that he will discuss my remarks with the magistrates to ensure that, when they are considering the evidence in the 6-monthly hearings, they will have the widest possible representations before them and will be able to judge effectively.

Along with other members, I share the concern that the safeguards built into clause 36 dealing with the Chief Medical Officer's right to authorise treatment do not appear to apply to clause 37 dealing with research. I would be far happier with clause 37 if the safeguards applicable to clause 36 also applied to that clause.

I have dealt with clause 38 twice and expressed my concern about the Chief Medical Officer being guardian. Honourable members will be aware that the Chief Medical Officer is in the position of making day-to-day decisions about the welfare of the patient. Someone has to make them and the Chief Medical Officer is the right and proper person. However, let us have the check and the balance of the guardianship being undertaken by some other person, particularly when we are dealing with the evidentiary provisions of the 6-monthly hearings.

I have really only made 3 points on 3 main areas of concern. Firstly, the legislation must be subjected to a review at some reasonable time because it is new. We are all attempting to ensure the best of a very difficult world for people who are deemed to be mentally ill. I am concerned about the

need to upgrade the facilities in the Northern Territory and particularly to ensure the rights of citizens who are mentally ill. We all appreciate that, because they are mentally ill, they do not lose all rights. I do not think there is one member in this House who is not concerned to tread the very difficult path of determining to override a person's free will and to say: "We are sorry but, for your own good, we have to undertake certain procedures which may include taking you into custody, treating you for years and then we shall decide when it is in your own interest for you to be released from this constraint". However we dress up legislation of this kind, that is what we are saying. We all know we have to do this. If the honourable sponsor will consider the points I have raised and the points raised by the members for Fannie Bay and Victoria River and perhaps agree to some of the amendments, the legislation will have a better effect and will ensure the maximum personal liberty which we can provide. Those points aside, I support the legislation.

Debate adjourned.

TRANSFER OF POWERS (LAW) BILL
(Serial 335)

Continued from 19 September 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, this is a necessary piece of amending legislation to overcome a difficulty which occurred when the Department of Law was transferred. As I understand it, the Supreme Court Act has rectified the matter. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

CROWN LANDS BILL
(Serial 341)

Continued from 20 September 1979.

Ms D'ROZARIO (Sanderson): These amendments to the Crown Lands Act are clearly designed to facilitate the development by private firms of certain subdivisions in the Darwin area and, more particularly, in my electorate. It is quite true that we do not have a great deal of experience with town land subdivision leases. In the past, there has only been one issued and that was to the Hooker Corporation for the development of Brinkin. Every member would know that that subdivision did not eventuate. However, the reason that I remark that we do not have a great deal of experience with this matter is because of the manner in which the bill is written. I have in front of me - and I am saying this to the minister so that he can perhaps obtain the advice of his draftsman - the consolidated copy of the Crown Lands Act which, I am assured, is the up-to-date act. When I looked through the bill that the minister presented, I was really at a loss to see what he is trying to achieve. From reading his second-reading speech, I know what he is trying to achieve but I cannot see how his bill does it.

Clauses 5, 7 and 8, the major clauses in this bill, are completely incomprehensible when read with the act. For example, by clause 5,the minister is proposing to insert a subsection (2B). That would be quite okay

except that we already have a subsection (2B) in the Crown Lands Act. We do not have a subsection (2C) because it has been deleted by a previous amendment. I ask whether or not he wants (2A) deleted and perhaps a new (2B) or whether he wants (2B) in the existing act deleted and this one inserted. That is certainly not what the bill says at the moment. It is not just a question of drafting. I might point out that the reason I am bringing this question to the attention of the minister, apart from the way in which it is drafted, is that the subsections (2A) and (2B) are quite important. They deal with the provision that a town land subdivision lease should be referred to the Town Planning Board. That is in the Crown Lands Act although the minister will know that what we really mean is that it should be referred to the Northern Territory Planning Authority.

The question that arises is whether the minister intends that this procedure will continue and, if so, whether or not this is the appropriate amendment by which this procedure should be allowed to continue. If he simply means to delete the existing subsection (2B), then the bill should say that,but then we would have the problem of what to do with subsection (2A) which simply says that we refer it to the board. What then does the board do because the new subsection (2B) does not mention anything of that kind?

The next point to raise about the drafting of clause 5 relates to the intention of paragraphs (a), (b) and (c). Paragraphs (a), (b) and (c) appear already in section 78(1) of the principal act. What we have in the amendment is much the same language and I am at a loss as to whether the minister wants these words to appear twice and, if so, for what purpose.

Clause 7 intends to amend section 80 of the principal act. We are asked to pass this clause which is completely incomprehensible. It asks the legislature to remove certain words and to insert others. The words to be removed are "shall comply with section 84". There is a problem with that in that those words do not appear in the original section. The words that do appear are contained in paragraph (a) of section 80 which state that it is a condition that the lessee shall comply with sections 82 and 84. Although there is a reference to section 84, the words that the minister is asking us to remove do not appear in that particular form.

We are also asked to insert paragraphs (a) and (b). Again,those paragraphs already appear in much the same language in the principal act. I ask the minister again what he proposes to do with this particular section. Does he wish the original section 80 to be scrubbed completely and the new one inserted? If so, this clause will not do it.

In clause 8, we are asked to insert new sections 82 and 83. However, we already have sections 82 and 83 in this particular act. Again, I ask the minister if he intends the existing sections 82 and 83 to be scrubbed and these new sections inserted or does he perhaps require a new section 82A and a new section 83A? I quite understand the purpose of the amendment. The minister is trying to set up a way of dealing with subdivisions which have been excluded under the terms of the Planning Act. In fact, what he is trying to do by new sections 82 and 83 is to have 2 categories of application: those that will not be excluded by the Planning Act and those that will be. He proposes to set up methods for dealing with both of them. Again, I point out that the language is much the same. If he proposes to deal only with the new category of excluded subdivisions, probably one new section would do the trick. The question does remain: is the intention of the amendment to remove completely the existing sections 82 and 83 and insert these? If not, perhaps he can refer back to the draftsman. I do not think that we are in a position to proceed with this bill in the manner in which it was

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drafted. Perhaps the minister can take the committee stage at another time. It only goes to show that we have not had a great deal of experience with the handling of town land subdivision leases.

To turn to the substance of the bill, the government has already made its intention clear that it will encourage private developers - indeed it has invited them - to tender for the rights to subdivide the remaining subdivisional districts in Darwin, Leanyer and Karama. The minister indicated that the reason for wishing to exclude certain subdivisions from the provisions of the Planning Act was to reduce the delays in time which would be incurred by these developers in order to cut their costs. I have no particular argument with that reasoning. In fact, throughout Australia, the costs associated with delays in obtaining approvals from planning authorities do tend to increase the price of land available to the ultimate consumer.

What I take issue about is the underlying hypothesis that it is all right to give certain concessions to large developers but the same concessions should not be afforded to small developers. In his new Planning Bill, he included, for the first time, provisions that all subdivisions would not only come before the Planning Authority but also be the subject of submission and perhaps objection from the public if they were prescribed subdivisions within a planning instrument or by regulation. For the first time, he also included a provision that an application for subdivision was not an application unless it was accompanied by an environmental impact statement. All these provisions are extremely worthy and it is about time that we did advance with the rest of Australia in looking at our subdivision procedures and the manner in which subdivisions are expected to occur in the Northern Territory. Naturally, at that time, there was no argument that these provisions should be included. However, we find now that the minister feels that they might be inconvenient when some subdivider arrives who would eventually hold a town land subdivision lease. These provisions might be inconvenient for him and might involve delays of several months.

If that is the reasoning of the minister, and I am not arguing that delays do add to the costs of the finished product, then all these provisions ought to be removed for all subdivisions. What we are really saying is that, if a large developer arrives on the scene, he cannot afford it but, if a small one arrives, he can. It is quite ironical because small subdividers are probably in less of a position to be able to afford the delays caused by the sorts of provisions that are now contained within our Planning Act. The minister has assured us that this provision will not be resorted to willy-nilly by the Planning Authority. I hope that is so. At the same time, I can see that, because of the delays we have had in the turn off of land in the Darwin area - the minister himself has said this - there will be a move to cut delays and therefore we can assume that the holders of all town land subdivision leases in Karama and Leanyer will benefit by the new amendment if we can get it in the form that we intend it. If it is found that these provisions are adding too much to the delays and therefore to the cost of eventual parcels of land, perhaps the best thing to do would be to remove them all together rather than give discriminatory advantages to some developers and not others.

I would like to say a few words about the provisions which will be very important to the new areas of Karama and Leanyer. When I saw the provision that subdivision application should be accompanied by an environmental impact statement, I was quite pleased because those 2 districts do have 1 or 2 environmental problems which have not yet been addressed. It looks as though residential development will proceed in advance of anything being done to rectify those environmental impediments. One of the matters that I have referred to quite often in this House is the question of what is to be done

with the Leanyer Dump.

Quite extensive reports have already been written about the dump and the consultants have not come to the conclusion that land in the proposed Leanyer subdivision is unsuitable for residential development. They have only said that it is not suitable for residential development before some firm program of rehabilitation has taken place. They also wish a continuing program of management of the dump. Whilst we are not excluding large areas of land permanently from residential development, the eventual residents of Leanyer would see something done about the dump before the residences are actually ready for occupation.

The Minister for Health will know that the Leanyer Dump is one of the few remaining breeding grounds for certain types of mosquitoes which the Department of Health is currently monitoring. The Department of Health, in consultation with consultants from the Department of Construction, has written extensively about what ought to be done to alleviate the mosquito breeding problem in an area which is so close to residential development. Certainly, I do not see anything firm happening in that regard. I would certainly like to see the environmental impact statement of the eventual town land subdivision lessees accompany their proposals for subdivision. Perhaps they might have some firm views not only on how this should be done - we already know that - but whether they are prepared to contribute to the cost of its being done.

The second point that I would like to make relates to the question of whether or not people will continue to be able to make submissions in respect of subdivisional proposals in these 2 areas. Section 92 of the Planning Act permits any person interested - when anything is happening in my electorate, I have always made a submission - in a particular subdivision proposal to make a submission. I think this is to be encouraged. With new subdivisions, the eventual residents are very often not known and that is particularly the case when we have a choice about where we can live and we have enough land to be able to actually make a choice. This whole bill is aimed at providing some solution to the shortage of urban land in Darwin. In the situation we are looking at, we do not have those choices and the eventual residents are more likely to be known. For example, they are the people who might have enough money saved up in 2 or 3 years' time to buy a block of land. The only block of land that they are likely to be able to buy would be in Karama or Leanyer. I imagine that all those people who intend to live in Darwin and have the intention of purchasing a piece of land will know that those are the areas in which they will purchase. I think that it is time that town land subdivision leases were the subject of public submission as indeed is provided for in section 92 of the Planning Act.

The reason I am going through this is simply because the intention of this bill is to remove certain subdivisions from the provisions of this act. In section 93 of the act, we have a series of matters which will be taken into consideration by the Planning Authority before consent to the subdivision will be given. I do not propose to go through all of those. There is only one that I really want to take up with the minister and I was proposing to take it up with him by letter earlier. It is contained in paragraph (c): the size and shape of each lot in the proposed subdivision. For many years before the present Planning Act, there was a design policy within the Planning Branch that lots for single residential units would have a minimum area of 800 square metres. That size was decided upon after taking into account the designs available under the new building code and the method of maintaining temperature control in residential buildings and also maintaining correct orientation. After all this was examined, it was decided that 800

square metres was the minimum size that could be tolerated in a residential subdivision.

I have the suspicion that, because of the shortage of land and because developers in other parts of Australia are not making large amounts of money out of subdivisions - it is an area of activity which renders reasonably small returns in comparison with other forms of investment - there will be some pressure on the minister to reduce the area of the individual allotments available for residential occupation. The minister should resist this because a certain minimum-sized lot has been scientifically decided upon for comfortable living in the tropics. I believe that there are already figures being talked about such as 700 square metres which might be accepted in the new town land subdivision leases. I want to express my concern on that particular matter because I think that, despite the shortages of land, we must also think of the comfort of the permanent residents who will be living in these subdivisions.

I raise these points because the proposed amendment is aimed at removing excluded subdivisions from the provisions of division 3 of part V of the Planning Act. With those reservations, I ask the minister to examine the drafting of the bill and perhaps bring it back to us later for consideration in committee.

Debate adjourned.

SUMMARY OFFENCES BILL
(Serial 342)

Continued from 20 September 1979.

Mrs O'NEIL (Fannie Bay): This bill is an attempt to deal at least partly with the problem of noise. This is an increasing problem in all industrialised societies for a number of reasons: the multiplication of the numbers of machines and motors, the increased sophistication of useful equipment and the more ready availability of all these things because of the affluence of our western society. These technological changes which have resulted in this increase in noise have taken place much faster than people can learn to cope both psychologically and physiologically. Therefore, it has been found necessary in most western societies and most of our sister legislatures to make provisions governing noise pollution.

There are 2 aspects of noise that tend to be legislated on. One is the problem of damage to health or physical well-being caused by excessive noise, which is most frequently the subject of industrial legislation. That is not the purpose of the bill. The other type relates to problems of disturbance of the peace which is not an easy thing to legislate on. A report from a committee of the Australian Academy of Science on the problem of noise states the problem very neatly:

> *Nuisance is neither new nor unique to noise. For example, for hundreds of years, courts have been attempting to reconcile the conflicting interests of property owners who believe that ownership entitles them to unrestrained use of their property regardless of the extent of neighbourhood nuisance and of those who believe that ownership entitles them to free use of their property through the appropriate restraint of their neighbours.*

That is the crux of the problem when one considers nuisance legislation. More than most other problems that we regard as nuisance problems, noise is a

very difficult thing to measure without becoming involved in complex technology. Certainly, in this bill, it has been necessary to leave it as subjective legislation, at least in the short term, in our particular community.

This bill clearly legislates on aspects relating to the disturbance of peace: it is subjective, it does not deal with industrial noise and it does not seek to control hearing damage caused by noise. It is a temporary response to a great deal of community pressure on the noise problem. I have received an enormous number of complaints from people in my electorate which is fairly densely populated. It has a large number of flats and once had a large number of caravans. Other members have also had numerous complaints and the Chief Minister said in his second-reading speech that this bill is an attempt to deal with those complaints.

I believe that this is only a temporary bill; it does not solve all the problems or even pretend to. It should at least provide some temporary respite for those people who are greatly bothered by noise.

People complain of many different types of noise. Surveys in other places have shown that traffic and aircraft noise are the ones that people complain about most when asked. Of course, we have another bill before us which deals partly with the problem of traffic noise. However, people have a feeling of helplessness when it comes to doing something about traffic and aircraft noise. When provisions are available for them to make complaints, the types of noise that they generally complain about are domestic and neighbourhood noises such as parties, lawnmowers and, in one case in Melbourne, church bells ringing at 7 o'clock in the morning which disturbed people's sleep. That case actually ended up in court and I believe it was successful. It was held that that was an unnecessary and unwarranted disturbance of people's peace.

This bill has a separate clause dealing specifically with undue noise at social gatherings after midnight. It is a fairly complex clause and I believe it has a lot of problems associated with it. I think it is important that we have a fairly simple piece of legislation; something that is very easy to interpret. We should not forget that this is criminal legislation and, therefore, will be interpreted narrowly by the courts. We want something that is easily interpreted by the courts, that will not give rise to legal argument and which is easily understood by the populace.

While the intention of 53A, which relates to undue noise at social gatherings after midnight, is very clear, I feel it has some problems which could be overcome. One of the problems which has been put to me is the definition of "social gathering". I was asked whether 53A applies to political or religious gatherings. What is a social gathering? I said to those people: "Well, never mind, if it is not a social gathering, there is still provision under 53B which deals generally with undue noise". The question that now comes to mind is why have a specific clause which deals only with undue noise at social gatherings after midnight. The only real difference is that, in subclause 53A(2), any person taking part in a social gathering at which a member of the police force believes undue noise exists will be guilty of an offence if the noise is not abated. That will be so even if those people at that social gathering had no idea that the police officer had directed that the noise be abated. They could hardly be expected to guess his subjective judgment that there was undue noise in the first place. Therefore, the effect of that clause is to allow for mass arrests of people at parties. I am sure that that is not what any of us would want to happen and I really doubt that it ever would happen.

There were reports in the paper fairly recently of problems that arose from similar circumstances. The police arrived at a party which turned out to be a wedding reception and various members of the Assembly, including the Chief Minister, expressed concern about this incident. It seems to me to be totally unreasonable to include in that clause a provision that any person present at a social gathering is guilty of an offence even though he may have had no idea that a complaint was made, no idea that the police officer had directed somebody else to abate the noise and no idea of the subjective opinion of that police officer.

I point that out because I regard it as entirely unnecessary. In relation to undue noise from social gatherings after midnight, by amending clause 53B we can achieve exactly the same effect which we can with any other source of undue noise.

One of the problems with clause 53A is the question of who is directed to abate the noise. Initially, the person apparently in charge of the premises or part of the premises, as the case may be at the time, is the one to be directed and that is very reasonable. However, if that person cannot be ascertained, any person at the premises can be so directed. That is not so bad either but what happens when the person in charge of the premises can be ascertained but has gone off to the beach or has gone off to buy some ice or taken somebody else home. Even though the police may ascertain who is in charge of the premises, that person may not be there to direct the noise to be abated.

This type of problem will arise with legislation which is not clear. Legal arguments may ensue on the interpretation of clause 53A and that would be most unfortunate because we all want it to be effective. I believe that the community has indicated quite strongly that it wants effective legislation to deal with noise from parties as well as from other sources.

I have circulated amendments which simply propose that clause 53A be omitted altogether. It adds nothing to the bill except to allow for the mass arrest of people at social gatherings. Bear in mind that it is desirable that members of the police force should be able to direct any person. I believe this. I believe that, if the police simply direct the person who is apparently in charge, there will be problems because frequently there is no person apparently in charge of a premises. Bearing that in mind, I have proposed a simple amendment to clause 53B(1) which will allow the police officer to direct any person making or causing or permitting the noise to be made to abate the noise and that would cover the situation of people at social gatherings. The police officer would then be able to identify whom he had directed to take that action and, if that person had not taken that action, he or she could be charged. There would be no question of injustice and it would certainly simplify the legislation. I commend those simple amendments to honourable members.

I draw honourable members' attention to the definition of "undue noise": "Any noise that causes unreasonable distress, annoyance or irritation to any person by reason of its level or character or the time at which it is made". Honourable members must realise that unreasonable distress, annoyance or irritation are all on quite different levels. It is very difficult to compare irritation with unreasonable distress. "Distress" is, in itself, a fairly strong word. It indicates a reasonably high level of suffering. To place "unreasonable" in front of it seems singularly inappropriate. It suggests not reasonable or irrational rather than excessive which is presumably what is intended. Bearing in mind that "distress" is itself a fairly strong word, I think the incorporation of the word "unreasonable" in front of it is

entirely unnecessary and, once again, only complicates the whole bill and its interpretation unnecessarily.

In relation to the regulation-making power of the bill in clause 92, it was suggested to me that it would be preferable to have the hours in which machinery or classes of tools might be used incorporated as a schedule to the bill rather than in the regulations. I think that is fairly desirable from the point of view that we have all expressed in the past; that is, for legislation to be as interpretable by members of the public as possible. Certainly, if the hours are mentioned in the bill rather than in some separate piece of paper titled "regulations", which people might not know much about, it would be better. Bearing in mind that this is possibly a temporary piece of legislation which may unfortunately require further means of action, I bring that to the Chief Minister's attention.

There is one other aspect pertaining to the regulations which I would like to mention: they emphasise disturbances in residential premises. A number of people have said to me that problems exist when residential areas are adjacent to industrial or business areas. In fact, some of these people in this unfortunate situation have contacted me about,for example, trucks arriving at nearby shops at 4 o'clock in the morning and unloading in a noisy manner.

The honourable Minister for Transport and Works will be aware that the Government Printing Office has been established in my electorate. It is adjacent to houses and people who have lived in that area for some time have a problem with noise emanating from that building. The printing staff is attempting to overcome those noise problems but that is an example of noise which is audible to residential premises and which is of an industrial nature. In the future, industrial noise will have to be looked at in much greater depth. It certainly constitutes a more complicated issue than the question of domestic noise.

Mr Speaker, with those reservations and having foreshadowed those simple amendments which I think will enhance the bill, I indicate that the opposition supports this bill which is an attempt to improve the situation as it exists in the Northern Territory in response to a genuine community need.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill. As the honourable member for Fannie Bay pointed out, there are many points that one could raise about the effects that noise has on the environment, particularly in a rapidly growing area such as the Northern Territory. I believe that, in the future, we will have to look very closely at the aspects of noise overall and their effect on the environment.

This bill relates to noise which causes annoyance to people. It covers the various methods which will be employed to abate or regulate undue noise and the penalties which will be imposed for not complying with the directions to desist.

One of the most interesting sections to be inserted into the Summary Offences Act is section 53D which deals with the noise abatement orders. To provide that certain machines which cause a lot of noise and consequently disturbance to people be operated within certain times only is something that should have been done a long time ago. Many of the complaints which I received in my electorate related specifically to noises which re-occur. Generally, the people responsible are told to quieten down but, after a few days, the noise usually starts again. I believe that noise abatement orders will, in many cases, solve the problems which I have been confronted with in my

electorate.

Concern was expressed that normal business activities may be disrupted by complaints. I do not believe that this will be the case because noise abatement orders stem from court procedures and all aspects will be taken into account before such orders will be issued.

Concern was expressed by shiftworkers and people in occupations outside normal working hours. Because of their requirements, these people sleep during daylight hours. Their concern was that, if they lodged an objection to a particular noise, they would receive the same consideration as people who slept at night.

I agree with the honourable member for Fannie Bay; I feel that proposed new section 53A(1)(b) is perhaps a little harsh. To direct a person who is part of a social gathering to cause the noise to be abated is a little rough. On many occasions, members of this Assembly have attended social gatherings where they did not even know the owner of the premises or the people to direct to control or abate noise. However, I believe that the police officers will be discreet in finding a person who will be able to successfully control the noise in a particular premises.

Under proposed new subsections 53A(3) and 53B(4), it is a defence to the prosecution if a person charged proves that he was unable, by all reasonable efforts, to cause the noise to abate or stop or to endeavour to prevent the noise from occurring. I would be interested to know which form the proof would take. I believe that it would be very difficult to prove.

It is interesting to note that all the people whom I contacted mentioned the noise from the speedway, cracker night and, in particular, Greek Easter festivities which caused me a great deal of concern this year. I received many phone calls about the noise created during those celebrations.

I believe that there are 3 very important points which the government should look at. The first one is education. People need to be educated about the problems associated with noise generally in society today and also about noise problems in their own neighbourhood.

The second point is that greater care must be taken with the zoning of properties. Very careful consideration must be given to the zoning of blocks. In my electorate, there are garages situated near flats where it is impossible to hear yourself speak at certain hours. In future, we should closely examine this particular problem whenever rezoning occurs.

My third point is that the government should provide areas for activities such as trail-bike riding. At the golf course, many trail bikes travel along the back fence and constitute quite an annoyance. I believe that we must provide an area, which is set aside from the normal operations of everyday life, for these people to ride their bikes.

I agree with the Chief Minister who said that the best method of solving noise problems with neighbours was to talk to them. However, there are occasions when people do not take kindly to being told to turn down their hi-fi sets. For that reason, legislation is necessary.

Members were given the opportunity by the Chief Minister to come forward with any suggestions. I believe that the bill has been circulated and comments have been made. I support the legislation.

Mrs LAWRIE (Nightcliff): My initial reaction in reading this legislation was "poor bloody police" because they will be the front-line troops who will have to decide instantly whether the noise about which someone has complained is undue or tolerable. That is a decision which will have to be made nightly and I would not like to be in their position.

Noise is a very contentious issue. Some noises upset certain people but not others. It is not objective but subjective. Party noises do not worry me but some noises can be considered quite intolerable. For example, a security firm has installed a very noisy alarm system in premises opposite my home, which keeps the whole neighbourhood awake when it is triggered by excess humidity or a stray cat or anything else.

Mr Everingham: A pretty toffy area you must live in to have alarms like that.

Mrs LAWRIE: We need alarms because of the people across Nightcliff Road in Millner and Jingili.

That noise is quite intolerable. Streets of people are woken up at odd hours of the morning and, until the security service arrives to turn it off, stay awake listening to a woofing-type noise. It is not a nice four-legged, canine-type woof but a high-pitched electronic woof.

Under the regulations, the Administrator will have the power, not inconsistent with this act, to regulate such things. Mr Speaker, I have found that the intolerance to mechanical noise usually supersedes that of human noise. People can tolerate a degree of noise from a simple party but what I fear about this legislation - and I have been trying for years to have legislation drafted which will restrict undue noise - is that, under clause 53A, one unreasonable person can stop any party in the vicinity after mid-night.

It is normally considered acceptable to simply put up with noisy parties on a Saturday night. On Sunday night, noisy parties are unsociable. Once again, it is the policeman, the front-line trooper, who may have to say: "After all, it is Saturday night, lady. You will just have to put up with it". Because of the way in which this legislation is framed, the police have my sympathy. It is absolutely a no-win situation.

If the amendment of the member for Fannie Bay is accepted and we concentrate on clause 53B, it would be a better solution. I add my weight to her request to the Chief Minister to accept that direction.

With some interest, I noted clause 53D which deals with noise abatement orders whereby a person may make a complaint to a justice alleging that his occupation of those premises is affected by undue noise and the justice may issue a summons for the appearance before any other justice of the person etc. I wonder just how summary the sponsor of the bill expects that to be. As it is written, it certainly appears that a person can apply to a justice at any time for a hearing for the issue of a noise abatement order. This will be of some interest to all the justices throughout the Territory who, along with members of the police force, might be hauled out of bed at 2 o'clock to determine a disturbance which is 3 miles away. I do not bring this forward facetiously; I simply doubt if that is the intention of the Chief Minister. The way in which the legislation is framed, it certainly seems more than a possibility. It is, in fact, a probability.

Mr Everingham: I can be hauled out for bail applications at any hour of the day or night.

Mrs LAWRIE: So can I and I have been. However, the numbers of people likely to be held in the cells applying for a justice to determine bail is far exceeded by the number of people at any given time in this community who may decide that some noise is causing them a nuisance and they want a JP to determine it. I think that the intention of the legislation is good but it will certainly require amendment by the committee to enable it to work reasonably. Again, we come back to the fact that, if all people were reasonable, we would not need the legislation.

I will conclude with a small comment about the regulations which will apparently deal with specified tools, equipment or machinery or classes of tools, equipment or machinery. That is a more important part of the legislation than the day-to-day consultations between neighbours which must be seen as part of urban living. If you really cannot stand your neighbours and you want to get away from it all, you are in a very poor situation because they can make life very difficult for you - if not by noisy parties night after night, by some other means of harassment. I see the better part of this legislation as legitimately restricting the hours when power tools, lawn mowers and security system alarm can be used in an urban environment. The social intercourse normally has to be worked out between neighbours. One must guard against legislation which will cause more distress than it cures.

I am mindful of the speech made by the Chief Minister yesterday when he spoke about motor cyclists who frequent a service station and cause a disturbance. As soon as the police arrive, all is sweetness and light. This is what will happen with a party,that is, at least until the police car returns to the station. It is the policeman who will judge whether the noise is undue or not. He will have to hear it; he would not rely on hearsay evidence. The Chief Minister may think that I am unduly critical but I do not intend to be. Noise has a particular interest to me because I have far beyond the normal hearing and I listen with wry amusement to some of the interjections which are probably not meant for my ears.

Mrs PADGHAM-PURICH (Tiwi): I rise with mixed feelings to speak on this bill today. The honourable member for Stuart has suggested strongly to me that I declare an interest. I realise the intention of the legislation but I think it is mainly intended for people living in closely-settled areas. My first remark is that most of the unpleasant noise which we hear is due to one calling of people. If those people were non-existent, there would be much less noise in the world. I refer to professional engineers. If there were no professional engineers, and this was pointed out to me by my husband who is a professional engineer, there would be no highly-refined pieces of equipment to make undesirable noises and cause us all this trouble.

Mr Collins: What about kennel owners and their bloody dingoes?

Mrs PADGHAM-PURICH: I have not come to that yet. The engineers cause most of the unpleasant noise which we hear in the suburban areas.

Another point I would like to mention is that much of the noise we hear and take objection to is considered in a purely subjective way and not in an objective way. I said that I rose to speak on this legislation with mixed feelings because, as the honourable member for Arnhem said, he has heard dingoes and dogs barking at our place. We do make a lot of noise at our place. Mr Speaker, you have probably made a lot of noise at your place because you have had a few children. One of the consequences of having a few children is that you make a lot of noise and you learn to develop rather a loud voice in order to be heard by your children. In the course of living out where I live now, I have learned to live with many undesirable noises.

We would have more noises at our place than many other people. You can learn to live with noises if you make them yourself. It is more unpleasant if your neighbours make them consistently. The noises at our place range from the mechanical to the animal. We have noises at our place from lawn mowers, grass cutters, generators and tractors. We also have animal noises. The honourable member for Stuart may be interested to hear that we also have bantam roosters at our place. We go from bantam roosters right through the whole range of the animal kingdom to dingoes, dogs and braying jack donkeys. You can learn to live with such noises if you make them yourself.

The honourable member for Arnhem has said that he has heard the noises from our place. I have heard noises from his place. I have also heard noises from the caravan park up the road. The honourable member is a little bit less than a quarter of a mile away and the caravan park is the same. As honourable members have said, there must be some give and take. You live in a certain area and there are some noises which are acceptable in those areas. There must be give and take. The member for Arnhem has said privately that he did not mind the actions and, I assume, the noises of our cows in his yard.

Proposed section 53B(2) states that a member of the police force, in response to a complaint from a person that undue noise is coming from any unoccupied land, may cause that noise to be stopped or abated. I imagine that any unoccupied land would be vacant Crown land According to this legislation, you cannot make a noise on vacant Crown land. However, according to the firearms legislation, you can shoot on vacant Crown land. There is a bit of a discrepancy there.

Proposed section 53B(4) states: "It is a defence to a prosecution for an offence against subsection (3) if the person charged proves that he was unable, by all reasonable efforts on his part, to stop or abate the noise". I would like to mention the reasonable efforts we made to stop noise at our place when we lived in town. At that time, we had quite a few bantam roosters and some ganders. We did not find out who dobbed us in until 2 years after we left. We had quite a few complaints. It began with the Health Department inspecting the fowl yards but everything was in order. To try to keep sweet with our neighbours, despite the party that used to happen on pay night in Arafura Camp just across the fence, we took all reasonable efforts to stop our bantam roosters and our ganders from making a noise. Every night at about ten to eight, we put them under boxes and this abated the noise a little.

As I said in the beginning, I rose with mixed feelings to speak on this bill. In my electorate, there have been some complaints about neighbours making noises. Generally, people can sort out their own arguments without recourse to the law. Sometimes they are pretty rough and ready but the neighbours seem to understand each other perhaps a bit better than people do in town.

It has been my experience that people will tolerate human noises more than they will tolerate animal noises. If they really considered the issue, the most damaging to the ears are very high-pitched noises. These noises are usually outside the range of those made by animals. I think there is a basic prejudice against animal noises. A few people might object to roosters in cities but it has been my experience that people are prepared to tolerate babies crying late at night. I know that sometimes you cannot stop babies crying late at night. They also tolerate people fighting and sometimes you cannot stop people fighting late at night. People are prepared to put up with people-made noises more than they are prepared to put up with animal noises. While I agree that animals make a lot of noise, and it is unpleasant

at times, in most cases it is not nearly as objectionable as people-caused noises.

When we first came to Darwin in the 1960s, it was the year Darwin won the football final. There was a party 2 houses away from us which started about 7.30 that Saturday night and was still going about 8.30 Sunday morning. I was rather surprised. That was my introduction to a footy final party. I have been involved in others since. That was a very pleasant social gathering. It was the sort of party that you could sleep through and wake up and if you felt like it, sing along with them and then go back to sleep again. Unfortunately, with the great proliferation of hi-fi sets, these simple pleasures of life do not exist any longer.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I had not intended to speak in this debate but it seems to me that the bill is a genuine attempt to cut down on noise pollution. It is interesting that nobody mentioned a cause of noise pollution which I think is pretty dreadful in this city: the noise made by aircraft landing and taking off during the night. I was once transferred to Darwin with my family after many years of living in a very isolated place. I was allocated a house on Bagot Road. We had just settled into the house when, apart from the normal commercial flights coming in and out of Darwin through the night, the RAAF decided to put on a stunt. We had Mirages hurtling over the top of the roof. Possibly because we were not used to noise, we could not sleep for ages. I am sure the Minister for Industrial Development might agree with that because he lives very close to the airport himself. I suppose one can get used to these things but I think that the noise of departing and arriving aircraft over this city is dreadful. I still am not used to it: I still wake up through the night. I think the government should make some attempt to cut down noise pollution caused by aircraft if they are as genuine as this bill seems to indicate.

Mr PERRON (Stuart Park): The problem of noise in the urban situation is indeed a serious and most curly one. I wish the Chief Minister well with this piece of legislation which I really think will solve the problems. In the urban situation, it seems that the offending appliances that make the most noise are hi-fi sets and motor bikes. In my electorate, over the last 5 years, all complaints emanated from those 2 sources.

It is appropriate to look at who the offenders are and to try to classify them as a group when trying to solve the problem. Unfortunately, the offending group is usually young people living away from home. I doubt that very many of their parents would tolerate them at home. They usually live in rented accommodation.

The hi-fi set problem, in the Stuart Park area at least, is not restricted to the after midnight or party noise at which the bill seems to be directed. The complaints have usually been about a group of young people who have been pretty keen on the latest rock music and have chosen to play it at the most incredible volumes - and I believe I can stand a fair bit of loud noise - whenever they happen to be at home. Even if they are working people, and I guess most of them are, the noise is heard for the whole of the weekend. I am talking about every Saturday morning and certainly every night and I am talking about volumes which can be heard quite clearly at least 3 houses away. I dread the thought of being a neighbour of such a group. It really is quite mind boggling to consider the lifestyle of these people because they quite clearly do not talk to each other. This is quite a serious problem. The bill attempts to quieten down the occasional rowdy party. In my experience, that is not the problem. Even if it was a weekly rowdy party, it would probably be tolerated until the early hours of the morning. However, screaming

hi-fi sets every night is beyond the average person's tolerance and I can understand that.

The motor bike problem does not continue for such long hours. The problem is caused by people who like to ride around small backyards on private property or even along the occasional strip of vacant Crown land at incredible rpms. I think the important factor here is not whether the motor bike has mufflers; most of them seem to have mufflers. If you run any engine at 12,000 rpms, it will make an awful, grating noise which seems to climb inside you and tear you apart. Unfortunately, some of these young people have a great affection for their motor bikes and tend to spend an enormous amount of time revving them up. This can be a second source of serious noise.

The bill seems to look at things like the definition of "social gathering". That is the problem because the actions which can be taken to prevent noise are directed primarily at a social gathering or party situation. That is not really where I see the main problem stemming from in the first place.

I understand that there is a second problem relating to the clause whereby the police, acting on complaint, can enter premises and ask for the person in charge of the premises and direct him to quieten it down. I understand that, if the police are met near the front gate or even at the front door and asked to leave the premises, unless they have a warrant, they have to leave the premises. If they meet an obstruction as far as cooperation is concerned, despite the fact that they have power to ask and even direct people to abate noise, they can in fact be told to leave the premises altogether unless they have a warrant. The provisions in this bill do not seem to rely heavily on their having a warrant although, no doubt, they can get that if it is necessary and come back a second time.

Proposed section 53D seems to give the police an out to some degree. Any person can make a complaint to a justice seeking a court order for people to desist from continuing to make an undue noise. That is quite a reasonable provision and should be there for the circumstances that it suits. It was expressed to me that it seemed an easy out that, if you made a complaint to the police, they could say that they were not too sure whether the noise was really a disturbance and could suggest that you go to a JP to have an order put on these people. I hope that that will not be the case.

Proposed section 53A(3) provides that it is a defence to a prosecution under this act if a person charged proves that he was unable, by all reasonable efforts on his part, to prevent the noise from occurring. I would have thought that that would have gone without saying. If a person was charged with making noise and the court heard that it was impossible for him to stop the noise, the judge would take that into consideration in his determination. By putting it in there, it will obviously attract the person who is being prosecuted towards claiming exactly that. I am sure that, in the situations which I spoke about, you would have trouble claiming that the volume control was stuck or the off-button would not work or that your mate would have flattened you if you turned it off. Nonetheless, the clause is in there and I question why it is there. A person may not have control over noise for a certain period if a car horn becomes stuck. It may continue until the battery runs flat. The average citizen probably would not know what to do to stop the horn from blowing.

The only answer to the problems which I have experienced is pretty draconian. A police officer should be able to act upon complaint, determine whether there was clearly undue noise and direct the offender to stop it

forthwith. If that is not done, he should have power to seize the offending instrument or equipment. There would have to be a provision as to how a person could retrieve his equipment. The police could speak to these persons and they will turn it down but, as soon as the police are 100 yards up the road, it would be turned up again. There must be a fairly heavy measure which the police can use. I am sure that there have been people who have actually sold their homes and moved because their neighbours were very noisy. It is a grave situation in society today when people, through frustration, are forced to move because there is no easy remedy to this particular problem.

Mr EVERINGHAM (Chief Minister): I will seize on those words in my reply: there is no easy remedy to the problem of noise pollution. If we were a truly civilised society, there would be no such problem. Unfortunately, there are many members of our society, if not all, who pay little heed to the concern and the true welfare of their neighbours. I do not really think it is apposite to use the biblical expression "love thy neighbour" but I think that, if people in our society attempted to carry that out, this bill would not be necessary at all.

With great respect to honourable members, we have heard at least some humbug put before us this afternoon. For instance, we have been told that "the poor bloody police" are once again in the firing line. "The poor bloody police" are always in the firing line and they are in the firing line right now about noise pollution. This bill does not change that situation at all; it simply gives them something to use to assert the demands of the strident neighbours who are ringing the police station at all hours of the night complaining like blue blazes. They will not get out of bed and gather some of the other neighbours together and complain to the neighbour who is causing the problem. They should use a bit of a self-help and grab the offender by the shirt and say, "How about closing this party down or at least moderating the noise?" The people in society today expect somebody else to do everything for them, preferably the government. That is why the police, "the poor bloody police", are in the firing line and they always will be until we are prepared to do a few things for ourselves.

The Treasurer said that certain people must not speak to one another because the noise of their hi-fi set is so intense. I do not think that we speak to our neighbours either otherwise this problem would not have reached this stage. Most people will cooperate when spoken to, especially if they are spoken to by their neighbours from all sides. It is like the people who come into the solicitor's office wanting him to write a letter to their neighbour to tell him to do something. It will not do any good at all; it will only exacerbate the situation.

A direct approach is what is needed and it is with reluctance that I have introduced this legislation and persist with it. In our modern society, people apparently shelter from the pressures by being less and less communicative with one another in a normal civilised fashion. That is why this type of legislation is necessary. We hear detailed complaints and suggestions for amendments. I must say that I regret that these propositions were not put to me earlier. I asked that any proposals be raised as soon as possible. I have looked at what is proposed and I had my advisers look at it as well. All I can say is that the legislation is really trying to attack a most difficult problem and yet leave as much leeway for the exercise of common sense as possible. We have a society in the Northern Territory which is much given to having outdoor parties. This Assembly has already been accused of inhibiting our Territory community in the matter of the random breath-testing legislation. I do not think it is wise of us to lay

ourselves open to the claim that we are also trying to stop barbeques and parties in people's backyards.

For that reason, I want to persist with clause 6 which will insert section 53A. That section is an attempt to distinguish between undue noise in a social gathering and undue noise per se. If we accept the honourable member for Fannie Bay's proposal, which on the face of it looks perfectly reasonable, we immediately lay ourselves open to the churlish neighbour who, at 7 o'clock when the party is just barely getting steam up, will complain that there is undue noise. I think that a court can determine in each particular case, without the necessity for a definition, what a social gathering is. In a social gathering situation, people have to put up with a reasonable amount of noise at least until midnight. It may well be that section 53B could be taken advantage of by someone who considers that the level of noise is outrageous but that is a position that we will have to live with.

There were complaints that the method of dealing with the noisy party situation will be unsatisfactory. I think the honourable member for Port Darwin put forward this proposition. Unfortunately, he did not put forward an alternative proposition. This is one of my difficulties and it means that the police are in the firing line because it is their job. I consider that what has been put forward, in the absence of any reasonable alternative, is as good as you can find.

The policeman will go to the party, with or without a warrant - I do not think a warrant will matter too much in these circumstances because I do not think the police will want to search the premises and, by and large, these parties seem to be held outside the house although, technically speaking, it might be possible to keep the police outside the front gate - and will say: "Well, you have not all been as quiet as you might have been, good people. On the way here, about 100 yards down the road, I could hear your hi-fi blaring". I do not think people's voices generally offend although I have heard some voices raised in laughter which I think would constitute undue noise. However, the policeman will try to find the person in charge and, generally speaking, he will be fairly obvious. The bloke will either be dishing out white cans or frying steaks or handling the keg. I would say that 90% of the time, when a policeman goes to a house, the person apparently in charge - usually the owner, tenant or occupier - will march straight up to the policeman and say, "What is up mate"?

I believe that that provision will cover most eventualities. If that person apparently in charge of the premises at the time cannot be ascertained, then the policeman will do what is suggested in section 53A(1)(b). He will not return to the police station to wait for the complainants - all those neighbours who will not come out in their pyjamas - to ring again and say, "I am sorry but I could not find the person apparently in charge of the premises at the time so I have returned to the station and I am having a cup of cocoa". The police must have some alternative.

The other proposition which was suggested by the honourable member for Fannie Bay was that we should omit from the definition of "undue noise" the word "unreasonable" in front of the word "distress". The word "unreasonable" relates to distress, annoyance and irritation and should be read as unreasonable distress, unreasonable annoyance or unreasonable irritation. Whilst, in most cases, a court would probably deem that the distress, annoyance or irritation should be at an unreasonable level, it may not be so. I believe that it should be of such a level as to be unreasonable and I think it should be stated for the benefit of the court so that it plainly knows what we want.

I am sorry for the justices who may be applied to for an order that there be an abatement of a particular noise at some hour of the night. I think it is highly unlikely that this will happen. I do not know what practice has been observed in the past on the appointment of justices of the peace but I endeavour to dissuade people from seeking appointment as a justice lightly because it is an office that entails being available on a 24-hour basis for applications such as bail, warrants and for many other similar matters. There are many matters for which one can go to a justice, theoretically,at any time. In practice, most private justices never see things like this because magistrates are justices and they handle such matters.

Emergency applications for noise abatement orders will more than likely go to stipendiary magistrates. I would certainly advise anyone who wanted to have a person brought before a justice for this purpose to see a magistrate.

Mr Speaker, I have dealt with the various matters that have been raised. If I have not, no doubt questions can be asked of me in the committee stage.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mrs O'NEIL: Mr Chairman, I move amendment 131.1.

I have listened to what the Chief Minister had to say and I still believe that the word "unreasonable" is inappropriate. There might be some other word which would achieve what he wants. The problem is that the normal interpretation of the word "unreasonable" is "not reasonable" or "irrational". It may well be that, with that usual interpretation, we are contradicting what we are trying to say. If the irritation is irrational or the annoyance is irrational, we should not be acting against the source of the noise. There is a distinct chance that they will be seen as being contradictory. I do not think it adds anything to the bill and I believe it should be deleted.

Mr EVERINGHAM: Mr Chairman, I have given my explanation. I believe the word "unreasonable" should remain. It is a direction which we need to give to the courts. If, for any reason, we see these matters failing in court because of the word "unreasonable", then it can be looked at. I am firmly of the view that it is necessary.

Amendment negatived.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6:

Mrs O'NEIL: I move amendment 131.2.

This is to omit proposed section 53A. I listened carefully to what the Chief Minister had to say and I have some sympathy for it. The problem is that he is approaching the whole bill - and this is probably understandable since he is the Attorney-General who is responsible for police - from the

point of view of social gatherings. I do not think that we should look at noise problems as narrowly as that.

Noise is one problem of technological change in our society. If we become obsessed with this business of stopping noisy parties, then we will only achieve what the Chief Minister does not want to be seen to achieve; that is, stopping normal social intercourse and the pleasures of entertaining at social gatherings.

The police will have to make a decision as to what is undue noise. They will have to take into account many factors - including the source of noise, whether it is a social gathering and the time at which it is made - when they determine whether it is undue noise or not. They will have to make that decision and there is no point in making a distinction in the bill as well. It seems to me that we will only achieve something that the Chief Minister, and I agree with him, said that we do not want to achieve and that is to place undue emphasis on curtailing people's pleasure.

The police will have to take into account the nature of the source even if they only have 53B(1) to act upon; that is, whether it is a party and the time of day. If they deem that it is reasonable to have a party on Saturday night at midnight, then they will not proceed. They will have to make that decision anyway and there is really no point placing this unnecessary enphasis in the bill.

Mr EVERINGHAM: I wish to proceed with that amendment.

Mr ISAACS: Mr Chairman, I would like to support the comments of the member for Fannie Bay because what section 53A will do, which 53B will not do, is to ensure that anybody who is at a party and who is minding his or her own business will be lotted so long as there are unreasonable people at the party. However, the effect of 53A(2) is that, if a policeman tells people at a party to quieten down and some people do not, then the fact is that, under 53A(2), everybody who is at the party will go for a row. I think that is totally unjust.

Section 53B, as pointed out by the member for Fannie Bay, directs the question at who or what is making the noise. The fact is that, in clause 53A(2), as long as any of us are at a party - and we may not even be aware that the police have called - where certain directions are made by the police and some yahoo at the party does not comply, everybody will go down the drain. That is totally unjust and totally wrong.

I support the member for Fannie Bay by concentrating solely on section 53B and deleting section 53A because that would concentrate on the source of the noise. I believe the arguments put forward by the member for Fannie Bay are correct and I ask honourable members to support her amendment.

Mrs LAWRIE: I point out to the sponsor of the bill that, under section 53 as it stands, the police will caution the occupant of the premises. It is his party and if he fails to inform anybody else that the police have been there - does not take one step towards mitigating the noise - when they return, everyone there will be guilty because this section stipulates that not only the occupant, who could have done something about it and chose not to, but all the people at the party, who may not even know that they had been requested to tone down the noise, may be charged.

It is not a defence to plead ignorance. Subsection (3) says that it is only a defence if a person can prove that he or she was unable, by all

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reasonable efforts, to prevent the noise from occurring. My point is that a person might not even try to prevent the noise from occurring because he or she did not know that it was offensive. I think that that section is too loose and, as the honourable the Leader of the Opposition said, 50 people could be found guilty even though they had no prior warning that the party had been asked to abate the noise.

Mr EVERINGHAM: Mr Chairman, I will undertake to consider those matters overnight and I move that the committee report progress.

Progress reported.

ELECTORAL BILL
(Serial 327)

Continued from 13 November 1979.

In committee:

Reconsideration of clause 14:

Mr EVERINGHAM: I invite defeat of clause 14.

Clause 14 negatived.

Mr EVERINGHAM: I move amendment 132.1.

This is to insert a new clause 14 which will make provision for tolerance.

New clause 14 inserted.

In Assembly:

Bill reported, report adopted.

Bill read a third time.

ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): I move that the Assembly do now adjourn.

Ms D'ROZARIO (Sanderson): Mr Speaker, I wish to take up a matter which is causing some concern to certain people in the Darwin area at the moment. This morning, I asked a question of the honourable Minister for Mines and Energy and the honourable Chief Minister concerning the appointment of the Director of Mines.

The circumstances are that this position fell vacant and was advertised as a statutory requirement and a person was provisionally promoted. The provisional promotion became the subject of more than one appeal to my knowledge and one of the appellants was successful. It now appears from the answer given to me this morning by the honourable Chief Minister that, in fact, this appointment is not to proceed and that it is the intention of the department to readvertise the position and to call for completely new applications.

I think that some of the matters that have come to light in the Chief

Minister's answer do bear thinking about. I would have thought that, when a position of such significance in the Department of Mines and Energy was advertised, it would be clearly apparent to people assessing the applications as to whether or not there was an applicant amongst the candidates who was suitable for appointment. I would have thought that, if it was found by those in charge of selecting the person that there was no suitable candidate, the position would then be advertised again.

I found it a little strange that the selection panel considered one applicant to be a suitable person. This candidate's provisional promotion was notified in the Northern Territory Government Gazette. Having found that person suitable, the Chief Minister now indicates that the position is to be readvertised. I found it stranger still in light of the circumstances which have become known to us since.

The applicants were notified through the press. Another candidate - a highly-qualified one I understand - appealed against the provisional promotion, appeared before the Promotions Appeal Board and was considered to be the superior candidate. I am sure that both the Minister for Mines and Energy and the Chief Minister know that there is only one ground for appeal in the Northern Territory Public Service and that is the ground of superior efficiency.

It appears that the Promotions Appeal Board sat and, after full inquiries, decided that one appellant was a superior candidate to the candidate who had been provisionally promoted. It was recommended that that person be appointed to the position. The Chief Minister now says that there are no suitable candidates, including the candidate who was originally promoted, and that the position will now be thrown open to all applicants again.

Mr Deputy Speaker, this matter caused some alarm in certain sections of the public service and particularly amongst people of high professional designations. I do not want to go into the personalities of the people involved; I think it is a matter of principle.

I point out to the honourable the Minister for Mines and Energy that, as he well knows, the position of Director of Mines is not just another key position in his department; it is a position which carries with it certain very onerous statutory responsibilities. I also point out to the Chief Minister and the Minister for Mines and Energy that, when the position was advertised, there were certain prescribed qualifications: the applicants for the job had to have tertiary qualifications related to mining. It does appear, Mr Deputy Speaker, that the successful appellant had these qualifications whereas the provisional appointee did not. Without knowing what the Promotions Appeal Board said or did, this must have weighed heavily in the determination of that board that the successful appellant be appointed in this job.

It should have been apparent in the original stages as to whether or not there were suitable candidates. It is a bit late in the day for the Chief Minister to be telling us that - after having called applications, assessed them, provisionally promoted a candidate, had appeals, had the appeal of one of the candidates upheld - all these things add up to nought. The Chief Minister has now decided that, at this late stage, there is no suitable candidate amongst those who applied.

Mr Deputy Speaker, the Public Service Act lays down, quite clearly, the procedures which are to be followed in these cases. I might just go through a few of them for the benefit of those members who are not aware of

those sections. Let me relate one which I think should be the guiding principle in the public service. Section 30 contains a requirement that the Public Service Commissioner will develop recruitment and promotion procedures and, by general orders, give directions to the chief executive officers and prescribed authorities for that purpose. The procedures for the careful assessment - I stress that phrase - are the personal qualifications and capabilities which are likely to contribute to the efficient working of the department, unit of the administration or prescribed authority concerned and preclude patronage, favouritism and unjustified discrimination.

Mr Deputy Speaker, that sets out quite clearly what we in the Northern Territory want in our public service. We want an efficient public service and we do not want patronage. If we did not want those things, then the legislature would have made its intention clearer. By putting it specifically in the Public Service Act, I think the legislature has made this intention quite clear that the people best qualified for the jobs are to get the jobs.

I now refer to section 31 of the Public Service Act. Section 31(1) contains the following provision: "A person shall not be appointed as an employee unless he possesses such educational qualifications or meets such other requirements, if any, including health and physical fitness, as are determined by the Commissioner for such an appointment".

The qualifications which were prescribed for this job were tertiary qualifications and the successful appellant had those but the provisional promotee did not. Again, we find that the person who is entitled to be appointed is the person who fulfils the qualifications as specified by this act in section 31. There are further clearly-defined procedures for appeals against promotions and these are outlined in section 36 of the Public Service Act.

I will refer to one subparagraph of this section which sets out quite clearly the role of the Promotions Appeal Board in this matter: "Upon an appeal or appeals, a Promotions Appeal Board shall make full inquiry into the claims of the appellants or appellant and those of the person provisionally promoted and determine the appeal or appeals". Again, we have a clear indication as to what the legislature intended. The legislature intended that, where a candidate considered that he should have been the person appointed, he is entitled to appeal. It further indicated that the Promotions Appeal Board would make full inquiry into all claims made by the provisional promotee and the appellant.

It further provides in this section that, where the appeal is allowed, the chief executive officer or the prescribed authority, as the case may be, shall cancel the provisional promotion and, if the appellant with the better or the best established claim is an employee, promote him or, if he is not an employee, appoint him as an employee without probation to the vacancy.

I say again that these circumstances have occurred. The Promotions Appeal Board has upheld the appeal of one candidate and there is no discretion as to whether or not the chief executive officer may or may not appoint him; it clearly says that he shall appoint him. I wonder why the Chief Minister has decided, at this late stage, to throw the job open for readvertisement. All this has caused some alarm to people holding responsible jobs and to people who hope to make a career in the public service and hope to make their way on their own merit. It is most disheartening to see that a Promotions Appeal Board which has been set up by the legislature has had its decision thrust aside in order to accommodate some set of circumstances which are unknown to me. The question must be asked: what is so compelling about the provisional promotee that the Public Service Commissioner will

not accept the determination of the Promotions Appeal Board? The second question to be asked must be: what is there that is so reprehensible about the successful appellant that it has been decided that he will not be appointed to the job of Director of Mines despite a successful appeal?

I think there is one further point: this casts a complete slur on the integrity of the Promotions Appeal Board. The Promotions Appeal Board is required by the Public Service Act to act diligently, to make full inquiry of all the claims and not to whimsically appoint one person ahead of another or to sit back and accept the provisional promotion without question. I think that the indication that the Chief Minister gave this morning that this job will now be readvertised and new applications called throws into question or casts a slur upon the Promotions Appeal Board and the manner in which it operates.

I do not think that that the Public Service Commissioner should sit back and allow this to happen. He has certain statutory responsibilities under the Public Service Act and, if the Chief Minister cannot give some explanation as to why this job is now to be readvertised, I think that the successful applicant must be appointed to the job. There is no other course open to him.

Mrs LAWRIE (Nightcliff): On Thursday 1 March, I rose quite deliberately, because of events that had occurred earlier in that day, to speak of the Indonesian takeover of East Timor, an event which occurred by force and which was largely ignored by successive Australian federal governments but which has not been ignored by politicians representing the Northern Territory both in the federal House and in this Chamber. I repeat that the Chief Minister as a backbencher, myself, the present Leader of the Opposition, Senator Bernie Kilgariff and Senator Ted Robertson have all consistently voiced the displeasure of the people of the Northern Territory at the way in which events occurred in East Timor and the little relief offered by the Australian government.

As I said then, I wonder if we will stand by, as a country, and watch a similar event happen in New Guinea which, until recently, was a protectorate of this country. I think the Australian people are ashamed of the events in East Timor and, whilst the appeals for relief for Kampuchea and East Timor are receiving support around Australia, there is a fear amongst people who are well aware of the facts surrounding Indonesia and East Timor that any aid given will not necessarily reach that beleaguered country.

It is my understanding that the present Minister for Health in the Northern Territory government is actively supporting a health team of doctors, nurses and an administrative assistant to be sent to East Timor if all the formalities can be arranged. It is only fair for me to rise and say that, if that is the intention of the Minister for Health, I congratulate him and his Cabinet colleagues for taking that step. He has my full support and I would expect that he would have the support of every citizen in the Northern Territory and most people around Australia. I stress the citizens of the Northern Territory because, at least in the Top End, we have had a very long, close and honourable association with East Timor and its poor people.

If such a team is to be sent, I would ask the minister and the Chief Minister to do all in their power to ensure that such a team could take with them supplies directly from Darwin to East Timor which would be paid for by a public relief program to be run throughout Australia, particularly in the Northern Territory. I am well aware that the Red Cross have done all they can, that they promoted an appeal and that the support has been somewhat less

than they would have expected. I believe that is because of the fear, legitimate or otherwise, that money donated and relief supplies bought will not necessarily reach the people for whom they were intended. Here is a golden opportunity for the government of the Northern Territory - I cannot speak for the opposition; I leave them to do that - certainly with my full support and the support of all reasonable people, to assure persons giving money that it will reach the people for whom it is intended.

Mr Speaker, I can speak no longer because it has all been said before. I hope that the Minister for Health will pay attention to what I said and, if he needs any help or assistance at all in promoting a joint campaign across the board for such a relief appeal and for such assistance to be seen to be given by the government of the Northern Territory which represents the people of the Northern Territory, he can be sure of my cooperation.

Mrs PADGHAM-PURICH (Tiwi): Yesterday I spoke on behalf of 56 people but today I speak on behalf of one lady and perhaps 8 other people who are in a similar position in the Top End. There could be other people in other parts of the Northern Territory in a similar position to these 9 people. However, at a very conservative guess, I would say that there would be no more than 20 people in this position in the Northern Territory. These people are rather remarkable. Their names and addresses have been given to me by a friend. They are rather remarkable people in that they have had severe disabilities but, due to their fighting spirit and the spirit of not giving in, they once again live a normal life. These people have done something that no member in the House has had to do. Perhaps some of us could not do it if we were put in the same position.

These 9 people are disabled drivers. I have no other term for them. These people have been given a driving licence; they have had vehicles adapted for their use. Because of an accident or a medical condition such as a stroke, they have become incapacitated in comparison to most of us. They cannot walk but they can drive. You might wonder why these people should be considered special apart from the fact that they are rather remarkable people. Until I really talked to this friend of mine, I did not really understand the difficulties she faced. Although she drives a vehicle as well as anybody else, she cannot walk. She moves about in a wheelchair. Other people do not use a wheelchair; they use callipers or crutches.

This lady's particular trouble is that she is at a great disadvantage when she goes driving. When we come into town to shop, we go to the post office to post a letter. If we are lucky enough to find a parking place in the 10-minute zone just outside the post office, we stop the car, nip into the post office, buy a stamp, post a couple of letters and return to the car well within the 10 minutes. It would probably take a normal active person 5 minutes to do this. However, if this lady is lucky enough to find a place in the 10 minute parking zone - she does not want help; she insists on being independent - she has to hoist the wheelchair out of her car, set it up on the road and wriggle herself into it. This takes her about 5 minutes; she has become pretty adept at this. Then, she has to somehow get up on the footpath. The nearest drive-up is in Shadforth Lane. Her 10 minutes is well and truly up before she has been to the post office. She goes into the post office, posts her letter or buys her stamps. The parking inspectors are pretty active in that area and, by the time she returns, she has a parking ticket. That is one instance.

If she comes to town and decides to park her car where normally active people would park their car if they intended to do a bit of shopping, in a 1-hour parking place or a 2-hour parking place, the only parking place that comes to mind is the city council one down by the ABC in the city. She parks

her car, she gets out of it and does her shopping. She has to travel in her wheelchair wherever she wants to go. It takes her a long time and she is at a gross disadvantage compared to normally active people. When Senator Guilfoyle visited the Northern Territory recently, I took this particular lady to see her. The senator was completely unaware of this particular situation. She showed a lot of interest in the case and she said that she would try to do something in the future if she could. However, she suggested that it was more a local matter and that is why I raise it here.

I have spoken to the honourable Minister for Community Development and I want to stress that some of these people do not want their names made public. This lady does not mind; she looks at her condition sensibly and she is quite happy to help people in a similar situation. She is not emotional about her particular affliction at all; she treats it sensibly and expects other people to treat her sensibly too, without pity. These people are not asking for a handout; they are only asking for a little bit of consideration and it will not cost anybody a cent. It is not going to cost the government a cent nor will it cost the city council a cent. These people would like some identification. This would have to come from the Northern Territory government in cooperation with local government authorities. They would like some form of identification which could be put on their car. It would have to be something in good taste. These people do not want pity but they do want consideration. Some small, discreet badge on their car so that officials such as parking inspectors will be aware of the fact that they cannot move quite as quickly as other people. We heard talk in the past of people in wheelchairs being considered when stairs are considered for public buildings and when toilets are being built in public buildings. This is something that I do not think anybody has given consideration to in the past.

The honourable Member for Stuart yesterday raised the idea of leaving the Alice Springs fire engines red and saving the government money by not painting them yellow. I thoroughly agree with him. I will be speaking on fire engines at a later date but today I am not speaking about them.

Possibly some members have already guessed who the lady is. She is Mrs Georgina Edwards and she has lived up here for a long time. She has had many afflictions in her life but she has never let them get her down. She has fought back but always in a very unemotional and sensible way. This is what should be considered. I feel the government must do something. It is only a very small thing but it will mean a lot to Mrs Georgina Edwards, the other 8 people in the Top End and perhaps the few other people in the Northern Territory who are in a similar position.

Mr MacFARLANE (Elsey): Some time today, I was talking to an honourable gentleman who is not very far away from me. He said, "Practical education for 2 years; what happens after that?" Yesterday, I spoke on the need for practical education. I would hope that in 2 years' time, much of the development work carried out by this government will come to fruition. I refer to fishing, mining - the pastoral industry is not too bad now but it could be a lot better - agriculture and horticulture. I believe there are immense potentialities for practical education.

One of the things that we must do is become self-sufficient in many things. Today, we heard the Minister for Transport and Works talk about the trouble we have in obtaining cement. Some people want to bring it from South-east Asia and others from south-east Australia. As far as I am aware, there is plenty of limestone, particularly around Katherine, and we could become self-sufficient in cement and lime. All our salt seems to come from Rockhampton or other states, certainly far from the Northern Territory. We

could put labour to work there. All our milk comes from Malanda or somewhere else but certainly not from the Territory. It would be another avenue for labour and another area in which the Northern Territory must become self-sufficient. As I understand it, we could also become self-sufficient in fertilisers.

We heard this morning about the high price of buffalo meat for pet food. That is a pretty good thing. The buffalo industry is not being harvested properly yet it could be. It is our duty to supply protein to South-east Asia but we do not have the men to do it. We do not have any full-time farmers. We are lucky to have farmers who are game enough to persist with a second job. Horticulture is being established in Katherine. Hersey's lettuces and some of his other salad vegetables are magnificent. He has led the way. I believe young people could be apprenticed to each of the successful farmers and learn something at first hand. In 2-years' time, God willing, we will be much further advanced than we are now.

We heard the Minister for Transport and Works say this morning that the Queensland DPI report on marketing will be available early next year. I do not think we have the farmers to implement any recommendations. What do we do?

Practical education for idle kids is a must. If you put them in gaol after 2 years, they will return off and on for the rest of their lives. In other places, people agree that the 2 years after leaving school are the most crucial years of a youth's life. However, we ask: "After 2 years' practical education, what then?" Practical education means work which is the panacea; it makes time go quickly. It must be a well-organised job with top people; it must have a good atmosphere about it. It is not a prison camp; we do not want people in chains; we want them gainfully employed. We must pay them. I am only suggesting the fundamentals but I have been suggesting them for a long time.

We waste a lot of money trying to cram academic education down unwilling throats. That is wasted. If a child is going to work with his hands, he wants to be educated to work with them and also be given a basic education. I am not talking about children whose parents worry about them but about children whose parents do not worry about them. The kids whose parents worry about them are all right. It is mainly other kids who will get into trouble. They will keep the gaols full unless we do something about it. I believe that these 2 years of practical education for those who desire it and for those whom it suits are most critical. After that, they will be 2 years older and so will the Territory. There might be jobs for them.

Let us look at the situation as it is now. What will they do if they do not have 2 years of practical education? Where will the jobs be for them then? They still will not be there. What we are really dodging is the problem. The problem is not money for education. Goodness me, the Darwin Community College receives over $6m. You can waste or expend $800,000 on the Darwin bus run or $83,000 on the bus we rode in today. Money is not the problem and it is not the answer either.

The answer is government enthusiasm for practical education. As I understand it, the 15-mile farm at Katherine is out. It will be retained by the government but not for an agricultural college. I do not know why but I know that is completely correct. It would seem that practical education will languish under the mantle of the Katherine Rural Education Centre which goes so far and no further. We are not talking about lectures but about practical education. The former is all that is going on there now. There

are 2 air-conditioned demountables which are very good. However, we are not talking about lectures but about getting out and doing things. These kids want something to do and that means work. That is what they said: "We have nothing to do". They have to fill in their days and the sooner we accommodate them, the better off everybody will be, particularly the next generation of Territorians.

Mr EVERINGHAM (Chief Minister): The words of the children in Katherine, "we have got nothing to do", seem to have had a very marked impact on the honourable member for Elsey. If, as he said yesterday, he bumped into them late at night or early in the morning in the streets of Katherine and they explained to him that they were darting around the streets at that hour because they had nothing better to do - certainly no gainful employment in the daytime - I can understand that. The honourable member for Elsey expounded on his idea that the young people of Katherine and, indeed, the Territory require more practical education. I think we all agree with that. To put it very simply, the educational authorities, politicians and everyone in Australia are waking up to the fact that it is no longer the best thing for Johnny to study medicine and that perhaps the best thing for Johnny to do might be to become a carpenter or a welder or a fitter because those blokes are making much more money, in certain circumstances in Australia today, than doctors are ever likely to make. It is true to say that a tradesman in this country today can aspire to very great financial rewards.

I hope that the Northern Territory Education Department is moving towards practical education. I believe that the next high school to be built in Darwin will be a technical high school. I know that emphasis will be increasingly placed on practical education in the education system of the Northern Territory. If one goes to communities around the Territory, one can see that expensive facilities for trade training have been installed in places as far away as Umbakumba. I agree that practical education is not the entire solution. There must be jobs available for these young people when they finish their training. However, they must at least be proficient in the 3 Rs as well as in their trade.

We are told that there is nothing for these young people to do. I have been told by the manager of a very large station in the Katherine district that he cannot obtain the services of young people, white or black, to work as stockmen. There are practical jobs available, jobs that fellows like Jim Killen have not been too proud to do. Our own home-grown product, "Stainless", started as a stockman after he had been turned out of Darwin by a Constable Ryal and you can see right in front of your eyes the dizzy heights to which he has since aspired. These types of jobs, which we can see lead to promotion and influence, do not appeal to young people today. They do not appeal to the youths of Katherine apparently. Jobs are available in their district but they go begging.

The same thing applies in Alice Springs. When I was at the Harts Range races not so long ago, a station owner said to me, "Could you get me one of those Vietnamese families please? I stood in front of Elders the other day after going to the employment bureau. The chap at the employment bureau told me that 16 men would come to see me in front of Elders in response to the various telegrams that had been sent. I stood in front of Elders from 8am to 11am and not one man came in response to 16 telegrams offering work on my station".

There are many unemployed people who are genuinely seeking work but there are some young people who will not take work that is offering. Some of it may be unpalatable work; I have never been a stockman. I certainly have worked in the bush and I imagine that a stockman's life would not be an

entirely happy one; it would be a hard one. The thing is that there are practical jobs available for those young men. Perhaps when the honourable member for Elsey is next walking the streets of Katherine in the early hours of the morning, he might advise them that the manager of Victoria River Station is looking for stockmen.

We are also told by the honourable member for Elsey that the Northern Territory must be self-sufficient in almost every aspect. I very much agree with the proposal that the Northern Territory should produce where it is economical or, in certain circumstances,where subsidisation is required. I do not believe that the Northern Territory should attempt to be self-sufficient in everything. The reason is simply this: it was the great dream of Australian statesmen, especially after the Second World War, to make Australia self-sufficient. Curtin, Chifley, Menzies and Fadden all wanted to see Australia producing its own aeroplanes, its own motor cars etc. We now have this society in Australia which has its population centred around the eastern seaboard in the manufacturing and industrial cities which are kept in existence by very high tariffs. If those tariffs were lowered tomorrow, as Prime Minister Whitlam lowered them at one stage during his reign, economic turmoil would ensue. Therefore, I am implacably against the doctrine of self-sufficiency for the Northern Territory or for Australia in every aspect of its economic life.

We should make, build and grow all that we possibly can but we should buy things from other people to encourage trade. We have something to sell to them and we can buy something from them in return. Self-sufficiency implies to me a doctrine where one becomes an island and to hell with the rest of the world. It is an unrealisable, unworkable doctrine and it is one that has placed Australia into the economic mess that it is in today.

Perhaps, in the future, what I am saying will be proved to be quite wrong. However, I am certain that at least a large proportion of our unemployed people today are a result of our white-goods society; our self-sufficiency. If we had not aspired at such a high level to be the complete consumer society, we might have had more people on the land and less attracted to the cities. It is those considerations that we should pay heed to when we speak in terms of self-sufficiency.

The honourable member for Nightcliff mentioned the subject of New Guinea in her contribution to this debate. I have spoken on East Timor before; I do not need to speak again because my views are in the Hansard. I believe that Australia should have good relations with Indonesia. It is a very large and powerful country immediately to our north and we should do everything we possibly can to encourage good relations. However, being weak does not encourage good relations. We saw the lessons of being weak in the Second World War when Britain and France gave a guarantee to Poland far too late.

I think that Australia should give a guarantee of its national integrity if it has not already done so. I hope that we have but I have certainly never heard as much. I think it should be publicly guaranteed by Australia. Indonesia would then know exactly where it stood and I think it would remove a lot of misapprehension. I believe Australia should publicly guarantee its national integrity and sovereignty to Papua New Guinea and I believe that that should be done without delay.

I must say that I regard our present foreign policy, and that of the former government, with Indonesia as one of pussy-footing around and it will buy us trouble in the long term.

Mr COLLINS (Arnhem): Since the Indonesian invasion of East Timor and Australia's subsequent reaction to it, I have often thought about our attitude towards New Guinea. This was not in anticipation of any Indonesian action in that regard but simply because of our past relations with that country.

The more we hear about East Timor and the Indonesian invasion and the reports that perhaps up to a quarter of the population of that country is now dead as a result of the invasion, the more we think about Papua New Guinea. I would like to applaud the Chief Minister for his statement a few moments ago and I would personally like to state in the House that I too would like to see the government of Australia make an unequivocal commitment of support to that country in the event of an invasion by any other country.

Mr Deputy Speaker, I was a little bit late in getting to my feet so I guess I will have to wait until a later stage of this sittings for a reply to the questions which I want to ask of the Chief Minister. Recently, there were some interesting and, as far as I am concerned, unexpected developments in the continuing wrangle between the Northern Territory government and the federal authorities over the control of Jabiru and the Kakadu National Park. I was very interested a few moments ago to hear the Chief Minister acknowledge that he was a bush lawyer. I am quite sure that, as far as the people in Canberra are concerned, they wholeheartedly agree with him.

Two statements have been delivered recently in respect of this matter. I listened on Sunday with a great deal of interest to the Chief Minister's broadcast. I do not often hear it but I tuned in on Sunday. He stated that whilst he was in Canberra he had reached an accord with the Deputy Prime Minister, Mr Anthony, over this matter. Perhaps I misunderstood the broadcast but it appeared to me that, by inference in any case, the Chief Minister suggested that, as a result of these negotiations from his trip to Canberra - and I for one did not think for a minute that he was summoned there because I knew that he had gone there of his own volition - there was something new in the wind and that some new agreement had been reached with the Canberra government. For reasons which I will state shortly, I listened to that broadcast of the Chief Minister with a great deal of trepidation which is why I asked the question which I did on Tuesday morning. I was most anxious to hear what the Chief Minister was going to say because this matter is one of continuing concern to the people in my electorate.

Mr Anthony did in fact make a statement and there was a considerable amount of steel in that statement. I do not think that that is a misinterpretation on my part. The Deputy Prime Minister stated: "The Commonwealth government has examined the matter and, on the basis of advice from its law officers, is satisfied that there can be no dispute in relation to the validity of that acquisition". I am not talking about legalities; I am talking about the stand adopted and the attitude to which the federal government is currently treating this serious matter of handing over Kakadu National Park and Jabiru to the Northern Territory government. He went on to say: "To ensure, however, that there can be no doubt about the position, the Commonwealth will introduce in the autumn sittings any necessary legislation which will ensure that the Commonwealth's position will be maintained".

Mr Robertson: You would agree that, if there is no doubt, there would be no need, wouldn't you?

Mr COLLINS: Mr Deputy Speaker, for the benefit of the Manager of Government Business - unlike him, I am not skilled in matters of law - I am not talking about the legal position of either government; I am talking about a clear and unequivocal commitment on the part of the Deputy Prime Minister

to tell the Chief Minister of the Northern Territory to pull his head in.

The Chief Minister's statement is interesting because the beginning totally contradicts the end of it. He said in his statement: "I can assure honourable members that the objective of the Northern Territory government is to cooperate with the Commonwealth government to ensure that the day-to-day administration of the Kakadu National Park is carried out as fully and as effectively as possible". He concluded his statement by saying: "The Northern Territory government's declaration of a town site under the Crown Lands Act stands as does the issuing of the special purpose lease to the Jabiru Town Development Authority and our invitation to the Northern Lands Council to nominate 2 of its members to the Jabiru Town Development Authority".

I would like to explain to the House why I was rather relieved and rather pleased to hear the Deputy Prime Minister's firm statement that, even should there be any lingering doubt and any loopholes for the Chief Minister to jump through as he has done recently with his gazettal of town boundaries - and I noted with a great deal of interest that this left southern journalists in no doubt as to their intention as was explained in the Weekend Australian - and the non-registration of Aboriginal land titles, the federal government will pass legislation to close those loopholes. I was pleased with that statement because, if you cast your mind back a few years to the beginning of negotiations over Ranger, one of the crucial blocks upon which the agreement was placed was the agreement between the federal government and the Aboriginal people in the area for control of the Kakadu National Park to be vested in the Australian National Parks and Wildlife Commission and the control of Jabiru to be vested in the Commonwealth government.

Those commitments to Aboriginal people are of no moment to the Northern Territory government as they have explained before. One of the chief concerns of the people of Oenpelli, apart from the physical impact of the mining at Oenpelli, is the large number of Europeans who will be brought into the area. This was contained in file after file and ream after ream of evidence given to Justice Fox and resulted in his recommendation to the federal government that the size of the town of Jabiru should be pegged at an absolute limit. Whether that was a "guesstimate", as the Chief Minister has stated, a figure plucked out of the air, does not detract one iota from the fact that it was upon promises like that that the Aboriginal people of Arnhem land signed that Ranger agreement.

If honourable members of this House are in any doubt whatever as to the concern that those people feel for the potential of Jabiru, I would draw their attention to these verbatim transcripts of the meeting that took place at Bamyili prior to the signing of the Ranger agreement and the meeting that took place at Oenpelli itself for the signing of the Ranger agreement. In response to concern expressed by Aboriginal people at those meetings, the Minister for Aboriginal Affairs, Mr Viner, gave them categorical assurances. This was at the very moment of signing after Aboriginal people had been misled, had been tricked and had seen an agreement which had been hammered out in court thrown out the window by a federal minister. For 2 pins, the 4 of them, out of the 40 who were there in any case, would have walked away from that table. Mr Viner - and it makes interesting reading indeed - harangued them for 2 solid hours and, in the words of the Chairman of the Mingilang Council, "made us feel ashamed". When you read his speech - which he duplicated at Oenpelli; he made the same speech twice - you understand why he made them feel ashamed. "You have been holding this up for 6 years". I have underlined in his speech each time he said that; there were 15 occasions in that 2 hour speech. For 2 pins, they would have walked away

from the table and they said to him, "We are frightened; we are worried about all the balanders that are going to come here from just up the road". Mr Viner said to them, "You do not have to worry; we are granting this lease to you as a national park to make sure that there are protections against alcohol. We are controlling Jabiru to ensure that the number of people that can go into that town is limited in size and so that Aboriginal people can be involved in managing the park".

The following day at the table, with the platinum pens and the agreement, the matter was raised again and Mr Viner again gave an unconditional guarantee to those people: "Justice Fox said that we must take very special steps for the people at Oenpelli. We have got to look after them and the government has got the responsibility to do that. We have got to be certain, Mr Justice Fox said, that the town there is not going to be a big one, that it is kept as a small town, a little one, so that it does not bring too many balanders into the area and so that the balanders that come here will respect Aboriginal culture and tradition and they will look after the Aboriginal people of the area". That was from the Minister for Aboriginal Affairs, Mr Viner, when he gauged the feeling at the meeting. He knew that there were only 4 people out of the 40 people who should have been at the table to sign the agreement. He knew that, for 2 pins, that meeting would have fallen apart because they were frightened. They knew they had been sold down the drain, they knew they had been lied to, they knew they had been misled by ministers of the federal government - that comes out again and again in this transcript. The people keep on saying, "What happened to our re-negotiations? What happened to the translations that you promised us"? They make very interesting reading indeed.

It was a firm commitment - in fact a carrot on stick held out to encourage those people to sign - that the Jabiru town size would be strictly controlled. We have heard 3 ministers of the Northern Territory government in this House on previous occasions completely disregard that promise and say:"We don't think there should be any limitations on the town; it should be developed as a regional centre. To hell with the promises that were made to Aboriginal people". In conversation with officers of the Northern Territory government, I was asked who made those commitments. I said:"Mr Viner and Justice Fox". I named all the people who have made these commitments on a subject which is a real concern to those people. The answer that I received was: "Oh, well, that wasn't a commitment of the Northern Territory government, was it"? So much for the concern for the Aboriginal people of the Northern Territory.

Mr Deputy Speaker, I have certain questions that I want to ask the Chief Minister and I would like an answer during this sittings. First, he states in his statement that he wants to cooperate with the federal government and so on but he concludes: "The Northern Territory government's declaration of a town site etc". One can only assume from reading this that it is the intention of the Northern Territory government, in respect of Jabiru and the Kakadu National Park, to proceed as if this was in fact the case in law. That being so - in the light of Mr Anthony's absolute commitment that, even if there was a legal loophole, the federal government would close it to maintain that commitment to the Aboriginal people of the area, which the Northern Territory government has stated here in this House that it would overthrow if it obtained control - I would like to ask the Chief Minister whether it is the intention of the Northern Territory government to proceed as if these 2 enactments are in force, in the face of Commonwealth legislation and,if so, where does this place the Northern Territory government in respect to absolute commitments which have been given to Aboriginal people by the federal government.

Let me say in conclusion, Mr Deputy Speaker, that Aboriginal people are still finding it extremely difficult to distinguish between one government and another. When they have ministers of the Crown handing out platinum pens to them and pushing pieces of paper in front of their noses and saying "If you sign this, we will do this we promise; you've got nothing to worry about", the fact that that promise was not made by the Northern Territory government is irrelevant. The effect of breaking that promise will be very relevant indeed.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

Fire Protection in Rural Areas

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I present a petition from 588 citizens of the rural areas adjacent to Darwin expressing their concern at the inadequate protection provided against fire in that area. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read.

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory of Australia. The humble petition of the undersigned citizens of the rural areas adjacent to Darwin respectfully protests that these areas are inadequately provided for against fire. Your petitioners therefore humbly pray that the government of the Northern Territory provide a fully-manned fire station in the vicinity of the 19 mile on the Stuart Highway for the protection of those areas either side of the highway between the 13 mile and the 27 mile pegs and your petitioners, as in duty bound, will ever pray.

INTERIM REPORT OF SESSIONAL COMMITTEE ON PARLIAMENT HOUSE SITE

Mr SPEAKER: Honourable members, I lay on the table an interim report of the Sessional Committee on Parliament House site.

Mr PERRON (Treasurer): I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

KAILIS KAOHSIUNG FISHING VENTURE

Mr STEELE (Transport and Works) (by leave): With the declaration of the Australian 200-mile fishing zone on 1 November 1979, Australia, under its Commonwealth obligation arising from the Third Law of the Sea Conference, now has an obligation to manage the resources in the zone and make available to foreign countries those resources of the zone which are not presently exploited by Australians.

On 23 November 1978, Cabinet accepted guidelines under which such foreign fishing proposals would be considered. These guidelines were designed to encourage: the establishment of new fisheries that would result in increased landings of fish in the Northern Territory; the development of improved support facilities for fishing vessels; the expansion and diversification of shore-based processing facilities; the expansion of viable markets within Australia and overseas; and the development of other industrial activities based on fishing that would contribute to the economy of the Northern Territory.

It is in this regard that the Northern Territory government, through its Commonwealth-state consultative mechanism, considered the applications submitted by the Kailis Kaohsiung Fishing Company involving Mr M.G. Kailis of Perth and the Kaohsiung Fishing Board Commercial Guild. The Commonwealth has agreed to licence 60 pairs of trawlers and 30 gill netters to operate in the

Australian fishing zone in the north and north-west as far south as 21 degrees. Under this arrangement, all vessels must first report through the port of Darwin for the purposes of briefing and receipt of licences. This is the reason for the influx of vessels in the port of Darwin in recent days.

Whilst in Australian waters, the vessels have been approved entry to the ports of Thursday Island, Port Hedland and Fremantle, in addition to Darwin, for the purposes of refuelling, victualling, repairs and similar activities. Whilst in the Australian fishing zone, the vessels will be operating under a Commonwealth licence only and will be excluded from areas of water immediately adjacent to existing Australian fisheries including the entire Gulf of Carpentaria. This licence will be reviewed after 9 months and the continued operation of the fleet will be considered at that time. The company is in the process of establishing an office in Darwin to assist in the co-ordination of the fleet activities and to undertake experimental processing of portion of the catch for Australian markets. I have instructed the Fisheries Division and the Northern Territory Development Corporation to organise a liaison group to co-ordinate further development by both the Australian and Taiwanese interests involved in this project.

I move that the statement be noted.

Debate adjourned.

SINGAPORE TRADE MISSION REPORT

Mr STEELE (Transport and Works) (by leave): Members will be aware that the Northern Territory Development Corporation had a stand at the Singapore Trade Fair in October at Singapore's World Trade Centre. The purpose of the stand was to provide a "shop window" view of the Territory for business people and others as a follow-up to the 2 trade missions which passed through Singapore in 1978. With fellow exhibitors and visitors from a wide range of other countries, however, the project reached a much wider audience than just Singapore. The Singapore Trade Fair 1979 was organised by the Singapore Manufacturers Association with the support of the Singapore government. It is one of Singapore's major trade fairs and has been held annually for the past 14 years. This year all ASEAN countries were represented along with a host of Singapore companies displaying products and services. The Northern Territory was among the foreign exhibitors and attracted wide interest. Our stand was located next to the New Zealanders' in a key area reserved for prestige foreign exhibits and the Northern Territory was the only Australian exhibitor which attracted wide interest.

A total of 7 private Northern Territory companies displayed their products from the stand. These were: V.B. Perkins and Co, Tristar Engineering, N.T. Brewery, Arnhem Land Gallery, Paspaley Pearling Co Pty Ltd, the Big Country Picture Company and R. Hersey. The Northern Territory Development Corporation's role at the stand was to promote the Territory as a tourist destination, investigation centre and trading partner.

The stand was prepared and manned by 2 Northern Territory Development Corporation officers and I congratulate them on their success. To support the corporation's effort, I led a small mission to Singapore timed to coincide with the opening and the first few days of the fair. Accompanying me were the honourable members for Stuart and Alice Springs, Mr Clyde Adams, Chairman of the Northern Territory Development Corporation, and Mr Otto Alder, a senior Treasury official. The exhibition and mission was also supported by a number of Northern Territory businessmen who went to Singapore at their own expense. These were Mr John Hickman, Mr Roger Rooney, Mr Peter Rau, Mr Ron Hersey, Mr Graham Vardon and Mr Nick Paspaley.

The purpose of the group's visit was to support the exhibition at the Singapore Fair, to reinforce ties previously established with Singapore ministers and government officials, to follow up earlier discussions with Singapore businessmen, to seek new trade and investment opportunities and, in the case of the NT businessmen, to establish or strengthen their own trade links with the area.

One of the more important meetings so far as I was concerned was with the Singapore Minister for Trade and Industry, Mr Goh Chok Tong, who showed a keen interest in business and trade opportunities between the Northern Territory and Singapore. His support clearly will make our job much easier in the future.

The corporation's exhibition was professionally presented. Behind display areas highlighting products of the Territory was a brightly lit background panel giving brief details of the many development projects under way or planned, many of which can be attributed to the greater interest shown by commercial organisations since self-government and to this government's active promotional approach.

On the evening of Saturday 6 October, we held a reception at the home of the Senior Trade Commissioner, Mr Graham Rice, based on a corned beef and damper theme. This was attended by some 150 business people, travel agents and tourist operators and the function was a great success. In particular, it was pleasing to see the demand for Territory promotional literature. The government mission spoke to several business people with existing or projected business links in the Territory. Their interest generally is very strong and we expect follow-up visits in several cases and proposals for investment and/or trade.

As a consequence of earlier discussions, we also renewed contact with top officials of the Department of Primary Production and its associated companies, Intraco Ltd and Primary Industries Enterprises Pty Ltd. The interest of those officials in the Northern Territory, without exception, is genuine and they are proving most supportive towards our determined efforts to expand our rural production.

Senior officials of the Singapore Department of Primary Production will visit Australia under our Commonwealth government's sponsorship early in 1980. It was especially pleasing to see that they themselves insisted on a stopover in the Northern Territory as an essential part of their program. More importantly, a tentative Commonwealth offer of 1 day in Darwin has now been stretched to several days with visits to a number of Territory locations.

This report is a brief resume of our visit to Singapore last month. I believe that members on both sides of the Assembly will readily appreciate the importance of the government's efforts to promote trade and other business links with Asia. The areas are closer to us than the main Australian business community. In fact, we are the closest European-style civilisation to the equator.

It is clearly to our advantage to cement strong ties with the Asian countries especially those which are themselves seeking industrial expansion and political stability. The government will continue its promotional activities in the region, hopefully, with the involvement of Northern Territory businessmen to an expanding degree. This approach, I believe, is a further example of the way in which the government is firmly and logically tackling the Territory's economic development.

TRAFFIC BILL
(Serial 366)

Bill presented and read a first time.

Mr STEELE (Transport and Works): I move that the bill be now read a second time.

In the September sittings, this Assembly passed a bill for an act to amend the Traffic Act to simplify breathaliser legislation and to introduce random breath-testing. Since this act was passed, further technical loopholes have been found which might affect the operation of this act.

I will later be seeking a suspension of Standing Orders to allow passage of the bill through all stages at this sittings so that the legislation previously passed will be effective. This will avoid the problem of otherwise successful prosecutions failing because of technical loopholes which this bill is designed to close.

The first amendment is to ensure that section 8B, which relates to other evidence, is not interpreted in isolation from other sections of the act. This is consistent with the general intention of reducing the likelihood that a prosecution will fail merely on a technicality.

The second amendment will reduce the likelihood of a prosecution failing because of defence evidence that a person consumed alcohol before being tested but after an accident for which testing was required. This is consistent with practice elsewhere. Present provisions were found to be inadequate following a recent judgment in the courts which allowed evidence that alcohol was consumed after an accident and, in consequence, nulified the existing provisions.

A further change is required because the act, as it now stands, requires the blood test to be carried out within 4 hours of a person entering hospital instead of, as intended, taking the blood sample within 4 hours for later testing.

Clarification is provided on 2 points which are open to technical argument. One relates to the definition of "percentage of alcohol" shown in the statement following breath analysis. This should be deemed to be the same as the number of grams of alcohol in 100 millimetres of blood. The other relates to the provision of half a blood sample to the person from whom it was taken. To avoid any basis for dispute, this now reads "approximately half".

The final amendment is necessary to impose a maximum time limit of 12 hours between an accident and the time a person enters hospital which, if exceeded, precludes a blood sample from being taken. The act imposes a maximum limit of 4 hours from the time a person enters hospital until the blood sample is taken.

While all these amendments are minor in themselves, it is considered important that they be passed so that the legislation will not inhibit the police from enforcing the act in the manner intended. I commend the legislation.

Debate adjourned.

AVIATION BILL
(Serial 338)

Continued from 20 September 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill. It provides for the Territory government to license intrastate commercial air operators in 1 of 3 categories: aerial work, charter operations and regular public transport. There is still, as the minister acknowledged, a large area of air services operations which is under the control of the federal government and is likely to remain so for some time. Therefore, this bill does not provide for the development of the aviation industry in its entirety but seeks only to control certain aspects.

This bill was prepared after the government received its report from a consultant from Western Australia who looked into air operations in the air transport industry in the Northern Territory. That report was presented in this House but was never debated. One interesting attitude was expressed in the report which I do not think that any of us here would agree with. Mr Gallagher, the consultant, stated:

> *Air transport is merely a means of moving people or goods from one point to another for some other purpose. Although it has its own characteristics, air transport is just another transport mode; at times competing with road, rail or sea; at times complementary to these modes. Consequently, the Northern Territory government should not entertain grandiose notions about the role of aviation in developing the Territory.*

Mr Speaker, here we see again the attitude of a foreigner to Territory problems. When I had discussions with Mr Gallagher, which were most kindly arranged by the Deputy Secretary of the Department of Transport and Works and the minister, I gave my view to Mr Gallagher that air transport was indeed the most significant mode after road transport. I am sure that many members who represent outlying districts would agree with that, particularly the members for Arnhem and Nhulunbuy who find that their modes of transport are severely constrained.

I said to Mr Gallagher that air transport was sometimes the only means available to travellers in the Territory. Mr Gallagher has apprently suggested that the government take a particular line - and which, I am pleased to say, the government has not taken - because he regards air transport as merely competing with other modes of transport such as rail and sea transport. In my view, there simply is no competition there. As the Minister for Education interjected, let somebody try to compete with the rail line to Gove. I think that the government has adopted a slightly better view of the role of air transport in the Territory and the opposition commends that approach.

The main intention of this bill is to provide licences for certain types of operations which I have already mentioned. Mere licensing provisions will not develop Territory aviation. Licensing provisions constitute the limit of what a state government can do about aviation. The licensing provisions in the states have been used to restrict entry into charter operations, aerial work operations etc. In the Territory, there are to be stringent controls upon the licensees and the types of operators who will be given licences. This must be the object of the bill.

The main provisions have been taken largely from the Western Australian Transport Commission Act. However, some differences may be found in the

Northern Territory bill. For example, clause 8 sets out the matters which must be provided by the potential licensee when applying for a licence. These are in very much the same language and cover the same aspects as the Western Australian act except for an additional item relating to the timetable proposed to be observed by the prospective licensee. That might seem a fairly small addition but, in my view, it is very important and I am sure that members who represent outlying districts would agree. There is no point in having much the same type of service if the people who require the service cannot have recourse to it. I think that, in providing the timetables, it would be far easier for the licensing authority to issue licences which would serve the public. That is one stipulation which we have added to that which is required of licensees in Western Australia.

There is another characteristic of the Northern Territory scene which has been taken into account. The Western Australian act requires that the condition of airports and landing grounds be included in the proposed route of any area. This is a matter which the licensing authority in the Northern Territory will not be required to consider. This is good because, if we insisted upon high standards of landing grounds, we might never have an air service in some of the outlying districts.

In Western Australia, the licensees are required to keep records and statistics and to supply these to the director. We do not find this particular paragraph in the Northern Territory bill. We do find, however, in clause 19, that regulations may be made which will require the keeping of records and the supply of these to the licensing authority. However, that would be a discretion on the part of the authority. I would have preferred to see a specific provision in clause 10 because it is only by the keeping of such records and statistics that the licensing authority can gauge the effectiveness of any air service in the Territory, whether or not it is meeting the demand and whether or not it is satisfying the consumers' pattern of travel. Without this sort of information, it is very hard to grant a licence over a particular route or in a particular area of air operations. I would have preferred the matter not to be the subject of a discretionary regulation but to be specifically provided for in clause 10.

The rest of the bill is very much the same as the Western Australian act. Apart from this one statement that I take issue with in Mr Gallagher's report, the conditions in Western Australia are very much the same as those in the Territory: a small population scattered over a large geographical area in which air transport is sometimes the only mode of travel. From that point of view, the government has done well to see what another state with similar constraints to the Northern Territory has done with its aviation policy and to adopt those for use by the Northern Territory.

There remains little to be said other than that the opposition supports this bill. We look forward to the regional airline being developed in the Northern Territory. The reason for requiring a government guarantee for the regular public transport route which is to be taken over from Connair is because this will be in operation by the time that licence has to be granted. We urge the government to make a quick decision on that matter.

Mr BALLANTYNE (Nhulunbuy): I rise to support the bill and to commend the Minister for Transport and Works for his initiative in bringing the bill to the Assembly in such a short time. Air transport in the Territory has been a problem over the years and the people in the industry have done a magnificent job. I refer to Connair people, the Aero Club and charter operators. The crux of the bill relates, of course, to licensing and the way in which that is implemented. The bill is very concise but, nevertheless, is

of great importance for the Territory's future. I am surprised at the size of the bill. It provides what is required to set up a regional airline and to assist with other aspects of aircraft operation such as aerial surveying and charter work.

In 1976, the Gove Flying Club was seeking a licence to undertake charter work to assist the club in offsetting some of the expense involved in training its members. We applied to the Department of Transport in South Australia for a restricted licence. The repercussions we had from that were unreal. While the club was negotiating, SAATAS moved into Nhulunbuy. They operated quite successfully for some time and then, overnight, they disappeared again. I would not like to see that sort of thing happen again.

Since that time, the Gove Flying Club has taken the initiative again. It has a restricted licence and it operates quite successfully there. It trains pilots and generally does a very good job. Perhaps it does not have the numbers to make it a very profitable concern but at least its charter operation in eastern Arnhem Land assists in offsetting by some $3 an hour the expense of training pilots. Administration and maintenance costs are fairly high these days. It does not have a workshop. There is a workshop for medical planes but it is difficult for the club to have its aircraft serviced there. Most of the aircraft have to be serviced in Alice Springs or Darwin and that is very costly.

With this new legislation, we can perhaps endeavour to reduce these problems and assist the small charter operators to function more efficiently. There should be some liaison betweem them so that they do not overlap or run dual services. We have a ludicrous situation with major airlines, particularly Ansett and TAA, flying dual services from Cairns and Alice Springs up to Darwin and vice versa. When people want to fly to Groote Eylandt from Gove, they have to fly to Darwin and then fly to Groote Eylandt. This takes 2 hours whereas a direct flight would take 20 minutes. It is a ludicrous situation.

The report by Mr Gallagher has some very good recommendations. I know that the very keen officers of the Department of Transport will be trying to work out some air service network based from Darwin which will cover the whole of the Top End from east Arnhem Land right down to Katherine and as far across as Nhulunbuy and Groote Eylandt. The recommendation is there and I would like to see it in operation. New operations are being established in the industry. Jabiru will have a large airport in time and there will be more opportunity for charter firms to operate from there.

The Gove Flying Club wrote to the minister recently about the conference in Tennant Creek. I am sure that the minister would have taken heed of the comments. I thought they were very valid, particularly those relating to unrestricted competition. They would not like to see the flood gates opened to unrestricted competition because it would undoubtedly result in lowering prices and such action would almost certainly result in the lowering of safety standards and skimping on maintenance. Inspectors will have a very big job to keeping an eye on these things. Regulations will be set down under the federal Air Navigation Act and these are very strict. We have a good record in air navigation and operation in the Territory and Australia, one of the best in the world. I cannot see any real problems there but a close watch will have to be kept on some of the operators to ensure that the standards are maintained.

I will be watching with interest the way the legislation operates in the future. We are waiting to see the outcome of the regional airline and the bids for Connair. Whichever company is successful, I wish it every

success. Hopefully, in the long term, we will sort out our problems. At the same time, we should not forget the good work that has been done by Connair and others. I support the bill.

Mr ISAACS (Opposition Leader): As the member for Sanderson said, the Labor Party welcomes the bill and for very good reasons. It is most important that the Territory government have control over intra-Territory aviation, not simply as part of the process of self-government but because of the importance that aviation has within the Northern Territory for the carriage of people and goods to remote areas. For that reason, we welcome the bill. When it becomes law, it will provide a very effective vehicle for controlling the aviation industry.

There are 3 matters that I would like to speak about. The first is the importance of clause 11 to the operation and viability of the regional airline. Clause 11 relates to charter aircraft utilising the regular public transport routes. This has created very great problems in the past in regard to the economic viability of Connair. I do not say that it was the sole reason for Connair's financial problems but it certainly added to them. It must be most disheartening to the operator of a regional airline if charter operators are able to fly into the various remote communities and pick up would-be passengers before that regional airline touches down. Seats may be booked but, when the regional airline arrives, it finds that the passengers have already gone. It is true that, under current federal law, that is proscribed. We read in the press that, despite that fact that the practice is proscribed, the matter is not being policed. I urge the Northern Territory government to ensure that proposed section 11 will be complied with vigorously.

The one other matter which I would like to refer to relates to clause 14 and the related clause 17. Clause 14 gives the minister a very significant power: "The Minister may, at any time, of his own motion, where he considers that there is sufficient reason for immediate action, by notice in writing served on the licensee, vary, or add to, vary or cancel the conditions of, an aircraft licence". That is a very significant power indeed and one that the minister ought to have in the aviation industry. I do not quibble with it for a second; I believe that the authority is vested in the correct person.

When you look at clause 17, you find that the director has very sweeping powers as well. In fact, the director has powers almost equal to those of the minister. I suggest to the minister that clause 17(3) may well be eliminated and possibly 17(2) as well given the very significant powers that the minister himself has. Clause 17 relates to the cancellation or suspension of the conditions of a licence by the director. Clause 17(1) is perfectly proper. If a licensee commits an offence against the act, the director should take action in regard to certain provisions which perhaps have been abused.

However, it seems to me that subclauses 17(2) and (3) certainly put the cart before the horse in terms of the natural justice system to which we adhere. Clause 17(2) says: "Where a licensee has been charged with an offence against this Act, the Director may vary or suspend the licence, or add to, vary or cancel the conditions of the licence, for such period as the Director thinks fit or until the determination or withdrawal of the charge". Clause 17(3) says: "Where the Director has reasonable cause to believe that a licensee has committed an offence against this Act, but the licensee has not been charged, the Director may vary or suspend the licence, or add to, vary or cancel the conditions of the licence, for a period not exceeding one month".

It seems to me that, where a person has committed an offence, is charged and committed, it is appropriate that the Director take action. I believe that, if it is simply a matter of suspicion or a charge has been laid but as yet the licensee has not been found guilty, it is quite improper that the director should be able to take such action. Clause 14 will give the minister powers to act as he sees fit. It is appropriate that the authority should be with the minister. I do not believe that the director should have the power to act to vary licences, to cancel conditions of licences etc, simply on the grounds that a person is suspected of having committed an offence or has been charged but not found guilty. I do not think we are at odds in relation to action being required quickly in relation to the aviation industry; that is not the issue at all. It is a matter of who should be responsible for taking action which goes against the grain of the natural justice principle that one is innocent until proven guilty. Clause 17 will give the director very significant powers in relation to licensees who have not been found guilty of an offence. Under clause 14, the minister is given significant powers, and rightly so, in relation to the aviation industry. His powers are the same as those given to the director under subclauses 17(2) and (3). I believe the minister should have those powers, not the director.

Mr Speaker, I agree with the member for Nhulunbuy that there has been consultation with the industry. I understand that a very successful meeting took place at Tennant Creek some time ago. I have spoken to a number of the charter operators who are very pleased that this bill is being introduced to regulate the industry. They were pleased with the reception that they were given by the minister and his advisers. They informed me that a number of amendments were suggested to the minister. I have not seen any circulated and I wonder whether it is the intention of the minister to amend the bill to incorporate the suggestions made by the industry or, at least, to come to some partial compromise with them.

Mrs PADGHAM-PURICH (Tiwi): I briefly rise to support this bill. As I see it, this legislation will regulate what is known as general aviation and scheduled airline operations. General aviation can be divided into aerial work and charter work. This is mentioned in the bill.

The definitions list all the actions that can and cannot be done unless the director gives a licence. One of the prime considerations of this bill is safety which is always the case in Australia with flying. It is very important that our legislation ties in exactly with Commonwealth legislation. I am pleased to see that some latitude is allowed to farmers and pastoralists to use their own planes on their own land.

There are 2 points that I would like to raise in relation to this legislation. Without losing sight of the safety factors in airline operations, I still would not like to see the director being too heavy-handed on private pilots who are trying to build up their hours. I understand that charter operators have to fulfil very stringent requirements. I fully agree with this. One of these is the need to be covered by heavy insurance. I do not think that private pilots should evade these stringent requirements. I would leave the consideration of whether they should be allowed to operate charter flights to somebody more qualified because what I know about flying is minimal. Some consideration should be given to pilots trying to build up hours but, at the same time, the safety factor must be kept well in mind.

I would also like to raise the subject of the establishment and encouragement of flying schools in the Northern Territory. Other speakers have already said that there was consultation with the industry before this legislation was presented. There is a certain prominent man in the aviation

industry who has been interested for some time in starting a flying school. I would like to see this given some active consideration. I think it is very important that, before legislation is introduced, there is full consultation with the industry concerned as there was with the mining legislation and the fishing legislation. I do not know whether there was full cooperation with sections of the primary industry before legislation was introduced in relation to the primary industry. No doubt, it will all be to the good of primary industry in the end.

I have spoken on this next point before. When the director considers the subject of scheduled airlines, I think it very important that he consider - as well as other things that probably could be of more importance such as safety and regularity of operations - the comfort of the passengers. If you have a scheduled operation designed primarily to carry passengers, some regulations must be introduced so that the cargo is not carried in the better part of the cabin and the human cargo relegated to a part of the cabin which is not so good.

I will not repeat what I said earlier about my trip with MMA from Perth at the end of August but there was one point that I did not raise and that was the fact that I am a non-smoker. If there is one thing I resent absolutely, it is being forced to sit near somebody who is smoking. I possibly could sit somewhere else but it is a bit hard in an aeroplane. Even when one is sitting in a non-smoking section, one still is polluted by the smoke that floats around. When I travelled up on this plane from Perth, it turned out to be practically a cargo trip because the cargo was put in the non-smoking section and I was put in the smoking section. I made a remark about that at the time. As it happened, only one person smoked a cigarette on the way up - I was very careful to note that.

Since that time, I have spoken to a lady who travelled with this same illustrious airline 2 days later. I asked what her measurements were. She is 5 feet 4 inches and weighs 7½ stone. There was also cargo on the plane when she travelled. The person in front of this particular lady adjusted his seat back to have a little bit of a sleep. Even though this lady has a very slim build, she had great difficulty in getting in and out of her seat. The seat in front of her came to within a handspan of her chest. It is extremely important that, if we are forced to pay these standard fares in the Northern Territory which are higher than first-class fares, we do have a little bit of comfort. By paying these extra fares, we are certainly entitled to some comfort at least.

I travelled on a scheduled flight recently which travelled over water. Admittedly, it was only a very short trip over water, about 15 or 20 minutes, but there was an illuminated sign which stated that no life jackets were carried. I felt that that was a little unusual for a plane that travels over water. I have been assured by my husband, who is very interested in aviation, and others that, if anything unfortunate did happen, the plane could land. I was a bit worried when I saw this sign because I am not a very good swimmer.

With those remarks on the Aviation Bill, I conclude.

Mr OLIVER (Alice Springs): I rise to support generally the Aviation Bill. It seems to be a pretty good bill which is well covered and I am sure that it will serve its purpose well. However, I have several areas of concern. I accept that, under clause 4, an "employee" means employee within the meaning of the Public Service Act. I accept that "inspector" means a person who is appointed to be an inspector under clause 6. However, clause 6

states: "The Minister may, by instrument in writing, appoint an employee to be an inspector for the purposes of this Act". That is very good too but there is no indication of the qualifications required by the person to be appointed as an inspector. Anyone who works on an aircraft in any capacity is normally a highly-trained and highly-skilled operator.

Clause 15(1) says: "Where an inspector or a member of the police force has reasonable cause to believe that the owner of an aircraft is committing an offence under this act, he may require a person who is apparently the owner or pilot or a passenger of that aircraft ... to permit him to inspect the aircraft and its load". That is all right but one would hope that this inspection of the aircraft would be done very carefully. If they are inspecting the aircraft and its load, part of the load will be shunted around. Even loaders on aircraft are fairly-skilled persons. Here too, we have a member of the police force - incidentally, I have the greatest respect and admiration for him - who possibly could know nothing whatsoever about aeroplanes.

To take it a step further, let us look at clause 16. Clause 16(2) says: "Where a person seizes an aircraft under subsection (1), he may take or cause to be taken such steps as he considers are reasonably necessary to secure and immobilise the aircraft". I look on this word "immobilise" as meaning that it cannot be taken away. How do we immobilise an aircraft? Do we take the propeller off? Do we take the wings off? I do not know but whoever does that would have to be fairly skilled. Perhaps our winged warrior, the honourable the Manager of Government Business, could well know how to immobilise an aircraft without too much damage to it. I certainly do not know anyway. Maybe I could but it would never fly again.

I may sound facetious but those points I have mentioned are a matter of quite some concern to several owner-aviators in Alice Springs because they do not want inexperienced people mucking around with their aeroplanes if they are inspected or immobilised. I would like some clarification from the sponsor on the qualifications required by the inspectors. We are not dealing with bikes, barrows, cars or kites; we are dealing with highly complicated and very expensive pieces of machinery.

As I said earlier, I believe this to be a good bill and, apart from those few comments, I support it entirely.

Mr VALE (Stuart): Transportation is one of those subjects which comes to people's lips as often as any other topic when they debate ways and means of furthering development in the Northern Territory. Aviation is one of several transport modes now well established in the Territory and is one of our growth industries. Accordingly, I support the bill because it seeks to provide Territorians with the ability to control the industry in a way that most suits their needs as they perceive them and not as unaffected inter-state bureaucrats and politicians perceive them.

This legislation is likely to become law some considerable time after the achievement of self-government but I cannot see that we have lost anything through this delay. Moreover, the government has had the opportunity to take an unhurried look at the aviation requirements of the Territory and, in the same period, has gained valuable experience in the field of aviation in industry, administration and planning. In this, I refer both to the highly-successful consultative arrangements that have existed to date between the federal and Territory transport ministers and also to what has probably become known as the Connair story.

Central Australians are probably more interested in the latter than

residents further north. The Connair story concerns an organisation which has given 4 decades of valuable and dedicated service to the Northern Territory. Providing that service has not been without difficulties but the airline and its founder, E.J. Connellan, have done much directly and indirectly to promote industrial, commercial and social development in Central Australia and other parts of the Territory. It would be a pity for the more sentimental amongst us if, at the conclusion of the present watershed period in the airline's history, the name "Connair" disappeared from everyday use. Connair is synonymous with and has contributed to the international reputation of Alice Springs and its environs and has assuredly earned its place in the fascinating history of the Territory.

Where the bill relates directly to Connair's future is of course in the air licensing functions soon to be assumed by the government. It is to be expected that, by then, the airline will be in new hands and I do not believe for one moment that Connair staff, shareholders and Territorians in general stand to suffer from this in any way. Connair is presently structured and equipped and cannot easily be converted into a regional airline for which the Territory has now developed a great need. When the government decides, as I hope it will well before Christmas, who is to operate the proposed regional airline, it will quite properly have taken into account the matter of Connair's future.

This bill is extremely wide-ranging and flexible. I note with considerable pleasure that it will afford the Territory government the opportunity to directly influence the activities in this region of the 2 major domestic airlines. This aspect is interrelated to some extent with the work presently proceeding on the establishment of the regional airline. Territorians have been quite vociferous at times in their attitude towards those 2 transnational carriers which sometimes may be forgiven for their apparent inability to understand some of the Territory's rather more parochial problems. However, many of the people I speak with are losing patience in their long wait for drastic changes to either the 2-airline policy as such or the adverse implications it presents to the Territory.

The Territory government has been extremely active in this area and it is something that has not been lost on the community. I was delighted a few weeks ago to see the Chief Minister take up the highly-discriminatory matter of standby airfares between Alice Springs and Darwin. On that route, Ansett and TAA simply do not provide them. Ridiculous in the extreme then is the fact that they do provide them for passengers in transit through Alice Springs to and from Darwin. Do they think that the people from the Centre have the plague or something, requiring the airlines to charge more to cover the risk of carrying them? An argument from these 2 airlines that Alice Springs-Darwin would be uneconomical with standbys allowed would have to be judged against countless other routes in equally remote areas of Australia on which they are allowed. I believe I am on safe ground in suggesting that passenger loadings on jet services between these 2 centres have increased at least as fast since Territory self-government as on any other route in Australia. On these and many other questions, I look to the Territory government to be ready at all times to drive a hard bargain with the aircraft operators who believe that they can maximise their share of the Territory's booming economy by offering services less than comparable with others interstate.

Territorians have been pioneers and second-class Australians for too long in relation to what the people of the other states enjoy. Self-government is largely correcting that situation but we need to be ever-vigilant to ensure that interstate-based companies, and not only those in the airline industry, do not regard the Territory as a place to turn only for improving

their profitability. The government is insisting that the regional airline have a Territory-based management and, in the longer term, an appreciable level of local equity. I will be distressed to learn of the government allowing any compromise to creep in on either of these considerations. I do not believe that that is likely.

From what I have learnt of talk in the airline industry, the government has been identified as a stern and rigid organisation with which to deal when it comes to transport planning. The established airlines that have gone into the question of bidding for the regional air licences appear to have done so very seriously. They certainly do not see themselves as dealing with unpractised novices and I confidently believe the outcome of the various negotiations this year mark one of the government's achievements in the transport field.

I have made little reference to the air charter industry although it is as important as any other consideration in the future of aviation in the Territory. However, I see very little point in seeking to contribute remarks on the charter operators because it seems to me that an outstanding level of accord already exists between the charter companies and the Minister for Transport and Works and his officers. From information coming my way from the charter people, the minister has been in close touch with them all throughout this year. In fact, he has met most of them twice at special meetings in Alice Springs and Tennant Creek. They would have to agree that proper consultation has occurred at every step of the way in relation to the important bill now before this House. I know of nothing in the bill with which they substantially disagree. They may have difficulties of their own but, in no way can they see it as likely that these could be exacerbated by any of the content of this bill. In fact, this legislation will assist them in many ways. I support the bill.

Mr COLLINS (Arnhem): In speaking to this bill, I would like first to comment on a number of comments made by the honourable member for Tiwi. First, I would like to confirm that the advice given to her by her husband that, when aircraft get into trouble, they land is absolutely correct. I would like to take up the honourable member's comment about private pilots being able to do the odd job and take part in what would be charter operations. I take the completely opposite point of view and urge the government to do precisely the reverse of what the honourable member for Tiwi would like it to do. The overheads in operating a charter airline are frightful. This is a matter on which I do have some knowledge. There is at least one private pilot, a member of this House, who would also be very familiar with the crippling costs of buying and operating aircraft today. The maintenance costs themselves are crippling. Any responsible government should ensure that, under no circumstances, should private pilots do odd jobs that could be done by a charter company. It is up to the government to support those people who are brave enough to enter into the world of aircraft chartering.

The particular aspects of the bill that I want to discuss are clauses 8 and 10. I will also make particular reference to the Northern Territory's regional airline, Connair. Like the honourable member for Stuart, I regard Connair as being synonymous with the Northern Territory. I have been flying with Connair for 13 years and I must rate as their most frequent customer, at least in the last 2½ years. I also want to add my commendation to the people who operate that airline. I have never struck a more obliging or helpful set of people. Right from the ground staff up to the pilots - they have certainly helped me out on numerous occasions - their attitude towards the airline and their loyalty, if not necessarily to the owner of the company certainly to the company itself, is impressive and their attitude towards the people they carry is also impressive.

I can remember the very first flight I made with Connair from Darwin to Manigrida 13 years ago on an aircraft that was quite different to the ones they operate now. The way in which that company has improved its services over the years is again something that needs commendation. I remember that first flight very well because Connair employees are blessed with a very good sense of humour which in those days was a necessity because of the many breakdowns that the airline suffered. I remember walking up to the small counter at the airport with some trepidation because I had never travelled on such a small aircraft before. I asked the bloke behind the counter how long it took to get from Darwin to Maningrida. His reply was, "I don't know. We've never made it yet". That reply is something that has stuck in my memory ever since.

I also remember flying on a Heron to Borroloola. Since those aircraft do not carry hostesses, the safety procedures are called out over the radio by the pilot. He was giving his little instructions which will be familiar to everyone who has travelled on a Heron aircraft and he was saying, "In the case of a forced landing, the emergency exit is in the back. There are 3 hatches in the roof but you do not really have to worry about any of that because, if we crash, just follow the first officer as he is always the first one out of the plane".

Connair services have certainly improved since those days. Some 9 years ago, I took the then Superintendent of Maningrida, John Hunter, to the Darwin airport to fly back to Maningrida by Connair. I was driving back overland, a trip which then took 3 days. It now takes a day. I dropped him off at the airport and I left by road; I arrived there before he did. Since then, Connair has upgraded its services, fitted its aircraft out with new engines and provided an absolutely indispensable service to the isolated communities of the Northern Territory. I commend them heartily for it. I find it impossible to think about the Northern Territory without thinking about Connair. I would be very sad to see the demise of that airline. To a substantial extent, the future of that airline rests in the hands of the Northern Territory government.

One of the annoying features of flying as regularly as I do by Connair is the way I have seen their passengers pirated by charter airline companies. I have seen it happening. On one occasion, I was waiting at the airport at Croker Island for Connair to arrive to fly back to Darwin. On the ground were 5 passengers who all had Connair tickets. The Heron had called in at Goulburn. Before it arrived at Croker, a SAATAS plane arrived at Croker Island with passengers from Darwin. The Connair passengers then went back to Darwin on the SAATAS plane and cashed their Connair tickets in Darwin when they arrived. Strictly speaking, the airline company is able to take 25% of the cost of that ticket but rarely have I seen that done by Connair. It is another indication of the kind of relationship that exists between that airline and its customers.

I can only remember one occasion in 13 years on which I have seen that 25% taken off. There had been an excess of passengers at Goulburn Island and 5 paying customers had been refused seats because there were 5 passengers booked from Croker to go to Darwin. I can assure you that the pilot and the co-pilot of that aircraft were very angry indeed when they arrived at Croker to find that their passengers had left 15 minutes earlier on a charter company plane. I cannot stress this strongly enough to the Northern Territory government: under clauses 8 and 10 of this bill, it has the power to ensure that this sort of thing does not happen. It should not happen.

An RPT airline operates under much higher overheads than a charter

company. The standards are higher, as they have to be. In fact, Connair pilots have said to me that, if the clock on the dashboard is not working, they go back to the hangar. I think that Connair have an enviable safety record in this respect. They cannot maintain those standards if their customers are being pirated by charter airline companies as they have been in the past. Quite often, people in communities have said to me, "Why should we have Connair? If we fill up a charter with 5 seats, we can go into Darwin from here at a cheaper rate than if we fly with Connair". I believe that is an extremely short-sighted attitude to take even though they may be able to save a few dollars by doing it. The advantages that a RPT service with scheduled routes and timetables offers to communities goes without saying.

I would certainly urge the government to do everything in its power - and I know that they have stated this time and time again - to guarantee the future employment of the staff of Connair. At the moment, and I am sure that the Minister for Industrial Development is well aware of this, the morale of those people is at rock bottom. The company recently has had to rearrange its schedules because of the enormous loss of extremely-skilled pilots who have gone to work for Air New Guinea because of this current unhappy situation. You cannot blame pilots for wanting to go to a job which eventually will pay them $42,000 a year and free housing etc when this kind of uncertainty is occurring.

I have no hesitation in saying that the behaviour of the Chairman of Connair in respect to his staff over this matter has been a disgrace. I think that Mr Connellan obviously has a rather poor grasp of industrial relations because the communication that he had with his staff over this matter and the kind of reassurances they have had from him have been minimal. Basically, I believe that the future of those 152 people rests very firmly in the hands of the Northern Territory government and it is a responsibility that I hope it will discharge.

The combined experience of the senior flight crew of Connair is quite staggering. People who have flown regularly with Connair would know that Christine, who flies in Alice Springs, has some 15,000 hours under her belt. The famous George Washington, who told me that in the Second World War he was flying the most modern aircraft in the world and has been going backwards ever since, has something like 30,000 flying hours' experience. It would be a lasting shame if that kind of expertise was lost by the Territory. I would urge the government to do all in its power to ensure that the employees of Connair are protected. One of the methods that they can use in doing this is to ensure that, when licences are issued to those companies which are competing on the same routes as Connair, the higher operating costs of an RPT airline will be taken into consideration and that the Northern Territory's new regional airline will be guaranteed a chance of being an economic success.

Mrs LAWRIE (Nightcliff): I rise to support the legislation. Firstly, I commend the government on the way in which this bill is presented. Unlike other pieces of legislation which appear from time to time, it is written in precise and clear English and can be clearly understood by anybody who would need to read it. It is not surprising that the debate on the Aviation Bill - and I welcome the Northern Territory government's takeover of responsibility in this area - has become to some extent a debate on the future of Connair or, more properly, on the future of a regional airline for the Northern Territory.

I would like to support the remarks made by the member for Arnhem. I am not particularly defending the management of Connair; certainly, what has happened over the past few months has had a demoralising effect on the remain-

ing staff. I was employed by Connellan Airways, as it was then, 20 years ago. It was then a very small operation based in Alice Springs. I remember the present chairman's sheer delight when he announced to us one day that Connellan Airways had a licence to operate in the Top End. We were going to show all those charter operators what a real airline meant. When Connair did start operating in the Top End, it certainly made a lot of difference to people living in the remote areas who were able to avail themselves of a scheduled service.

Like the member for Arnhem, I believe that it is imperative that the communities right throughout the Territory continue to be able to rely on a scheduled service as distinct from charter services which may operate from time to time in special circumstances. We are all aware that the previous provisions regarding the intrusion of charter aircraft onto regularly serviced routes have not been policed for one reason or another. With the passage of this legislation, it will rest squarely with the Northern Territory government to ensure that any airline given a regional licence will be able to operate without unfair competition. On that basis, it is time for me to add my weight to those voices who asked the present government to ensure that any company offered a licence to operate in this area shall have its management based in the Northern Territory, shall have to pay regard to the needs of the people here and not become simply an extension of a large southern airline.

It is also relevant to state that I was approached again by senior members and pilots of Connair. They want assurance from the Northern Territory government and the minister that, when the committee presents its report at the end of November, the minister will put a time limit on the recommendations he will accept. In other words, the staff do not want the present uncertainty to drag on through December and maybe into January. The pilots have said that they would rather have no future than an uncertain one. It is the uncertainty which is demoralising.

I listened with some interest to the Chief Minister's reply to the Leader of the Opposition yesterday when he asked when the committee would report and when the recommendations would be made public. The Chief Minister, other than naming one person, seemed to refer to them as "those well-known experts; what are their names?" I found that a bit disturbing. One really cannot castigate the Chief Minister because it is not his responsibility. The Minister for Transport set up that committee and it will be reporting to him. I ask him to indicate to the House, and by extension to the Connair staff, that the committee will be reporting to him on a determined date, decisions will be made by the government and that the remnants of Connair will not have to suffer another couple of months of undue anxiety. If further delays do occur, there will be very few left. I share the concern of government members and members of the opposition that so many skilled and senior staff have left Connair to go to Air New Guinea and other places because they needed to feel that they had a secure future.

I support the legislation and I hope for some assurance from the minister on the points I have raised.

Mr EVERINGHAM (Chief Minister): I have listened with a great deal of interest to the remarks made by honourable members in this debate. It is expecially interesting that there are at least some people, and I include the honourable Leader of the Opposition, who consider that there is some use for state and territory governments, at least in the civil aviation field, unlike their would-be colleague, Mr Bob Hawke, who thinks that state and territory governments should be abolished and be replaced by a centralist government from which the Northern Territory has just shaken loose to some extent in

order to assist people who live in remote places to have some control over their own living environment and their future. It is the ignorance and lack of concern on the part of the Australian government for the Territory that has resulted in civil aviation in the Territory being in the terrible state in which it is at present.

Every speaker has referred to the piracy of passengers by charter operators because the Australian government is not apparently providing staff to police its own regulations. Connair has had to struggle on routes that are not potentially the most viable whilst the major airlines, protected by the Australian government's 2-airline policy, have taken the cream from the good routes. When I was in Alice Springs, I flew to Cairns a couple of times on a combined Connair Bush-Pilots operation. Bush Pilots took over in Mt Isa. Later, you could fly all the way on one day with Bush Pilots and, on another day, all the way with Connair. This seemed much more sensible to me. As soon as these routes became developed and tourist traffic started to build up, the major airlines took them all away. I believe Connair still have rights on the route from Alice Springs to Cairns. Obviously, it is futile to attempt to exercise those rights in the face of opposition from Boeing 7200 aircraft. This shows the extent to which that route has developed.

The honourable Leader of the Opposition referred to clauses 14 and 17 which do confer quite arbitrary powers on the minister and on the director. The Leader of the Opposition conceded that it is necessary for the minister to possess those arbitrary powers. However, he appears to consider that the director should not have such powers because they are an imposition on civil liberties and, in fact, an extension of the minister's powers. I would see clause 17, which is almost identical to legislation in Western Australia, as a limitation to some extent on the minister's powers rather than any extension. I understand the present position is that licensees who are suspected of an offence involving an aircraft are often grounded immediately without the matter having been taken to court or dealt with in any way by the Department of Transport which can quite arbitrarily revoke licences and impose conditions.

I believe that, in this field, it is regrettably necessary that there be provision for arbitrary action because lives - at the very least of the pilots and in many cases lives of passengers and people flying in other aircraft - are at stake. In the southern states, I personally feel a degree of discomfort after having read some of the advices to pilots that are circulated by the Department of Transport which warn of the apparent lunatics who somehow attained licences and took planes into the air. Only someone without any common sense at all would attempt to perform some of the feats that I have read. There will be provision in amendments to be introduced by the honourable the Minister for Transport and Works for a review of the actions of the director under clause 17 by the minister on the application of any person who is aggrieved by his actions.

Members have paid tribute to the great pioneering work of Connair and I certainly do so as well. However, it is noteworthy that the only route that is being flown by Connair in Central Australia at this time, regrettably, is the route from Alice Springs to Ayers Rock. Station services by Connair ceased many years ago. Its principal operations are in the Top End and I understand that the most viable routes for a regular passenger transport airline are likely to be in the Top End. However, it has a major engineering complex in Alice Springs and we would certainly want to see this maintained if possible. I can assure all honourable members, as I have assured them and Connair staff on numerous previous occasions, that the government has made it a condition of the granting of additional licences - what amounts to a monopoly of regular passenger transport aviation in the Northern Territory -

that Connair staff be retained on the payroll of the successful applicant.

My colleague, the Minister for Transport and Works, will be better able to comment on the demands made by the honourable member for Nightcliff. It would seem to me that it may take this committee some time to come to its decision. The committee is made up of 3 people from the aviation field: Dr Bradfield, Mr Rex Banks and Mr John Riley who is the Deputy Secretary of the Department of Transport and Works. They will have to go into the whole thing pretty thoroughly. I do not think that they should be given a time constraint as to when they must present their report. They have been told that we want it as quickly as possible but this is not one of those areas where I am willing to risk imperfection in the interests of achieving speed. After that, of course, Cabinet will have to consider the recommendations.

It may be that negotiations will have to be entered into with people who operate existing airline services in the Territory. These concerns have staff and booking agents who depend on the business generated. We are asked to bear in mind the interests of the Connair staff but we must also bear in mind the interests of other airline staff if they are to be in any way affected by the revolutionary change that is likely to take place in intra-Territory air travel whereby there will be one regional airline. Arrangements will have to be made to mop up all the staff and protect, as far as is possible, all the interests of the various people who draw their livelihoods from the industry. Whilst I certainly want to end this saga as quickly as possible, the interests of Connair staff will be protected. I would have thought that they have had our assurance so often that their uncertainty should have been at an end. Now comes the problem of the other airline staff who may be affected. I do not think that those people should be lightly trampled upon either. It certainly would not be my intention to say that Connair staff will know which is the successful bidder by any particular date because it may involve negotiations of a complex nature with people who are already operating here.

With those few remarks, Mr Speaker, I support the legislation.

Debate adjourned.

DOG BILL
(Serial 348)

Continued from 20 September 1979.

Ms D'ROZARIO (Sanderson): This bill is obviously aimed at providing some measure of control over a very serious problem in Territory urban centres at the moment. Because of the great difficulties with the present Registration of Dogs Act and the large number of complaints that people have about dogs spoiling their enjoyment of urban life, the minister has presented this bill. This is an Australia-wide problem; in recent months, the minister will surely know that there has been a great deal of national publicity about the menace that dogs can be in urban environments. It is quite timely that some consolidated bill be presented in this House for the control of this problem.

It would be a simple matter to control dogs in urban areas if they were kept for the purpose that most people claim that they keep them : as companions. A number of circumstances surrounding the obtaining of dogs and the manner in which they are kept have given rise to a great number of problems the solutions of which are not easy. It is an extremely easy matter to obtain a dog. There is also indiscriminate breeding of dogs by people who simply allow biological processes to take their natural course without

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let or hindrance. There is also the problem of these dogs being disposed of to uncaring homes. The owners purchase a dog for some reason and that reason then becomes less and less compelling. We then find that the dogs are uncared for, become a menace, start scavenging, running in packs and causing damage to other animals and to people in residential environments. Another problem is the keeping of unsuitable breeds in congested areas. Most dogs were bred for specific purposes and very few of these purposes related to urban environments. Quite often, an owner fancies a particular breed of dog, obtains this animal and then finds that its demands on him are so intense that the only thing to do with it is either leave it to its own devices or get rid of it.

All these problems are not to be minimised because they are very severe problems indeed. The problem with this bill, however, is that it does not recognise that there are a great number of people, albeit a minority, who keep dogs for very legitimate reasons and who continue to care for those dogs. There are a number of people who take pride and enjoyment in various kennel club activities, who submit to the control of their kennel clubs and the Canine Association which is the control authority for the Northern Territory, and also people who, even if they do not indulge in those activities,keep their dogs in good health and under control at all times. In dealing with the problem, the minister has tended somehow to give these people a rather poor deal in this particular bill.

I hear the minister protest there. I might say that he has given some time to kennel club members and he attended a meeting of one of the kennel clubs to discuss this bill. I am pleased to see that there are extensive amendments which will take up a number of objections that have been raised by members of kennel clubs. However, I do not think that the minister's amendments go far enough. I foreshadow that I will be presenting some amendments which I hope members of the government will support. The minister has foreshadowed that his side will have a free vote on this issue.

Mr Dondas: No.

Ms D'ROZARIO: What a pity. The minister has withdrawn his offer of a free vote.

The main problem with this bill is that it will not ensure that dogs are no longer a nuisance in urban areas. Yesterday, while the honourable Minister for Education was speaking on the Firearms Bill, I thought how valuable it was to have a member who was involved in the sporting side of firearms. If the honourable minister has time to take up his gun and go hunting, I can recommend him a good breeder of gun dogs. This particular bill does not guarantee that dogs will no longer be a problem. On the other hand, what it does is impose severe restraints upon people who are already under some control by their kennel club or canine association or people who exercise their own control.

There are 2 areas where I disagree with the minister. Firstly, the minister has provided clauses which will permit the registrar to have a discretion as to whether or not he will register a dog. My view is that the registrar should not have that discretion. If a person applies for the registration of his animal, the registrar should register it. What we are trying to do is to track down those owners who allow their dogs to be a nuisance. If the dog is not registered, then it is very difficult to track down the owner. Many people will deny owning an animal which is a nuisance. They will simply say that it is not their animal and the animal will continue to be a stray. The object of any bill to control the urban dog menace

should be universal registration and the problem of prosecuting delinquent owners would then be a simple one indeed.

What we have in clauses 16 and 17 is that the registrar can take certain matters into account and, if he is not satisfied as to particular matters, he can refuse to register the dog. What happens if a dog is refused registration? Presumably, the minister will say that there are other provisions in this bill which provide that it is an offence to keep an unregistered dog. The owner of the dog, if he can be found, will simply deny owning the dog. The primary objective of this bill ought to be to ensure the universal registration of dogs.

The minister may well say that we have a Registration of Dogs Act at the moment and only a very small minority of dogs are actually registered. One of the reasons for this is that the registrars, by and large, are the councils. The existing act provides that every policeman is a registrar of dogs by the virtue of his office. I assure you that, if you live in an area outside the municipality and you approach a policeman to register your dog, he would probably refer you to one of the local municipalities.

The registration of dogs is not a matter that should be the subject of discretion on the part of the registrar. There are ways in which owners could be compelled to register their dogs in the same way that citizens are compelled to register other things. For example, people are compelled to be on the electoral roll. If the minister wanted to take this seriously, he would provide that every dog should be registered. The municipalities or registrars could appoint people who could go house to house to make sure that dogs were registered. The registration fee should be very low in order to facilitate registration. My view on this matter is that registration is not some sort of privilege that is granted; it is something that is absolutely necessary in order to maintain control and to track down the delinquent owner of a dog that is a menace in a community.

One of the other matters on which I must say something is the question of breeding. I mentioned that it was a very easy matter indeed to obtain a dog. I am referring to indiscriminate breeding, particularly of cross-breed dogs. The owners of these dogs are not interested in their welfare to such a degree that they would take steps to prevent them breeding. Maybe the cost of the operation has something to do with it. Any day of the week, the minister could open the Northern Territory News and count the number of advertisements which offer puppies free to, as they call them, "good homes". If we are to control the urban dog population, there must be some concerted action to constrain the breeding of dogs. My own view is that, if one is not keeping a dog for showing or breeding purposes, that dog is a better companion if it has been desexed. This would stop it wandering and getting into fights and otherwise causing problems for its owners. Kennel club regulations require that, if you are showing a dog, it must be an entire specimen of its breed but the majority of dogs are supposed to be kept as companions and there is no real reason why these dogs cannot fulfil that function if they are desexed. However, I think it would be futile to advocate a mass desexing program for dogs that are kept as companions.

On the other hand, what the honourable minister has done is to impose constraints upon those people who breed to some purpose and who undertake breeding programs consciously. The provisions are that a person may apply to the registrar for a dog breeder's licence. If he applies for such a licence, there will be a fee and consideration will also be given to whether or not that person is a member of a canine association, the facilities he has for keeping his dogs and the number of dogs that he has at his premises.

If it was intended that there be some concerted thrust against breeding, all these provisions would be very good indeed.

The problem is that many owners of entire bitches do not consider themselves to be breeders at all. This is particularly true of the owners of cross-breed bitches. As far as they are concerned, when the bitch comes in season, they may or may not take steps to prevent her being mated by some dog that happens to be passing. If she is a nuisance dog to begin with or if the owners are uncaring, she will be allowed to wander the streets at large. There is a very good chance that she will be mated without the owner knowing about it or doing anything to have her aborted afterwards. These people do not see themselves to be breeders although, in the sense that they have a bitch who is capable of producing a litter, they are breeders. All that happens in these cases is that the bitch will be allowed to carry the litter and she may or may not receive veterinary attention while she is carrying. Her litter will be allowed to be whelped and there will be an advertisement in the Northern Territory News: "Puppies to good homes". Then, the entire cycle will start again. If we are to have some control of breeding, it is the person who has an entire bitch which is not controlled in any way that must be the target of our control measures. That is not what this particular bill does.

I foreshadow that I will be proposing an amendment to the definition of "dog breeder". The definition presently reads that "dog breeder means a person who breeds dogs". I will be moving that that be amended to read: "A dog breeder means a person who is the owner of a bitch that is not desexed". The whole matter turns on whether the breeding of dogs is a conscious activity or some biological process that is allowed to continue unimpeded.

I mentioned earlier that there are some categories of people who take care of dogs, who are genuinely fond of them and who expend large sums of money on their health and welfare and that these people will be severely affected by this bill. The honourable minister may or may not know that, in the Northern Territory, we have 11 kennel clubs and dog obedience clubs and also a control organisation known as the North Australian Canine Association an incorporation which is responsible for the registration of all pure-bred dogs in the Northern Territory and also oversees activities such as showing, trialing and breeding these animals. These people will have some constraints upon their legitimate sporting activities. This is a very competitive sport. It is a pity that the minister did not come to the Winnellie Showgrounds last Saturday evening where he could have seen a conformation show and an obedience trial taking place at the same time. There were some 200 dogs and about 500 people enjoying the sport of dog showing and dog trialing.

The honourable minister has in his bill a definition of "effective control" which would constrain the activities of these people. I refer members to the definition given in clause 5(3): "A dog is deemed to be under effective control if it is confined in a motor car or other vehicle, if it is under the control of a person by means of a chain or cord or lead or if it is attached by chain or cord or lead to a building or other structure in such a manner that it cannot move beyond the length of that chain, cord or lead". I gather the minister is proposing an amendment the effect of which will be that you can actually anchor your dog to a stationary vehicle as well.

On the face of it, that might sound as if it would take into account all circumstances which are likely to arise. However, it does not accommodate those people who have spent many long hours training their dogs to walk off-lead, who have spent many long hours training their dogs to take part in field trials or retrieving trials and who are able to maintain control of

their dogs because they have spent this time in training them. These people might be only a small portion of the dog-owning population and I can say that the number of obedience titles which have been conferred upon Territory dogs is relatively small: 72 such titles have been conferred in the last 10 years. Let me also say that to have an obedience title conferred on your dog is an extremely long process and a very onerous task indeed. It is not sufficient to pass 1 trial; you have to pass 3 for even the lowest grade of obedience title, the companion dog title.

Nevertheless, there are large numbers of people whose dogs have not gained titles but who go to obedience training regularly and continue to train their dogs. There is also another group who do not have any interest in formal obedience training but nevertheless manage to exert control over their dogs because of the manner in which they have raised them. All these people would be disadvantaged by the present definition of "effective control". I have discussed this with the minister and I foreshadow that I will be proposing an amendment which will accommodate that category of persons.

In recent weeks, there has been a large fight brewing between the SPCA in Darwin and the Corporation of the City of Darwin. It is a bit disturbing to see this sort of animosity developing between these organisations which are both responsible for animal welfare and the control of animals in urban areas. The problem arises because the SPCA considers itself to be an organisation specifically set up to look after the welfare of animals. The Darwin city council apparently regards itself as being expert in this field and there is talk at the moment about setting up its own pound and doing away with the services of the SPCA.

We see a provision in clause 7 that a local authority will not appoint a registrar unless it also establishes a pound. In clause 55, we see that a pound must be gazetted. It has been explained to me by the minister and his legal advisers that this provision is there simply so that the local authority will have somewhere to keep animals when it impounds them. The theory is that this clause has been put in specifically to give the Darwin city council the ability to establish its own facilities quite separate from those of the SPCA.

Mr Dondas: We can do it under the Pounds Ordinance now.

Ms D'ROZARIO: Yes, but I am referring to the fight that is brewing between these 2 organisations and I am asking the minister what he proposes to do about it.

The honourable member for Nightcliff mentioned the respective roles of the SPCA and the corporation in her column last week in the Darwin Star. The Mayor of Darwin has said in the public press that, in all parts of Australia, it is the urban municipalities which are responsible for this function - nobody disputes that - and that they all have their own facilities. I think that the Mayor is quite incorrect in that latter statement. In fact, in New South Wales, Victoria and South Australia the RSPCAs have contracts with large numbers of urban municipalities to carry out the function of impounding stray animals, looking after their welfare or destroying them if the need arises. The question has arisen as to why the Corporation of the City of Darwin has decided to go off on its own in this particular matter. It is very disheartening to see such hostility displayed in the public media between these 2 organisations because the problem must not be minimised. There should be cooperation in the handling of the problem rather than competition.

There are many clauses of this bill which will be the subject of amendment. The minister has been good enough to give me forewarning of these

amendments so I will not take up time in discussing those. There are clauses of this bill which will not be amended by the minister and I hope that he will agree to my amendments. These will be aimed at not impeding further the enjoyment of dogs by those people who are engaged in kennel club activities and in legitimate showing and breeding activities controlled by the North Australia Canine Association.

With those few words, the opposition supports the notion that dogs should be controlled in urban areas. We do take issue with the minister in respect of some particular clauses and we ask members of the government to support our amendments.

Mrs PADGHAM-PURICH (Tiwi): I rise to speak to this legislation with mixed feelings. I recognise that there is a dog problem not only in Darwin but elsewhere in Australia. The problem is not created by dogs but by people. Realistically, this legislation should not be directed at the dogs; it should be directed at the uncaring owners. No doubt, it will be.

In all seriousness, it makes me rather sad at times to see so many unwanted dogs around. It is through human negligence and uncaring attitudes that these dogs have been allowed to multiply until they have practically reached plague proportions which has caused most of the trouble that we have today.

Before I go on, I must declare a definite interest. I do not breed dogs at the moment but I do have boarding kennels. I have a definite interest.

Part of the problem in cities, as I see it, is that we seem to live in such a way these days that everybody lives with everybody else. We do not seem to live private lives as people used to in the past. In some ways, it is good to share things if one has things but, in other ways, it would be nice to return to old values. I will bring in children here as well as dogs. I have had a few children and I have had a few dogs.

Mr Collins: Not together, I hope! It sounds like a multiple birth.

Mrs PADGHAM-PURICH: No, it wasn't at the time.

The 2 situations are very much the same. You have children and you have dogs because you like them. If you don't like them, you don't have them. You must look after your children if you have them and you must look after your dogs if you have them. You do not keep dogs and let them roam the countryside so that other people look after them because, much as I like my children and my dogs, I may not necessarily like other people's children and other people's dogs coming into my place in the city.

The honourable member for Sanderson mentioned, and I agree, that one of the big problems in the city is that, for some years now, town planners and architects have encouraged the doing away with fences in the interests of having a garden city. If we have no fences, we make it much harder to control our individual livestock problem in the town. I do not know whether they still have fences like this in Perth but they did when I lived there some years ago. Houses in the city had weatherboard fences starting from the sides and going all around the back of the block. This kept the dogs in the blocks and not roaming the countryside. In Darwin, we have low fences around most blocks. Some caring people have erected 4 feet 6 inch cyclone fences which would keep in the dogs. If you only have a knee-high ringlock wire fence, the dog can get over or through it.

I agree with the honourable member for Sanderson that there are many unsuitable breeds of dogs kept by people in towns. In the past, I have forgone many sales of my cattle dogs because they would have been sold to people in towns. I have impressed on them at the time that cattle dogs do not live in towns unless people have expert knowledge in handling them. I think that this goes for other breeds which the honourable member for Sanderson would know only too well.

Mr Speaker, we cannot escape human makeup and, especially, human egos. I have a theory that people keep dogs for 2 reasons: they keep them because they are an extension of their own personalities or they keep them because dogs have something that they want. If you get a little chap who wants to keep a great dane, he keeps that great dane as a status symbol. He thinks that he is a big bloke because he keeps a big dog.

Mr Collins: That is why I have a greyhound.

Mrs PADGHAM-PURICH: I have not seen it yet.

I do not think that we can ever get away from this. I would not like to see this legislation biased against cross-bred dogs because cross-bred dogs arise from the breeding of pure-bred dogs. There are just as many well-mannered, cross-bred dogs around as pure-bred dogs. I say that in all sincerity. Because I have boarding kennels, I have a greater knowledge than most people here of different breeds and cross-breeds of dogs. There are not many dogs that come to board with me that I would take as gifts. There would not be more than 10 or 12 dogs that I would have taken over the years as gifts and more than half of these were cross-bred dogs. I am very partial to a cattle dog, bull terrier cross. I would not have a bull terrier but the cross-breed makes a very nice dog.

Before I go into the legislation, I would like to speak about bitches in season. To let a bitch in season roam loose is not very good for the bitch's health. There is also a resultant increase in the dog population and the aesthetic point of view must be considered. However, there is also the problem of the person who has a bitch in season, who yards it properly and looks after it but is pestered by untended male dogs coming around. This also has to be considered. Most people board their bitches in season but some of them capably look after themselves and I must speak against this sexist bias.

This bill is called a Bill for an Act Relating to Dogs. There is no definition of "dog". It has been said to me that, if a case went to court, the court would decide what the definition of "dog" is. It would be the simplest thing to have a definition: "dog means canis familiaris". You do not have to specify the variety such as whether it is a dobermann, a schnauzer, a dingo or a miniature poodle. We should just specify what everybody knows to be the definition of a dog. In the fisheries legislation, direction was given to the courts on how to act in certain cases. It seems to me that it would help the courts to actually define "dog" in the legislation. That is not asking too much. In fact, I think that it is rather remiss to not include it. We have "dog breeder" "dog-tag", "dog trader" and "guide-dog" but we do not say what a dog is in the beginning. It is no good just saying that it has 4 legs, a tail and fur because that could be anything. Anybody who goes to court over this legislation will have to go through the long rigmarole and expense of proving that a particular thing was a dog.

As well as having no definition of "dog", there is no definition of "kennel". People's views of what a kennel is can vary. A kennel can be

a breeding kennel in the official sense laid down by the North Australian Canine Association. A kennel can be a little box in the backyard that you chain Towser up to. A kennel can be a boarding kennel. "Kennel" is not defined. "Boarding establishment" is not defined for similar reasons.

We then come to the word "marked". "Marked" is not defined either. I have spoken on this before. I also have a definition from a well-known veterinary surgeon in Darwin:"'marked' means identification by tattoo applied by a veterinary surgeon using a nationally-recognised symbol recommended by the Australian Veterinary Association Ltd". There is also another definition for "marked". I would prefer not to see the word "marked"; I would prefer to see the word "identified". If an animal is marked, it is usually a young male calf or sheep that has been castrated. To use that term in relation to dogs when it also refers to sterilisation is confusing.

There is no definition of a "veterinary surgeon".

Ms D'Rozario: It is in the amendments.

Mrs PADGHAM-PURICH: I am sorry but I have not read through the amendments. You are more privileged than I am. There is no definition of "disease". We talk about disease in the bill but what is a disease? Is it a condition or is it a disease?

"Registered breeding dog" is not defined and I consider all these definitions as most important for the proper working of this legislation.

I think the definition of "public place" is different in the Police Administration Act. I mentioned this before. I would also like to include in the definition of "public place" roads through pastoral properties as these form an important part of my electorate.

I was rather concerned with the definition of "premises" in relation to paragraph 5(1)(b): "The occupier of the house or part of the house or premises where the dog is ordinarily kept". This is in reference to the owner of the dog. My concern was that the owner of a recalcitrant dog may live in one flat and somebody in another flat in the premises may be held responsible under this legislation. I have been assured that that will not be the case. I hope it will not be because it would be very hard to swallow.

I also agree with the honourable member for Sanderson's remarks about obedience-trained dogs. She also mentioned dogs that may be unofficially trained. That could also include dogs that are bred for work in the country.

Clause 6 states: "Division 1 of Part III and sections 35, 36 and 38 do not apply to or in relation to a guide-dog, a dog used as a guard-dog by an armed service and a dog used on police work ...". I cannot see why the police dogs and the armed services dogs should be excluded. To me, they are just working dogs. There are many other working dogs that are not used officially. There are also dogs used by security services.

Division 1 of part III relates to registration. I have no argument with the guide-dogs because anything that can be done to improve the position of people who are unfortunate enough to lose their sight should be encouraged. I cannot see why the armed service dogs and the police dogs should be exempt from registration. To me, they are only working dogs and other working dogs have to be registered.

Clause 7(3) states that an authority shall not appoint a person to be

a registrar unless it also establishes a pound. A pound does not necessarily have to be a new establishment with "pound" displayed at the front of it. It could be any place for the time being used as a pound. This calls to mind the business relationship which existed some time ago - before the SPCA operated out at McMillans Road - between the city council and Mr Fred Gray whereby he made part of his establishment available to the city council for a pound.

I find clauses 9 and 10 rather confusing. I do not know whether they can be written differently but they make for rather confused reading and I had to read them several times before I could understand them. By clause 9, the registrar cannot act out of his area and clause 10 says, "cannot act in certain local areas". It took me quite a while to work that out but I think I am right now.

Clause 12: "The minister may, by notice in the Gazette, declare any vacant land to be a public place". I do not know whether it is necessary to add "for the purposes of this act".

Clause 13 has the verb "marked". I have already given my reasons for disagreeing with that word. I would prefer to see the word "identified".

Clause 14(1) specifies authorities and fees. Clause 14(2) is concerned with the fee for maintaining the dog. I cannot understand why subclause (2) could not have been a paragraph under 14(1). It seems to be considering the same sort of things as paragraphs (a) to (e) in subclause (1).

By clause 16, a registrar shall, in considering an application for registration, consider the breed of a dog. I concede that this may be important if somebody wants to keep a large number of rottweilers on a small block but, on the other hand, if one has a cross-breed which is not a definite first cross, it may be rather hard to identify what the breeds were that contributed to its makeup. It would be a case of guesswork. If it is a case of guesswork, what is the justification in stating the actual breed of the dog if it is more to your interest to state that it is, say, a smaller breed or a less savage breed than it actually is?

Clause 16(2) should be considered in relation to clauses 22, 27 and 30. If the registrar refuses to do what he is asked to do, what happens then? I would hope that he is reasonable but dogs are a very emotional problem - some people love them, some people hate them. I would hope that the person who administers this is an objective person. To many people who do not have families, dogs more than any other animal become part of their family. Whether you think this is an effete part of our civilization or not, there is no getting away from the facts. To many people, dogs are children. In this legislation, not only must we consider the nuisance that an excess dog population causes in the city but also the extremely emotional way in which some people hold dogs. I think a balance must be formed between these two. I would like to see clauses 16(2), 22, 27 and 30 written more clearly. One should be able to read through legislation and understand clearly what it means.

Clause 22(2): "A registrar who determines an application for a licence by refusing it or issuing the licence conditionally shall deliver to the applicant a statement in writing of the reasons for the determination". There is no time mentioned there. I do not know whether it is mentioned in other legislation.

Clause 23: "Where a dog trader sells a dog which has been sterilised, he

shall deliver to the purchaser of the dog a certificate in the prescribed form". If a canine animal is sterilised, it is struck from the register of the North Australian Canine Association. The same situation also holds if a dog is a cryptorchid or a monorchid. Male dogs so afflicted are found in all breeds but more often in small breeds. People are quite happy to buy them as pets at reduced prices but it does not say anything in the legislation about that.

Mr Dondas: Why?

Mrs PADGHAM-PURICH: A cryptorchid would be considered incapable of breeding.

Clause 26: "A registrar shall, in considering an application for the renewal of the registration of a dog, take into account the matters which he is entitled to take into account under section 16 (paragraph (e) excepted)". If paragraph (e) is excepted, which relates to the number of dogs, why not paragraph (a)? I am not very happy with clause 26. As I said in the beginning, I rose to speak to this legislation with mixed feelings because I can understand its intent but I really do not think it does what it intends to do. I have already spoken to the minister about this.

We come now to a very important health problem in clause 27(3)(c): "Without limiting the generality of subsection (1) a registrar may refuse to renew the registration of a dog if the dog is clearly suffering from, or the registrar is satisfied on the advice of a veterinary surgeon that the dog is suffering from, a contagious or infectious disease". I will take the example of mange which is pretty widespread at certain times of the year in certain breeds. The dog may be under veterinary treatment. Is the registrar to put a black mark against that dog because it happens to have a contagious or infectious disease, namely mange, even if it is receiving veterinary treatment? Clause 63 offers an appeal but appeals cost money. There should be some indication here of whether or not the dog is being treated. I said earlier that I would like to see a definition of a "disease". We all know what a disease is but there are some things which could be called diseases but are really not. We must have it defined.

Clause 29: "A registrar shall, in considering the application for renewal of a licence, take into account any matter which he is entitled to take into account under section 21 and in particular whether any complaints have been made in relation to the keeping or behaviour of dogs on the premises to which the licence relates". I think most people would agree with that. However, I have heard that a certain person in authority is biased against dingoes and greyhounds. This particular person may exert his particular bias or bigotry by only allowing certain dogs in certain areas. I do not know how we can get away from the registrar's bias and bigotry. I would hate to see it arise.

Clause 31: "A registrar may, on an application made to him in writing by the owner of a registered dog or the holder of a licence, by notice in writing served on the owner or holder, cancel ...". That is only concerned with renewals and not the original applications. I cannot see why. It seems to be covered by clauses 30 and 27. Again, it is not very clear.

Clause 32 gives the owner a course of appeal. Clause 32(b) is rather confusing to me.

Clause 35(1): "Subject to this Act, no person other than the manager of a pound or a registrar shall knowingly keep an unregistered dog which is more than 3 months old". This is a very young age. I have not had

experience in breeding large breeds of dogs. It is well known by people who breed dogs to a degree of excellence that standards of excellence cannot be seen up to 3 months of age. This is especially so with large breeds. It is common practice, if one has large breeds of dogs, to keep them until 5 or 6 months of age. This would certainly affect the ratio of dogs that breeders could keep at their establishment. I would like to see the period extended to at least 6 months of age. There are some people who would like to go further. Vets do not like to sterilise an animal of that age; it is much better to wait until the dog is at least 6 months of age or, if it is a bitch, until she has come into season for the first time.

Clause 35(2): "A dog trader or breeder or a kennel owner who is boarding a dog for the owner of a dog is not liable ...". I think a veterinary surgeon should also be included because he may have a dog in for treatment and be liable according to this. By clause 53(3) the SPCA is also not liable. Not everybody boards dogs with kennels but rather leaves them in the care of friends. I do not think the friend should be responsible if the dog is not registered. The responsibility must be on the shoulders of the owner of the dog.

Clause 38: "The owner of a dog which is not under effective control and is in a public place is guilty of an offence". I rather query the English of that. I think the subject there is the owner and not the dog. I know what it is intended to mean but I think the grammar should be examined.

Clause 39: "A registrar may, by notice in writing, exempt a person or body of persons from the provisions of section 38 for the purposes of a dog-race, dog-trial, dog obedience training, a dog-show or using dogs to drive cattle or stock on a public road". I was very pleased to see that included in view of the fact that it would be pretty hard to work dogs on a pastoral property on a lead. I would also like to see hunting dogs included there. These dogs are trained off leads in some situations and I cannot see why they cannot be allowed to be trained off leads as long as the permission of the owner of the property is obtained. Anybody who has been here for a number of years will know that there are quite a few pig dogs around. Pig dogs are not necessarily pure-bred bull terriers. They are dogs that are used for hunting pigs. These hunting dogs are not mentioned. I would also like to see the words "public road" changed to "public place".

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

Mr STEELE (Transport and Works): I move that the honourable member's time be extended.

Motion agreed to.

Mrs PADGHAM-PURICH: There is a grave omission in clause 40. The word "not" has been left out. I think that would be pretty clear to anybody. Also, there is no mention of the dog being in a car or a vehicle.

Clause 41: "No person shall, with intent to commit an offence against this act or to cause such an offence to be committed, entice or induce any dog to enter a public place". If the dog catcher entices a dog out of the owner's yard into a public place, what offence has he caused to be committed? I suppose the dog is in a public place without being under control.

Clause 44(a): "For the purposes of this section, a dog is a nuisance if it is injurious or dangerous to the health of any person". We can guess what this means. I would hope it means "in a public place" but it does not

say it. On occasions, I have had dogs that are definitely injurious or dangerous to the health of anyone who would put his hands into the dogs' pens. Luckily, I have not had many of them and I discourage them from boarding at my establishment.

Clause 44(1)(b) states: "Creates a noise by barking or otherwise which persistently occurs or continues to a degree ...". Again, I think it means in an urban situation but I would hope that commercial kennels would also be covered. These are certainly covered in the town planning guidelines presently before the Town Planning Authority in that a very large minimum acreage must be used for boarding kennels to minimise this noise. I concede that they can be noisy at times. "Behaves consistently in a manner contrary to the general interest of the community" - that is rather vague. We know what it means but I would like to see it expressed more clearly.

I am concerned by clause 46 which relates to the destruction of dogs: "No person shall wilfully kill any dog belonging to any other person ... that the defendant, another person or a bird or animal belonging to the defendant, was at the time of the alleged offence being attacked by the dog". As I said earlier, I have owned dogs and I like dogs. I board dogs and dogs form a very important part of my life. However, I also keep other stock. I think it is asking a bit much when a dog comes onto your property where there are prized poultry - the honourable member for Stuart might agree with me here - to have to wait for the dog to attack the poultry. The dog would indicate its intention to attack before the actual attack. I think this is covered in current legislation and I would also like to see included in this bill something like: "the dog giving every appearance of being about to attack". It is not a case of diving in to kill something; you can see it happening. I think you should be able to take action to protect your stock before it happens.

It has been suggested to me that clause 48 should read: "No person other than a vet shall mark a dog". I also think that the word "applicable" should be changed to "applied".

Although I will concede that there is probably more cross-breeding of dogs among cross-breeds, clause 49 seems to be a little biased against cross-breeds.

Division 2 deals with enforcement which is an extremely emotional issue: an inspector may seize any dog. I think that, by clause 53, he must have a warrant and so he should. I think that prior notification should be given to the owner, for example, that the dog is an undesirable animal. The owner, of course, may then remove the dog which would be to its benefit. Some warning should certainly be given to the owner so that the inspector cannot obtain a warrant and just walk in and seize the dog.

I wonder whether, under clause 51, there is a 28-day period in which to appeal because I think there should be.

Clause 57 states: "Each pound shall remain open between such hours on each day (public holidays excepted):". I take exception to that. The Brisbane pound stays open during public holidays. If somebody is urgently looking for their dog, public holidays should not be considered different from any other time; the pound should be open. If they can do it in Brisbane, they can do it here.

Clause 58 states: "Where a dog is impounded in a pound, the manager of the pound shall, as soon as practicable after the dog is impounded, cause a

notice in the prescribed form of the impounding of the dog to be ...". We live in a modern age and we have telephones. I cannot see why, to save a lot of red tape, the manager of the pound could not telephone the owner where possible.

Clause 61 states: "A veterinary surgeon or a Registrar with the advice of a veterinary surgeon if available, who examines an impounded dog shall, if he finds that it is diseased, notify the manager of the pound of that finding". Generally, I know what that clause sets out to do but I think that owners' rights must also be protected and the dogs' rights also. In clause 68(1)(a) the word "diseased" is used again.

Clause 69 mentions the laying of poison baits on land within 200 metres of a public place, road or way. If you are laying poison baits, you must publish your intentions in a newspaper and display warning notices. I thoroughly agree with that, particularly if the baits are for pigs because dogs could also pick them up and be poisoned. It was suggested to me that 200 metres was not far enough. I think that 200 metres is certainly far enough because if one person has a property fenced and another person is walking down a public way with a reasonably-trained dog, it certainly should not go in more than 200 metres. If it is well trained and these notices are well displayed, which they have to be, and there has also been notification in the paper, the owner of the dog that is walking down the road has had plenty of warning to look after the dog and not let it go wandering off or running 200 metres past the fence.

Clause 73(2)(a): Without limiting the generality of subsection (1), the regulations may make provision for the breed, age, sex or other characteristics of the dog. I thought that we had done away with this discrimination when we did away with the Alsation Dogs Ordinance and we repealed the Dingo Destruction Ordinance. To talk about the breeds of dogs is bringing discrimination back again. I will conclude with those remarks.

Mrs LAWRIE (Nightcliff): By introducing the Dog Bill, the minister is seeking to obtain an acceptance of the responsibility of the general public in owning animals. That acceptance is seen through the registration of those animals which, in this case, happen to be dogs. The legislation is also obviously seen as a check on uncontrolled and vicious animals, and I accept that.

However, it is not to be used, hopefully, to create a bureaucratic monstrosity which will harass the majority of people who are legitimate, considerate and caring dog owners. They should not be subjected to any undue harassment by any bureaucratic machine set up under this legislation. That is what concerns me. The legislation as presented needs many amendments if it is to be successful in controlling the unwanted dogs and the irresponsible owners without harassing those who, generally, are most responsible. I do not agree that they are a minority of owners; they are the majority of people owning dogs.

Certainly, as the honourable member for Sanderson said, the greatest form of effective control is to try to ensure that all dogs are registered thereby providing an instant check on those owners who have shown themselves time and time again to be cruel, destructive and disrespectful of other persons' property. I disagree with provisions in the bill which will mitigate against regisration and which will provide far too wide a discretion. Of course, honourable members will be aware that it is useless passing a law if it does not gain community acceptance.

Yesterday, the Chief Minister said that this Assembly was under fire for introducing random breath tests and would be under severe criticism if it was seen to be stopping backyard barbeques and parties. If it is going to stop the normal person owning a dog in controlled circumstances, the members of the Assembly might as well resign and go home. We are not talking about large, vicious dogs roaming because nothing which has happened today can stop that. However, there is certainly a concern in the community that those people who register their dogs and take normal precautions may be harassed in some manner.

Mr Deputy Speaker, the bill as presented seems to me to need amendments in just about every clause to make it work properly. At the outset, I state that I have no sympathy for people who abandon dogs, who obtain more dogs than they can effectively control and who allow their dogs to become a nuisance to the rest of the community.

Under the definitions, "dog breeder" means a person who breeds dogs. Does that mean from time to time, commercially, full-time or as a hobby? The honourable member for Sanderson has indicated that she will introduce an amendment to tidy up the definition of "dog breeder". Certainly, it needs to be stated that many people keep dogs without having them desexed because that is the best way to ensure the dog's health in later life, particularly if it is a bitch - people keep it until it is fully mature, mate it once or twice and then have it desexed. That practice is recommended by many veterinary surgeons. That does not mean that the person who has that bitch, whether it is a pedigree or a well-cared-for and loved cross-breed dog, is necessarily going into commercial breeding. People often prefer to allow the bitch to whelp at least once and have at least one litter prior to being desexed.

The previous 2 speakers have criticised the definition of "effective control" and I certainly join with them. The Canine Association, which has written to all members, is equally critical. Effective control need not necessarily mean a dog on the end of a leash. There are many people in dog obedience clubs who have demonstrated their ability to control a dog by hand movement and voice and the dogs are a pleasure to watch. There are also many people who have trained their dogs themselves, who are not necessarily members of dog obedience clubs but who exert the same degree of control over a dog and, again, that is a pleasurable thing and should not be discouraged. There are also people who have dogs on the end of a leash but who still cannot maintain effective control. Simply putting the dog on the end of a leash does not really satisfy the sense of this legislation so the definition of "effective control" will certainly need amendment.

Clause 7(3) states: "A local authority shall not appoint a person to be a Registrar under subsection (2) unless it also establishes a pound in respect of that area under section 55". I totally disagree with that. It would seem to me that, notwithstanding any agreement wished to be entered into by any municipality in the Northern Territory - not just Darwin - with any other authority such as an animal welfare league or an SPCA, they will have to establish their own pound in order to appoint a registrar. That is the way the legislation is written. I am sure that is not the intent but it has to be amended before the bill goes through the House.

Clause 12 states: "The Minister may, by notice in the Gazette, declare any vacant Crown land to be a public place". Of course, the local authority may declare certain areas within the municipality to be a public place. This has some importance given the fact that many people contain their dogs on their premises, take their dogs for walks under effective control and, for

the enjoyment of the owner and the dog, go to public places such as large ovals and areas adjacent to beaches to let the dog have a run. These are dogs which are not known to be vicious, to attack other people or to cause any undue nuisance. If this Assembly is going to say that nowhere in an urban area can people exercise their dogs, I think that the Assembly will be held in poor repute.

I think that clause 11 - "the Registrar shall keep a register in the prescribed form showing the prescribed details in relation ..." - would be made far more effective if it was amended along the lines suggested by the Canine Association to the honourable the minister so that there will be an immediate check on any dogs which are found at large. That is the intent of this legislation.

I feel that clause 13, where it says that the authorities may require a dog which has been sterilised to be marked in the manner specified in the bylaws, is inadequate. There is an Australian Veterinary Association mark for desexed animals and that is the mark which should be used to make it uniform right throughout Australia - not a different desexing mark based on the decision of any local authority. If we are going to have such a mark, and I agree with it, let there be uniformity so that everybody understands what we are doing.

Clause 14 states: "Subject to this Act, a local authority may, by resolution, fix the fee to be charged for an application for the registration or renewal of registration of a dog". I query that; I think it should be "fees" in order to allow a local authority discretion to fix a variety of fees according to whether the dog has been desexed and, particularly, to allow it the discretion to fix fees for persons such as old-age or invalid pensioners who may be able to maintain a dog, may demonstrate the desire for the company of that dog and to whom a large registration fee is nothing less than an imposition. Therefore, I would give the municipal authorities the discretion to fix a variety of fees rather than simply a fee as expressed in the legislation.

Clause 16 will ensure the bureaucratic nightmare of which I spoke earlier. There has been intense public reaction to this clause and I agree with the honourable member for Sanderson. If we are going to encourage the proper care of dogs in urban areas, we have to encourage registration. I have spoken to the minister privately about this; this is the clause about which I have had the most complaint. The feeling seems to be that, in the absence of any reason to the contrary, the registrar should register a dog and that the grounds for non-registration should be specified. If this legislation went through as presented, I am quite sure the Ombudsman would have to treble his staff to deal with the number of complaints against what the public would see as arbitrary decisions of the registrar. In fact, people would refuse to even attempt to register their dogs which is something no member of the House would support. We must have a provision which has community acceptance.

Also, under clause 16, the registrar shall consider the health of the dog. That is mentioned a few times. Is the registrar now a vet? Will dogs be presented to the registrar prior to registration? How does it come to his notice? Since he is not a qualified person, I do not see how he can make that judgment. I am given to understand that the minister may seek the deletion of 16(a). That does not satisfy me and it does not satisfy the large number of people who are complaining bitterly about the way in which the bill is drafted. What the people want is for the registrar to register a dog and be allowed not to register only on certain specified grounds. In other words, it needs to be turned around completely. For example, convictions for

cruelty to animals should be a legitimate ground for the refusal to register a dog. In fact, people who have been convicted of cruelty on several occasions in a court could legitimately be refused the right to own a dog at all.

Clause 21 deals with dog breeders' licences or dog traders' licences. Under clause 21, a registrar shall, in considering an application for a licence, take into account any matter which, in his opinion, is relevant and in particular whether the applicant is a member of a prescribed association. I disagree with that. Time and time again in the Legislative Council, people have protested bitterly about being forced to become members of prescribed associations when they are quite able to demonstrate their capabilities to handle and care for an animal. This comes from a party which talks about the right of people not to have to belong to a union. They do not agree with compulsory unionism yet people will be forced to be members of a prescribed association. That does not have community acceptance. People do not want to be forced to be members of prescribed associations and they bitterly resent the attempts of this Assembly so to force them.

Clause 26, which deals with the renewal or cancellation of registration, needs to be brought into line with the previous amendments which I have suggested to clause 16. In other words, unless there are good reasons to the contrary, the registrar shall renew those licences.

Clause 27(3) has aroused the ire of many members of the community: "without limiting the generality of subsection (1), a registrar may refuse to renew the registration of a dog if the owner of the dog has been convicted of an offence against this act or the repealed ordinance on 2 or more occasions". Let us examine what constitutes an offence under this act. It includes dogs being found in a public place at large. If your dog is taken within a municipality and impounded twice, you may be refused subsequent registration. Let us look at the penalty for enticement onto a public place by any person. It is a mere $200, the same as other penalties for less severe offences. Enticement onto a public place deserves a far higher penalty if the consequences of having your dog enticed onto a public place at least twice means that you may not be able to re-register the dog. You have the right of appeal but that is a very cumbersome procedure. This aspect of the bill is causing distress and concern amongst people who legitimately feel, for a variety of reasons, that from time to time their dog has been enticed onto a public place. I ask the minister to consider these points because the last thing we want is public antagonism to the people responsible for carrying out the provisions of this legislation or public antagonism to the point where people will refuse point blank to register their dogs.

Clause 27(3)(b) needs review: "the dog is shown, to the satisfaction of the registrar, to be destructive, dangerous, vicious or unduly mischievous". I have been asked by a large number of people to change that so that the dog is shown to the satisfaction of a court or a magistrate or a justice to be destructive, dangerous, vicious or unduly mischievous, not merely to the satisfaction of the registrar.

With regard to paragraph (c), I support the comments made by the honourable member for Tiwi. A contagious and infectious disease from which dogs commonly suffer is tonsillitis. In fact, it is one of the diseases which is often transmitted from the dog to members of the family and from members of the family to the dog. It is a well known medical fact that this cycle can be set up within a family. If your dog is well cared for and loved, you do not destroy it and deny it registration; you treat it. Another obvious disease is ringworm. In the eyes of certain sections of the community,

ringworm is not quite as socially acceptable as tonsillitis but it is probably less harmful. Ringworm is easily treated. It is not to be considered that either tonsillitis or ringworm per se is something so undesirable that a dog should be denied registration or put down. Doctors and vets who have been working for a fair while in Darwin know that, for some reason, tonsillitis is prevalent here. Where young people are consistently suffering from tonsillitis, the doctor will advise them to have the dog checked because both may need treatment at once. Caring families do that. There should be acknowledgement in the bill, if we are going to have a clause about dogs suffering from contagious and infectious diseases, that, where the person demonstrates the animal is under treatment, that is the end of it. It then becomes a matter between the vet and the owner as to what happens to the dog. It is no affair of the registrar if that dog is being treated. Treatment itself implies concern.

By clause 29, the registrar has to consider in particular whether any complaints have been made into the keeping or behaviour of dogs. What kind of complaints? Unsubstantiated complaints? Malicious complaints? As it is worded, it is too general. The Canine Association had some very relevant points to put to the minister about that. The honourable Chief Minister yesterday said that police were to be given a certain discretion when dealing with noisy parties and that, if one had a malicious neighbour, the police should be able to determine that at the time. This should be also applicable when we are considering animals which may be valuable, not only in a monetary sense but also in a psychological sense. I think a complaint must be substantiated as a genuine complaint.

Other members have spoken about the need for time limits when a registrar has to make certain decisions. I believe that is to be taken up in committee.

Clause 38: "Subject to this act, the owner of a dog which is not under effective control and is in a public place is guilty of an offence". There are 3 things wrong with that simple clause. Firstly, I think every speaker so far has disagreed with the definition of "effective control". Secondly, I have pointed out earlier that, if your dog is taken twice and deemed to have been in a public place, you will suffer a severe penalty by being refused re-registration of the dog. Thirdly, if the dog is taken in a public place and impounded, you have to pay an impounding fee. You are already being subjected to 2 penalties: the impounding fee for the return of your dog and the likelihood of refusal of re-registration if it is taken on 2 occasions. On top of that, there is a penalty of up to $200 for each dog taken in a public place. The honourable minister, who is in charge of this bill and also in charge of Berrimah Gaol, had better start building another gaol because people have told me that they will not pay $200 on top of all the other penalties. They will sweat it out at $5 a day at Her Majesty's pleasure. What they are really saying is that they wish to hold this clause up to ridicule because they think there are already adequate penalties if your dog is found at large. Remember that this is the same penalty as that for the more serious offence of enticement. The sponsor of the bill will have to look at that.

Clause 40 appears to be wrongly worded. I think the honourable member for Tiwi mentioned that. Clause 41: "No person shall, with intent to commit an offence against this act or to cause such an offence to be committed, entice or induce any dog to enter a public place". I would make it $2,000 and I make no apologies for that. The ramifications of that clause are serious and, in fact, could be horrendous.

Clause 42 is sloppy and needs amendment. It would be enhanced by the

addition of the words "without the dog being under effective control".

By clause 43(1), it is an offence to be the owner of a dog which attacks or threatens persons or animals or chases vehicles or bikes. Many people will be affected by that. Subclause (2): "No person shall invite, encourage or provoke a dog to do an act referred to in subsection (1)". I certainly express my approval of that because I know mischievous children often provoke otherwise well-behaved dogs and cause the dogs to become mischievous.

Clause 44: "For the purposes of this section, a dog is a nuisance if it is injurious or dangerous to the health of any person". Again, that needs definition; it is too wide. Injurious to the health of any person may include long-haired dogs to which asthma sufferers might be allergic. There are many asthma sufferers in the Northern Territory and if a long-haired dog was in their immediate vicinity, even if it was under effective control, their health may be affected. That means that the owner could be subject to a penalty of $200. The word "reasonable" certainly needs to be inserted.

Clause 45: "No person shall abandon a dog: penalty $200". What a paltry penalty for the people who are causing the so-called dog problem of Darwin, who are causing the ever increasing hysteria in the press and who are causing a definite public nuisance and a menace to other persons' health! The wilful abandoning of a dog should attract a far higher penalty. They are the persons that this bill is all about.

Clause 46: "No person shall wilfully kill any dog belonging to any other person otherwise than in accordance with this act". I would also like to see an increased penalty for that offence. If the rest of the penalties seem to be set at a mean of $200, enticement, abandoning a dog and wilfully killing a dog should attract higher penalties.

In relation to clause 49, there is a plea from the Canine Association that there be a separation of dog breeders and dog traders, one group being considered as commercial enterprises and the other including hobbyists.

Clause 53(2) is a vast improvement on the draft: "A justice or a magistrate may, upon application by an inspector, if he is satisfied by an affidavit that there are reasonable grounds for believing that the dog ... can issue a warrant". That is a great improvement which certainly allays some of the public fear. The person laying the complaint before the justice does so on oath and the swearing of false evidence is perjury. That will be a legitimate brake on malicious complaints being laid.

Clause 55 leads us back to the earlier problem of the drafting of the bill. I think the legislation should be amended to make it clear that, where a municipality so wishes, it may sublease a pound or enter into contractual arrangements with persons or organisations willing to undertake the task for them.

Clause 58 deals with what happens once a dog is impounded. I disagree slightly with the member for Tiwi. I think a notice in the prescribed form should be delivered to the dog owner. A telephone call is a reasonable way to go about things but I think they go hand in hand and one does not exclude the other. A telephone call cannot be verified. If perhaps a child does not relay the message and the dog is subsequently destroyed with no notice in writing having been given, the owner of the dog would have real cause for complaint. A telephone call is not of itself sufficient.

I notice we have an appeals provision. The applicant who was aggrieved by a decision of a registrar may, after 21 days, appeal to a magistrate or a court of summary jurisdiction. My whole point in speaking to the need for amendment of this bill is to do away with, as far as possible, the need for appeals. Of course, we must have controls over the nuisance that a few people in the community cause which makes it so difficult for the rest of us but let us not provide a vehicle for the harassment of concerned dog owners.

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

Mr COLLINS: Mr Speaker, I move that the honourable member be granted an extension of time.

Motion agreed to.

Mrs LAWRIE: Clause 68: "A Court of Summary Jurisdiction may, on the application of (a) any person who satisfies the court that a dog is diseased; (b) any person who has suffered any loss, damage or injury as a result of the actions of a dog ... order an inspector to destroy the dog". I mention that clause because I believe that is the way things should be done. If you have interference with persons' property or allegations of trespass on that property, a court is the proper place for that grievance to be aired. I am against giving too much power to registrars. I am in agreement with making the procedures as simple as possible and that, where a dispute arises, the courts should determine the matter.

I have gone through the bill clause by clause because it really needs a great deal of amendment. I have had several discussions with the sponsor of the bill. I received many complaints about the legislation even before it was debated. There is public disquiet and I disagree with an inference of the honourable member for Sanderson - perhaps I am maligning her - that the people who seem to care most about their dogs are the owners of pedigree dogs. That is not necessarily true at all. There are many people who obtain a dog either for guarding family property or as an extension of their family or for their children or as a working dog and who could not afford a pedigree dog but who will lavish attention, affection and adequately train a cross-breed dog. I stand up for those people. As an owner of 2 pedigree dogs, I think it is about time that a little more respect was paid to the owners of well-looked-after, cross-breed dogs.

Talking of cross-breeding, the honourable member for Tiwi exhibited a fair amount of common sense in this. I have bred boxers and on 2 occasions my boxer bitch has been in whelp to Pedro the Swift despite all care and precaution. He is a samoyed and, strangely enough, the samoyed-boxer puppies were magnificent dogs. I had people who use dogs out bush as working dogs pleading for them. The puppies went within days of their being old enough to leave the mother. They asked me to breed them again because they were such magnificent, hardy, strong working dogs suitable for Territory conditions. Let us not be too arbitrary in this Assembly as to what and what does not constitute a suitable dog.

I agree with the honourable member for Tiwi that we must be very careful about putting this power by regulation or any other means into one person's hands - not even in the hands of a veterinarian - when that person will make decisions regarding the suitability of that dog for that area. We have just repealed the Alsation Dogs Ordinance and the Dingo Destruction Ordinance. An across-the-board statement that one particular type of dog is necessarily better than another needs to be examined very carefully. The 2 previous speakers have been more to the point when they said that working dogs may

suffer in urban areas if they are not handled properly. That is a legitimate statement. They are bred to work. These days, how many fox terriers are going down fox holes? How many bull dogs are baiting bulls? How many hounds are following packs? There is not one hunting pack in the Territory but there are plenty of bloodhounds. This Assembly has to be careful that it does not place too many restrictive powers in the hands of persons and successfully aggravate 80% of the community who do not see the need for those powers to be exercised.

Debate adjourned.

ADJOURNMENT

Mr TUXWORTH (Mines and Energy): I move that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10am.

CONSERVATION COMMISSION BILL
(Serial 369)

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 370)

SOIL CONSERVATION AND LAND UTILISATION BILL
(Serial 372)

FORESTRY BILL
(Serial 371)

Bills presented together by leave and read a first time.

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

The purpose of the Conservation Commission Bill and the complementary bills is to create a conservation commission for the Northern Territory. The formal creation of a conservation commission will mean that the present Territory Parks and Wildlife Commission will legally cease to exist and a Territory Parks and Wildlife Service will be created to replace it. The Territory Parks and Wildlife Commission was originally created from the old Northern Territory Reserves Board and was formally set up in law in 1977 under the Territory Parks and Wildlife Conservation Act. At the time of its creation, the management of parks and reserves and the protection and control of wildlife were the basic functions of the commission. On 1 July 1978, by administrative arrangement, the functions of forestry, land conservation and environment were transferred from the Commonwealth to the Northern Territory and, by administrative order, placed under the control and direction of a commission. This had the effect of adding responsibilities for matters other than parks and wildlife and, in fact, established a role which would be perhaps best described as conservative.

The title "conservation commission" therefore reflects these additional functional responsibilities. It was decided to formulate new legislation to create the conservation commission and retain the Territory Parks and Wildlife Conservation Act for its chief purpose; namely, to provide for the management of parks and reserves and the protection of wildlife and remove from it those parks redundant because of the setting up of the conservation commission. It was further considered undesirable to create the new commission under the Parks and Wildlife Conservation Act because the title of that act would tend to disguise the existence of the conservation commission.

The end result is that the parent commission will be created under its own legislation and its responsibilities entrenched in existing complementary technical legislation. These bills formally create and give functional responsibilities to a conservation commission of the Northern Territory. There are few differences between this commission and the Parks and Wildlife Commission. Naturally, the functions have been adjusted to make provision for the real responsibilities of the conservation commission and the commission itself will be able to do all those things which the Territory Parks and Wildlife Commission is presently able to do.

The Director of Conservation will have increased responsibilities from those possessed by him as Director of Parks and Wildlife. In the accompanying complementary bills, the Director of Conservation is also afforded the

statutory appointments of commissioner for soil conservation and forestry officer. The bill also sets up a conservation land corporation to replace the present newly-formed Territory Parks and Wildlife Land Corporation. These provisions are identical with those provisions that they will replace.

Honourable members will see that the Conservation Commission Bill is a straightforward piece of legislation which is intended simply to rename and more accurately describe by title the disciplines which are under the present Territory Parks and Wildlife Commission. Because of the creation of the conservation commission, it is also necessary to amend those acts which embody the new commission's functional responsibilities and those amendments are included in the 3 complementary bills. The amendments of the greatest consequence are those in the Soil Conservation Bill and the Forestry Bill which will afford the Director of Conservation the statutory functions formerly exercised by the commissioner and the forestry officer.

It is expeditious for administrative and managerial purposes to effect these changes. There is, however, no intention to detract from the level of technical expertise to be provided and exercised by the officers who currently hold those statutory titles under existing legislation. I understand that it is proposed, if the bills are passed, that delegations will be made by the director to the former statutory office holders.

Savings and transitional clauses have been included in the bill so that the new commission can properly exercise its powers and functions. I commend the bills to honourable members.

Debate adjourned.

POISONS BILL
(Serial 376)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): I move that the bill be now read a second time.

At present, the Poisons Act confers a number of administrative powers on the Administrator. These powers relate to matters in respect of which the Northern Territory government has been accorded executive powers under section 35 of the Northern Territory (Self-Government) Act and it is therefore appropriate that they be vested in the Minister for Health who is responsible for administering that act. That is the sole purpose of the bill. I would refer honourable members to the schedule 3 of the bill. Honourable members would notice that it is very similar to the bills that we passed to enable the transfer to self-government in 1978. I commend the bill.

Debate adjourned.

JABIRU TOWN DEVELOPMENT BILL
(Serial 375)

Bill presented and read a first time.

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

This short but important bill seeks to enlarge the membership of the Jabiru Town Development Authority by permitting the Northern Land Council, if

it so desires, to nominate 2 Aboriginals to serve on the authority. Provision is made that, where the Northern Land Council nominates 2 members, those persons are required to be appointed to the authority and, except in the special circumstances specified in the act, can only be removed from membership at the request of the council.

The bill is further evidence of the government's recognition of the legitimate interest of Aboriginal people in the Jabiru region. Representation on the authority would permit Aboriginal people to play a direct role in the development and administration of the town of Jabiru. The government hopes that this opportunity will be accepted in a constructive manner for the benefit of all those who have an interest in this region. I commend the bill to honourable members.

Debate adjourned.

INDUSTRIES TRAINING BILL
(Serial 352)

Continued from 20 September 1979.

Mr COLLINS (Arnhem): The opposition welcomes this bill. It represents a landmark as far as apprenticeships in the Northern Territory are concerned. In the main, it does follow the direction which is being currently taken by the National Training Commission.

We have a number of comments to make on the bill which we think will result in an improved piece of legislation. One of the problems of the education system in the Northern Territory - one which the minister is aware of - is the complexity of administrative arrangements, advisory bodies and, in fact, education bodies that deal with a small education system which caters for only 30,000-odd pupils but which requires the same kind of administrative input - bureaucratic input if you like - which a large system would require.

One of the potential problems which this new commission may create is a conflict of interests between the large number of authorities which provide pre-apprenticeship or pre-vocational training and those which provide apprenticeship training in the Northern Territory. Each of these bodies has its own axe to grind and obviously wants its particular area of responsibility preserved in what it sees to be the best interests of the students involved.

The composition of the commission, unlike the commissions and apprenticeship boards in other states, is not spelt out in detail and we have no particular objection to that. In many other states, for example, South Australia, Victoria and Western Australia, the membership of the apprentices board-training commission is spelt out in the same manner as in the Education Advisory Council; that is, the minister can have a nominee on it, the board is usually appointed by the governor, one of the nominees of the minister is on it as are nominees of trades and labour councils etc. I do not believe that it is necessary to go to this extent in the Territory because of our size. I am quite happy to leave the appointment of the people of this board to the discretion of the minister.

However, one thing I would like to see in relation to clause 11(1) of the bill, where "two members shall be employees within the meaning of the Public Service Act", is that one of those public servants will be the Director of Technical and Further Education in the Northern Territory.

One of the queries I have with the bill, for which I have a scheduled

amendment but which I will withdraw if I get an explanation, is in relation to clause 12(a): "In the case of a member referred to in section 11(2) - post-secondary educational institutions and persons claiming to represent training and educational institutions in the Territory". I query the need for the use of the words "claiming to represent". It is a fairly simple matter to name those institutions which are operating in the Northern Territory in the area of apprenticeship training. I would hope that the only people that will be considered for a role in this commission are people who actually represent post-secondary educational institutions rather than those persons who claim they do. I just seek an explanation to that phrase.

In clause 13, dealing with proxies, the opposition wishes to insert a provision which ensures that the minister shall appoint proxies from the same interest groups as those of the original appointees. Although it was originally suggested to me that the Interpretation Act will cover this, I have discovered subsequently that it will not. I believe that it would be in line with other legislation to insert that provision.

Once again, in clause 15 which deals with the appointment of the chairman, I would like to see a provision inserted which is consistent with legislation in other states and which will ensure that the chairman is a person of proven administrative ability with expertise in the area of industrial training. I do not have the slightest doubt that the minister will ensure that the person who is appointed to this position will have those qualifications but I do not think it will hurt to insert it in this bill.

Some queries have been raised with me concerning the length of appointment of the chairman. I see nothing wrong with a period of 5 years which is in fact consistent with legislation in other states.

The provisions dealing with the removal of members of the commission are adequate. I was interested to read in the New South Wales act that a member of the Apprentices Commission in New South Wales shall be deemed to have vacated his office if he dies. I would have thought that that was fairly obvious although I am sure that there is a very sound legal reason - perhaps the office dies with him.

Clause 24 talks about the frequency of meetings of the commission. Once again, to bring it in line with other legislation, there needs to be a minimum number of meetings per year. We suggest that there are at least 4 meetings of the commission per year and we will insert amendments to that effect.

One of the clauses which I think will play a vital role in the work of this commission is clause 29(1)(b)(i): "The functions of the Commission are - the assessment of the present and future requirements of industry for skilled and semi-skilled labour". This is a matter of some concern to both the trade unions and employers in the Northern Territory. It is a fairly vital area. As one trade unionist put it, we must ensure that, if there is a need for sand-modellers in the Northern Territory, which is in fact a trade in the moulding industry, we do not train 30 sand-modellers in the Northern Territory when we have only got the likelihood of providing jobs for 2 of them. I think that this is being examined all over this country and the world with a "from the cradle to the grave" philosophy as far as education is concerned in that you do not bring about the situation where you have a large number of trained people without jobs.

I heard an interesting piece of information last night in this respect. It concerned in excess of 2,000 unemployed school teachers in New South

Wales none of whom, apparently, would like to come to the Northern Territory. I know for certain that an offer of 4 jobs has gone to New South Wales with no response. I think that this is a great pity. The area of manpower planning is vital and the requirement for the commission to consider this sort of thing is contained in the legislation and I am pleased to see it.

The opposition is seeking to amend the clause dealing with training forces for industry. Our amendments must be read together with our amendments for clause 57 because the 2 areas fit together. Clause 34 of the bill deals with the content of the training courses provided and clause 57 deals with the attendance requirements on those courses and the kind of practical training which is achieved by apprentices. The particular area we are seeking to change is one which I have referred to previously. I believe that there may be problems connected with the operation of this commission in respect of the large number of agencies involved in training in the Northern Territory. The only person who can sort these problems out in the final analysis is the minister. Although I am well aware that the minister, under a general clause in the bill, has supervision and direction of this commission. I feel that it would be appropriate to bring this legislation into line with legislation in other states so that the power of determination and gazettal, particularly gazettal, will rest with the minister rather than the commission.

The reason I make this statement is that I have discussed the practical operation of the commission with some of the aspirants for positions on the commission. I foresee that, in the final analysis, it should be the minister who makes the approval, the determination and the gazettal. It is entirely appropriate for the commission - and this applies in South Australia, Victoria, Western Australia and New South Wales - to make recommendations to the minister on matters of certification, standards of proficiency and the content of the training courses but, for final approval, these things should go across the minister's desk. They will certainly not occur very often. In fact, if there is any change made, I would imagine that it would be an annual change. The determination, the approval and the gazettal of the vital area of this bill should rest with the Minister for Education.

I would also like to query with the minister the wording of clause 38. I am not seeking to amend this clause: "The minister may, by notice in the Gazette, declare a trade, other than a professional or a scientific pursuit, to be an apprenticeship trade". Why are the words "other than a professional or scientific pursuit" inserted in the bill? I wonder why it simply cannot be worded: "The Minister may, by notice in the Gazette, declare a trade to be an apprenticeship trade". I have received some advice from a very helpful draftsman to the effect that, in the document entitled "Words and Phrases Legally Defined", the definition of "apprentice" does in fact extend to professional employment. To quote from this document: "An apprentice means a person undergoing full-time training for any trade, business, profession, office, employment or vocation".

Mr Robertson: Did you look up the meaning of the word "profession" in the same document?

Mr COLLINS: No, I have not done that.

It goes on to say: "The legislation has clearly meant by the term 'apprentice' a person serving another who is engaged in trade, craft or mysteries". I do not know what the last one means. Perhaps we will have an apprentice witch in the Northern Territory.

I am not particularly happy with clause 42 of the bill. Clause 42(2) states: "The rate of wages payable to an apprentice in respect of his employment in a year of his apprenticeship shall be the prescribed rate or such other rate as determined by the commission under section 45(2)(a). Clause 45(2)(a) says that the commission can approve a reduction in working time for an apprentice if there is a temporary slump in business. A whole section of this bill deals with the cancellation or suspension of indentures to protect the apprentice whereby, if business is so bad that it goes to the wall, a condition can be written in to ensure that the employer re-employs an apprentice when business comes good again. I do not believe, and certainly the trade union people do not believe, that there is any justification for having a provision whereby apprentices can be laid off because the employer does not have any work for them on a particular day. We seek to amend this particular clause to follow the wording of a Northern Territory arbitration decision - a full-bench decision of Moore, Isaac and Brown - on 20 March 1978 recognising the particular problems we have in the Territory whereby, for reasons of electrical power failure, this can be done but for no other reason.

We are also seeking to amend clause 57 in line with the amendments to a previous clause dealing with the content of training courses. This requires attendance of apprentices at particular courses and slots in exactly with clause 34. To bring it into line with legislation in other states and also in anticipation of possible problems, the final power for determination, approval and gazettal should rest with the minister rather than the commission. The commission should merely have the power to recommend on these things to the minister.

We also seek to amend clause 57(e). I believe that is totally appropriate for the deliberations of the commission. We wish to delete the words "the number of hours and the times in each week in each year of an apprenticeship". We certainly believe it is appropriate for the commission to determine a minimum number of hours per year of training required in a particular course but, in the practical operation of legislation, surely it will not be interested in what time the day starts at the community college, what time it finishes and how many hours are spent in each week. It has been put to me very strongly by lecturers in some of these institutions that, in a practical sense, this would be totally inappropriate. They are completely happy to comply with the minimum hours per annum required for a particular course but they believe it can be safely left to their sensible discretion to allocate the hours of instruction per week and the times in each week.

I am not particularly happy with clause 72 because I do not think it has been treated with sufficient attention. Clause 72 deals with the people who will ensure that this legislation will work or not: the training supervisors.

The opposition does not believe that the powers which will be given to these people under the legislation are sufficient. In fact, we believe the clause could have been amplified. The section dealing with inspectors under the Victorian act is quite large. I do not believe it needs to be quite as large as this but section 55 states: "Every supervisor of apprenticeship appointed under this act and every inspector appointed under the Labour and Industry Act shall be an inspecting officer under this act and may, for the purposes of the execution of this act, enter at all reasonable times, examine the employer, examine the apprentices ...". It provides a penalty for the obstruction of these inspectors in the conducting of their inspection. It provides penalties for assaulting the inspector or intimidating the inspector etc. It is quite a long section.

My reading of the powers that inspectors have under clause 72(b) indicates that the only things they will have the power to inspect are papers with the exception of income-tax returns. When you consider the number of things appropriate for these people to investigate - premises, the apprentices' conditions, hours etc - the powers here are totally inappropriate. We wish to amend this clause to read that training supervisors "may make inquiries of and examine an apprentice, a registered applicant for apprenticeship or a person whom the chairman or the person authorised on that behalf by the commission has reasonable cause to believe to be or to have been within the preceding 2 months employed as an apprentice and do any act which appears to the chairman or authorised person to be necessary to ascertain whether the provisions of the act are being complied with". The amendment will also provide a penalty clause for anyone who wilfully delays or obstructs the particular officers and, in line with all other legislation, provides that these people shall be issued with proper identification. The latter should definitely be included. It will not prescribe hard and fast details of what the identification should be but simply state that "a person authorised under subsection (1) by the commission shall be issued with a formal identification approved by the chairman". We believe it is appropriate that, where people have these kinds of powers to enter onto premises, they should be obliged to identify themselves and prove that they have these powers.

One clause that has received some comment is clause 80: "The commission shall, after the satisfactory completion of a training course determined under section 57 in respect of the apprenticeship, trade ... give to the apprentice a certificate in the approved form stating that the apprentice has satisfactorily completed the course". Along with possible amendments to the probation area of the bill which I looked at carefully, I finally decided that the waters that I was getting into were so deep that it would be better to leave it alone. I can understand the concern of the people involved. I would certainly trust that the commission in the operation of its function will give due regard to the people who are actually providing these courses in regard to the examinations. However, I think that the fears of the people concerned are to some extent justified. In other state legislatures, this problem was overcome by reference to the Director of Technical Education. In South Australia, for example, the commission issues the certificate on the receipt of advice from the Director of Technical Education that the apprentice has passed the appropriate theory examinations. The commission itself does not seek "to determine the satisfactory completion of the training course" - to quote the bill. That is the responsibility of the professional educators with reference to the Director of Technical Education.

I do not believe that it is necessary to change the clause to refer it to the Director of Technical Education because, when I canvassed this particular idea, there were screams from several other directions. I believe that the amendments we have proposed to clauses 34 and 57 will significantly overcome any potential problem which might exist in this area. If there is a dispute or a problem arising in this matter between the many bodies offering this kind of education in the Territory - the Darwin Community College, the Alice Springs community college, TAFE, the federal Department of Employment or the Department of Aboriginal Affairs in some circumstances - it will be up to the minister to decide exactly how this will be administered and who will determine what.

In conclusion, I would like to say that, with the exception of those few clauses which we have touched on, the opposition very much welcomes this legislation for this very important area of potential employment for the Territory's young people. I would like also to say that I believe the whole philosophy of apprenticeship must be examined more closely in the future. I

know that there is a great deal of entrenched opposition towards touching apprenticeships. That field is considered by both trade union and employer groups to be a bit of a sacred cow. However, in the light of the changed circumstances of employment in this country, technological change and virtually entrenched unemployment for young people, I believe it is time for all state governments in Australia to have a very close look at the basic philosophy of apprenticeships and to make decisions as to whether in fact radical or quite revolutionary changes are needed.

Mr EVERINGHAM (Chief Minister): It was interesting to hear those concluding remarks of the honourable member for Arnhem in his fairly constructive critique of this legislation. He asked that responsible authorities scrutinise very carefully the future - I think I can summarise him correctly - of the apprenticeship system. The honourable member for Arnhem has not been so bold as to suggest alternatives. I for one agree that there is a great deal of entrenched opposition amongst the various industries towards any radical change in the apprenticeship system. I would not, for one moment, go so far as to say that this bill effects any radical changes but I agree that there should be constant consideration of whether in fact we are not perhaps hanging onto a medieval system which has outlived its usefulness.

I am not satisfied that we are hanging on to a system that has outlived its usefulness but perhaps my views are coloured by the fact that I became a bush lawyer by virtue of serving an apprenticeship, to some extent, with a master solicitor. Quite frankly, if I may say so without undue disrespect, many of my professional colleagues did not have the good fortune to serve under articles of clerkship for any great length of time. Indeed, these days many budding lawyers find it very difficult to obtain articles. We have alternative establishments being set up in New South Wales and the ACT and Victoria has the Sir Leo Cousin Institute. They have so-called legal workshops for 6 months which, with good luck - I understand from reliable sources - despite the propaganda on behalf of the establishments, really only turn out people who might be able to search a title competently. I think that the lawyers - and I can only speak for my profession - who have had the good fortune to be articled for 2 or 3 years or even longer are the better for it. Certainly, they are less of a danger to the public when, like the young medical practitioners, they are at long last let loose to "practise" as we say in the profession. By gosh, we mean "practise" in the first 5 years.

The honourable member for Arnhem spoke of the complexity of the various advisory bodies concerned with education in the Territory. In fact, one often feels like standing on one's head to try to understand how they all relate together. I feel that the Minister for Education has a most complex task to interrelate the various streams of advice which he is or will be receiving from the Education Advisory Council, the Post-School Advisory Council, the Aboriginal Education Advisory Council and, last but not least, the Industrial Training Commission. As the honourable member for Arnhem observes, this is all for about 30,000 people. If we are to have a consultative process, we must endeavour to relate and refine the various streams of views and opinions which come from the different disciplines across the educational spectrum. Unless we are to establish a dictatorship of the minister and the department, I cannot see how it can be done otherwise. I do not think it would be a good thing to have one overpowering or overbearing educational advisory body that purports to be expert in all fields. Thus, I think we must live with what we have.

I found no objection to the honourable member's suggestion that this commission should be required to meet at least 4 times a year and the

minister no doubt will comment on that. I missed the nub of one point that the honourable member for Arnhem was talking about because someone started speaking to me at the time. I think he was talking about the use of the word "professions". On the subject of professions, you could call me a conservative. I am not really a Tory in too many other respects but I have always remembered with amusement the story about Sir Owen Dixon when he was a King's Counsel. He was asked by the Victorian Teachers Federation to give them an opinion back in the 1920s as to whether indeed teaching was a profession. Sir Owen sent them a negative answer and charged them 25 guineas. I thought that was really rubbing salt into the wound.

The bill incorporates all the provisions relating to apprenticeships and updates the old Apprenticeship Ordinance. It sets out the method by which the Industries Training Commission is to be selected and appointed. It also has a new part that deals with training courses for industry. I would say that it is a very detailed and comprehensive bill which will help the whole spectrum of industry in dealing with the vexed question of providing industrial training. Over the past 10 years, Australia has been moving into a period of rapid technological change and I do not know that our planners have really taken any account of the problems which we are now facing and will continue to face in the next 10 to 20 years. If our governmental authorities had been doing any planning in the past, they might have attempted to provide incentives for people to move more into trade training. We know now that the Western Australian government, for instance, predicts that there will be a shortage of upwards of 1,400 tradesmen required to work on the northwest shelf project. This is a very serious situation when, on the other hand, we are told that we have the most serious unemployment situation which the country has ever faced.

This brings me to clause 29 relating to the manpower planning to which the honourable member for Arnhem adverted. Let us hope that, in the exercise and discharge of those functions, the commission will enable us to avoid in the future the problems which are now facing Western Australia. That state government is in a position of having to suggest to the Australian government that we promote the immigration to Australia of 1400 to 1500 trained tradesmen at a time when we certainly have hundreds of thousands of unemployed people. This is a result of the lack of foresight of past governments which failed to appreciate the advances which this country and the world would be likely to be making. The matter of retraining people, who are already trained for some type of occupation, will be a matter of even greater concern to all of us as time moves on.

I used the words "rapid technological advances" 3 times but it is activities of that nature which will lead to people being put out of jobs which they considered to be stable at the time they formulated their desires for a career. They will have the whole underpinning of their lives pulled out. It is essential that the Northern Territory government and governments throughout Australia are organised to assist people with retraining so that they can make a gainful contribution to the society in which we live.

I do not want to engage in a detailed critique of the legislation. I am very pleased to see that it has at long last been presented to this House by the honourable Minister for Education. I made certain undertakings about its presentation earlier in the year when I was the minister responsible but unfortunately I was unable to bring it before the House at the time. The Northern Territory government has, however, sought the best possible advice in the preparation of this legislation. It is the type of legislation where we want to adopt as much consensus of attitudes as possible in relation to its final shape. I think it should gain a great measure of support from all honourable members.

Mr ISAACS (Opposition Leader): I would like to take up the remarks of the Chief Minister and indicate that there is a consensus across this Chamber in relation to apprentices. I think we all agree that the matter of apprentices is one of those sacred cows which we all adhere to strongly and are very scared to tackle.

Whenever one talks about apprenticeships, one must talk in the same breath, as the Chief Minister did, about technological change. I believe that it is one of those matters which thwarts any progress in governments coming to grips with the question of technological change.

There are some extraordinarily entrenched attitudes about apprenticeships not just from the point of view of employees and unions but also from the point of view of employers. Although there have been a number of national committees established to inquire into the matter of apprenticeships, they seem to get bogged down over these extraordinarily entrenched attitudes. Make no mistake about it, the matter of technological change will take over this community and, unless people adopt a responsible attitude and do away with their old views, I am afraid this community will be in a very sad state indeed.

The Chief Minister already alluded to the question of the supply of sufficient tradesmen for the northwest shelf project. Of course, that is just one very significant project but it raises the question of the supply of properly-skilled people and the lack of training which government after government has been guilty of in relation to this particular question.

I am sure that there is a measure of consensus across the Chamber in relation to the matter of apprentices and technological change. Whether or not this debate will be simply a talk fest where everyone pats each other on the back and says "yes, we all agree about it" or whether we will actually do something remains to be seen. I agree also that the Industries Training Bill provides the proper framework in which all these questions can be argued out. It provides a framework in which action in fact will take place.

Mr Speaker, I would like to talk about a number of matters which are both specifically and generally related to the bill. The member for Arnhem raised the question of clause 42 which, with related clauses up to clause 45, provides the background in which wage rates are to be determined for apprentices. The key clause is 42(1): "This section applies subject to the terms of any award under the Conciliation and Arbitration Act 1904 of the Commonwealth". I presume that means that, notwithstanding anything in this bill, where an award of the commission applies and regulates wage rates and conditions for employees, apprentices naturally are bound by those wage rates and conditions. That is why the matter raised by the member for Arnhem is so important.

Most Northern Territory awards have a stand-down clause in relation to electrical failure. The member for Arnhem pointed to the case in 1978 when that decision was laid down. The fact is that apprentices employed under an award of the commission will be protected by that particular provision. Really, what we are talking about in clause 42, and particularly in clause 45 which the member for Arnhem seeks to amend, are those apprentices who are not covered by the award. I think that the important point to make is that the member for Arnhem's amendment seeks merely to give those apprentices the same protection which apprentices under an award of the commission have.

The question of the suspension of indentures as a result of a slowing down of business is covered by later clauses. In fact, in his second-reading speech, the minister himself referred to clauses 78 and 79 on that subject.

It seems to me that the member for Arnhem's amendment is appropriate and will give apprentices who are not covered by an award of the commission the same protection as those who are. In practical terms, I am not sure that we are speaking about apprentices other than hairdressers at the moment.. As I understand, that is the main body of apprentices which is not covered by an award of the commission. The minister may be able to correct me on that.

The other matter which I would like to refer to is in relation to disciplinary proceedings as dealt with in clause 69. Although there are instances where the apprentice himself can be disciplined for minor breaches, and rightly so, it seems to me that there is an omission in relation to employers who breach certain conditions. It may be that the indentures will stipulate the requirements of an employer. From my own experience on the Apprentices Board, I knew of certain employers who adopted a most amazing attitude towards their apprentices. In fact, I sometimes wondered why certain employers employed apprentices - their attitude in regard to them was so backward. It seems to me that proceedings ought to be able to be instituted against those employers who adopt a hostile attitude towards their apprentices or against the general philosophy and policy of the apprentices of the Industries Training Commission. It may be that an employer has engaged in a practice which is contrary to the spirit of the indentures. I believe that that employer should be subject to some disciplinary action. Maybe the minister will speak about that.

I would also like to discuss another matter which was raised by the member for Arnhem: the question of the powers of supervisors. I think it is important that suprevisors be given sufficient identification and powers to enable them to sort out, on the site, the various problems which may arise. It is all very well to say: "Oh well, these matters will be dealt with by the Industries Training Commission". It seems to me that the front line will be the supervisors of trainees. In the past, under the guise of apprentices inspectors, these people have done an excellent job. I would like to commend them for the job they did. They solved many problems by their ability to sort out, on the site, matters between apprentices and employers. It is most important that they are given powers to continue in that vein. It is important that they are not only given sufficient identification and inspectorial powers but also some powers in relation to settling on-the-spot disputes. Mostly, they are settled but sometimes you get a recalcitrant employer or apprentice and it just takes a swift kick to get some sense into the situation. It is important that supervisors will be able to achieve that. Sometimes, the situation arises where an employer disputes the powers of a supervisor. It would be no use whatever if that position was allowed to prevail.

The other matter which I would like to speak about generally is that of women in apprenticeships. It seems to me that, given the attitude expressed by the Chief Minister in relation to properly-trained people, again we have not come to grips with the very important question of women in apprenticeships. Some years ago, I was at a conference as a representative of a union with a number of people including school teachers. This was in relation to apprenticeships and I do not know that the prevailing attitude has changed greatly; that is, there seemed to be a general streaming of particular people into apprenticeships and, certainly, there was a streaming of male and female students into appropriate apprenticeships. It was not surprising that hairdressing seemed to be a predominantly female apprenticeship and the electrical-mechanical apprenticeships were those to which the young men were directed. I believe that that attitude is not good enough. Although we make great play of the fact that we have one woman truck driver at Gove and one woman apprentice carpenter at some other place and we build it up and say what a

great thing it is and slap each other on the back, the fact is that the figures are outrageously bad in relation to women apprentices right across the board of the apprenticeship trades.

I believe that there is room for positive action to be taken and we should encourage young women to go into those apprenticeships which, in the past, have been accepted as male preserves. I do not think we ought to kid ourselves. We all say that we have very progressive attitudes about apprenticeships and we cannot see anything wrong with women going into what we previously described as male trades. The fact is that nothing is being done to ensure that the same proportion of women to men which exists in the community is the same as the proportion in the various trades. The arguments about work which is too heavy really do not wash. There ought to be a far greater number of young women directed into the various trade apprenticeships which exist in the Northern Territory and around Australia generally.

Finally, I would like to commend the minister for being able to introduce the bill at all. When I sat on the Apprentices Board in 1974-75, we were discussing with the then authorities amendments to the Apprentices Ordinance. The last amendment to the Apprentices Ordinance was 1971 and it has taken 8 years of constant negotiations to have this Industries Training Bill brought into the parliament. I congratulate the minister for being able to do something which I know has been tried by so many people but which they just have not been able to achieve.

Finally, I would like to commend those people who have served as the appropriate authorities in the supervision of apprentices. They have come from the union movement and from industry and I believe that, by and large, they have received the support of both apprentices and employers. That is a most important attribute indeed. The member for Arnhem has circulated a number of amendments and I hope they will receive serious consideration from the minister.

Mr BALLANTYNE (Nhulunbuy): I rise to speak on the Industries Training Bill and to compliment the Minister for Education for bringing it so soon after taking over the function of education. It has been suggested for some time that the old Apprenticeship Board should be disbanded and a fresh approach taken. All sorts of ideas have been mooted and now we see this bill today. In his second-reading speech, the minister said that it would upgrade the image of an apprentice. I think apprentices have always had a good image. The biggest problem today is that there are not enough young people looking for apprenticeships and, in many cases, there are no opportunities. In the Territory there are fewer opportunities than in other states which have larger industries and a greater variety. That is one thing which we must look at very carefully in the future. For example, the public service may be able to take in more apprentices in the various areas of government.

The honourable member for Arnhem said that he is a bit worried about the power of the commissioner. If he has a look at clause 7(3) where it says "the commission is, in the exercise of its powers and performance of its duties and functions (except in relation to the contents of a report or recommendation made to the Minister) subject to the control and direction of the Minister", he will see that that should cover any fears which he may have. I am sure that there will be full consultation between the commission and the minister.

Clause 11 sets out the type of people we are looking for on the commission. It varies somewhat from the old Apprenticeships Board which had people from

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private enterprise and from the various unions and employer groups. I think that this is a much better approach. We are looking for more qualified persons to be on the commission and I agree with the honourable member for Arnhem that one of the public servants should be from the trades section of the Education Department because there is a great need for these people to lend their expertise to the commission. One of the biggest problems in the Territory is that we do not have the technical institutions to train apprentices or to provide education for persons who will be looking for employment in technical fields.

Looking at the terms of appointment, I believe that the 5-year term for the commissioner is very good. Because there are so many changes taking place in the technical world relating to apprenticeships, I believe that a 5-year term is justified. I believe that a 3-year term for the other office bearers is quite adequate. Some people may not be able to participate fully on the commission. We must have people who will put their heart and soul into the job. It is no good being half-hearted about it. It is very important that those people give their wholehearted effort to that particular job.

I would like to compliment the old Apprenticeship Board. I know they had limited power but they have done a good job under the old statute. I am sure that they have been looking forward to this updated legislation and perhaps have contributed to it.

The functions of the commission are contained in clause 29. They have a wide range of functions. All the facilities are there for them to implement full control over all sorts of matters relating to training in industry, the assessment of the present and future requirements of the industry for skilled and unskilled labour and special training needs of persons by reason of their racial or cultural background. Referring to the word "racial", it would probably have been better to use the words "ethnic group" instead of the word "racial".

Dhupuma College has short-term technical training courses for Aboriginal people and these are working very well. I would like to see more Aboriginal children, male and female, entering into apprenticeships and I think we will see that in future. Perhaps they have not had the educational background to take up apprenticeships but I am sure that, with the educational programs which are occurring now, we will see more Aboriginal children entering into apprenticeships. I am sure that they will be a great asset to the employers and also to their own people by passing on their skills and knowledge to the various settlements. There is no reason why they should not be trained to maintain engines and power-stations.

Clause 29(2) states: "The Commission shall, in relation to the performance of a function relating to a training course, consult with the Post-School Advisory Council constituted under the Education Act". That is a very important aspect because of the lack of facilities in the Territory. In some areas, industries will have their own training centres. For instance, Nabalco has its own training centre where it trains some 25 apprentices, 2 of whom are young girls. It has apprenticeships ranging from instrument fitting, electrical fitting, fitting and turning, air-conditioning, refrigeration, heavy plant mechanics and carpentry. In 1980, it will widen this to include plumbing, radio mechanics and a linesman course. There is a variety of skilled trades providing opportunities for many young people. Over the years, quite a number of apprentices completed their apprenticeships at Gove. A few had problems because of parents leaving, some have dropped out, others have transferred their indentures and some had problems with accommodation.

Turning to clause 30, I think that the powers are very flexible, particularly in the light of the rapid changes in technology. If I could hark back to the time when I worked in the aircraft industry, all the instruments were mechanical. In those days, we used to be called clock-winders. Today, there is very sophisticated instrumentation in aircraft; they are electronically controlled and there are few mechanical instruments. In that very short period of my life, I saw the change from piston engines to the jet age. The powers of the commission must be flexible so that it can adapt to change without too much red tape.

I believe that clause 34 is an innovation. We will need highly-skilled training officers for this. I do not know where these people will come from but I should imagine that they will come from the trades. Some of them will be professional people. It will be a big problem to obtain the right people to introduce these training courses. This is one of the biggest problems that the commission will have. However, it will be a great asset to apprentices and also to young people who intend to take up apprenticeships in the future.

Clause 57(a) states: "The number of hours and the times in each week in each year of an apprenticeship or the number of hours in each year of an apprenticeship during which apprentices and registered applicants for apprenticeship employed on probation shall attend classes for instruction in a training course". I think that this could be a problem. If the syllabus is planned properly, the times can be worked out. There can be a certain amount of flexibility. I think the honourable member for Arnhem was concerned about this particular problem. I believe that the number of hours must be worked out on either the practical or the theory side of it. In some highly-skilled trades, electronics for instance, the theory starts right from the basics. Some of the new apprentices may not have had the early training and they will have to go right through that. It just depends on the trade. I believe that it must be planned and I cannot see anything wrong with that.

In some cases, people have not had all their training because of illness or other problems. Clause 60 covers that because they can have an extension of the training period to reach the necessary standards. I believe that is a must because an apprentice may be absent from work through injury or sickness and miss the necessary theory class. If he is due to go on a bloc visit to Darwin Community College or to an institute in Brisbane and misses out, I think that he should be allowed an extension of time to complete the training and obtain an indenture.

I support the bill.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I am sure all honourable members will have experienced, by speaking to their constituents and others, the constant problems we have of people describing how difficult it is to obtain an apprenticeship, particularly in the more popular trades such as motor mechanics. On the other hand, the employers complain that the educational standard of the children applying is not high enough to suit them. It is very difficult to find answers to these questions but we must continue to try, particularly because we realise that we are not producing sufficient skilled people in Australia in these areas which have traditionally required apprenticeship training. It seems an anachronism that, in a time of such high unemployment and, obviously, in a society where we require more and more technical skills, there is a shortage in these very important and basic areas of training in our community. One of the problems is changing attitudes. It is well recognised that attitudes to apprenticeship training have been particularly rigid from nearly everybody's point of view. While everybody

recognises the need for change, it is very difficult to achieve it.

The honourable Leader of the Opposition mentioned the question of female apprentices. It has always seemed to me that many of those people who say that they cannot find apprentices of the standard that they require have automatically excluded half of the possible applicants; that is, the women who may be interested in that trade. If those employers broadened their attitudes, they might find it easier to find young people with the required qualifications and attitudes. That is one area where society needs to change its approach to this matter.

Attitudes to apprenticeships need to change in the same direction as general attitudes to employment need to change. We know that the number of jobs available in the future will decrease because of technological change. We all say that we must accept the possibility of part-time employment, job sharing and things of that nature. We seem to find it very difficult to actually change in this direction and usually we just talk about it. It seems to me that, on the question of apprenticeship training for the future, we can also look to whether we can incorporate job sharing and part-time work etc into the training of apprentices.

It occurred to me that there could well be a small employer who felt he could not employ a full-time apprentice but might be able to take on an apprentice for 20 hours a week. If the person could, in the opinion of the authority, gain sufficient work experience in that time, then this would be a very desirable way of increasing the number of apprenticeship positions available. Similarly, an employer might be able to find part-time positions for 2 apprentices rather than for one and thus the number of positions would be increased. That would be most desirable. Obviously, that will not be available to everyone. Certainly, persons who are supporting themselves will need a full-time job but it would seem to be particularly desirable for apprentices who live at home and whose parents are willing to help support them. If an apprentice should desire not to work a full 40 hours per week but, instead, to work only 30 hours per week because he wanted that extra time for recreation and opted to spend an extra year in apprenticeship training, then that could be another option to consider. I think these new approaches have to be taken not only in relation to apprenticeships but in relation to our attitudes to work generally. We have to move away from the rigid, traditional 40 hours work per week, if not more, where part-time work is not considered very valuable and where people performing part-time work are not promoted and frequently not trained. I think, given the predictions of the reduction in the number of jobs which will be available in the future, we have to look at these things.

One of the things that struck me about the bill is that, while we are ensuring that apprentices are adequately trained by indentureship to their various masters, there are no qualifications required in the bill for those people to whom the apprentices will be indentured. It is very difficult to provide qualifications. Clause 49 says that they have to be approved by the commission. I am certainly not offering any solution but it just seemed to be rather ironic that we might have a situation where we prescribe tight provisions for these apprentices wishing to be trained and yet they might be indentured to somebody who has not had to fulfil the same stringent conditions when he did his apprenticeship. I would be interested to know whether that was considered when the bill was being drafted: whether there should be certain qualifications for the tradesmen who will be the masters to the apprentices.

The question of the board has been fairly well covered as has the purpose

of the exclusions in clause 39. I think the member for Arnhem asked the minister about that. I also noted the point raised by the Leader of the Opposition about disciplinary proceedings. It seemed rather ironic that, in clause 69, an apprentice can quite properly be disciplined and indeed fined for failing to attend classes, for example, and yet there is no provision for fining an employer who, for some reason or another, refuses to allow the apprentice time off to attend classes. I think that that is unfortunate; both cases should be treated equally by the commission.

I noted clause 72 with interest. It deals with powers of entry and inspection of persons authorised by the chairman. In the debate on the Consumer Protection Council about 18 months ago, the opposition attempted to introduce similar amendments to allow the delegates of the Commission of Consumer Affairs to enter and inspect premises in order to carry out the intention of the act. The Minister for Education, who at that time was also the minister responsible for consumer affairs, refused to accept those amendments on the grounds that they were far to onerous and an affront to civil liberties. I am pleased to see that he has changed his mind on that. I think that they are clearly needed in a bill of this kind. The employment conditions for apprentices need to be examined. With that in mind, I might move some amendments to the Consumer Protection Act later on.

I support the bill and I will be most interested to see how it works in practice.

Debate adjourned.

HOSPITALS AND MEDICAL SERVICES BILL
(Serial 345)

Continued from 20 September 1979.

Mrs O'NEIL (Fannie Bay): The purpose of this bill is to allow charges for hospital services to be determined by the minister by notice in the Gazette rather than by the existing system of regulations determined by the Administrator-in-Council. The opposition opposes the change. It seems to us that, in such an important area, the existing system of determination by regulation should continue so that a proper oversight of any increase in charges may be provided.

I have made some inquiries about the situation in other states. I understand that New South Wales is in fact the only state where hospital charges are determined by ministerial notice in the Gazette. The hospital system in New South Wales is a very large one and quite different from ours. While they may be able to justify that in terms of the problems which they face, I do not think our problems are very much greater than those in the other states. The majority of the states continue the practice of charges being determined by the Governor-in-Council under regulations.

I have also given consideration to the situation which applies to charges raised under other legislation in other areas of government responsibility. Port charges are determined by bylaws which are similar to regulations and thus have the oversight of the Cabinet and the legislature. It seems to us that, as a matter of principle, that should apply to charges for services. We support the continuance of the existing system and oppose the change proposed by this bill.

It is true that, as a result of increased hospital costs, there has been a need to increase charges from time to time. The minister has suggested

that it will simplify procedures if it is done by gazettal. It seems to us that, simply because hospital charges and increased health costs are matters of great concern, there should be this greater degree of oversight of any increased charges that might be considered necessary. The opposition is opposed to the bill.

Mr TUXWORTH (Health): I understand the honourable member's concern. However, it is an issue of administration which we are dealing with and not so much one of principle. The actual method of calculating hospital costs and charging those costs to the consumer is well established and we are not moving away from that at all. All we seek to do is pass the costs on to the respective consumers at a more reasonable and opportune time. I appreciate the honourable member's concern for the need for review and for Cabinet and the legislature to be aware of increases but, nevertheless, that does not reduce the cost. It only makes it worse if you cannot pass the charges on when necessary.

I also make the point that we are a party to the hospital cost-sharing agreement that all the states have with the Commonwealth. Under that agreement, there is a responsibility on our part to assume certain costs and to recover certain costs. If we do not do that, we are in default of our agreement with the Commonwealth. Considering the fact that they are paying 50% of the hospital cost-sharing bills, I think it is incumbent upon us to play our part in this exercise. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr TUXWORTH: I move amendment 134.1.

The purpose of this amendment is to achieve consistency with the wording used in the new definition of "charge" and in the amendments to section 6A of the principal act incorporated in clause 5.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr TUXWORTH: I move amendment 134.2.

This is a purely machinery amendment to allow the addition of a new paragraph to the clause.

Amendment agreed to.

Mr TUXWORTH: I move amendment 134.3.

In this amendment, the reference to the regulations in section 6A(4) of the principal act will not be absolute. There are no charges for medical services which will be prescribed by those regulations. This amendment, therefore, deletes this particular reference.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr TUXWORTH: I move amendment 134.4.

Again, this is a technical amendment removing the reference to medical services in section 19(a) of the principal act. The charges prescribed by the regulations will now all relate to the transport of patients and not to the provision of medical services as defined in section 4 of that act.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill passed remaining stage without debate.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 349)

Continued from 20 September 1979.

Mr ISAACS (Opposition Leader): Recently, the government announced the first part of its $32m loan program. The amendments to the Financial Administration and Audit Act, incorporated in this particular bill, give the legislative backing for that program and provide the guarantee to public loans pursuant to section 47 of the self-government act by empowering the government to issue securities for those loans. The amendments themselves are unspectacular in that they do that particular job which the Treasurer spoke about in his second-reading speech. There have been a number of amendments circulated which seem to tighten up the wording of the particular bill before the Assembly. The opposition supports those amendments.

Mr PERRON (Treasurer): The question was raised as to why the government is already engaged in raising the loan when we are still processing legislation to deal with some of the finer points. The Northern Territory government has the power to raise the loan without dispute and that power is mentioned in the self-government act. It is also implied in the Financial Administration and Audit Act. The funds which are being collected at the present time are being held in a suspense account and are, in fact, being re-invested which is normal practice and that will continue until the loan is fully subscribed. The funds are not normally dispersed for the purposes for which they are being raised.

The legislative amendments before us now and the regulations which go with them will in fact clear up the situation once and for all and allow the Northern Territory government to continue to borrow on behalf of its statutory authorities rather than have them compete in the market place with each other for loans. I appreciate the opposition's support for these non-contentious matters.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr PERRON: I move amendment 140.1.

This adds the words "expressly authorises" and tightens up the legislation.

Clause 5, as amended, agreed to.

Clause 6:

Mr PERRON: I move amendment 140.2.

Again, this tightens up the wording of the clause and is related to the amendment to clause 5.

Clause 6, as amended,agreed to.

Clause 7:

Mr PERRON: I move amendment 140.3.

This inserts the word "the" and corrects the English.

Amendment agreed to.

Clause 7, as amended, agreed to.

Title agreed to.

Bill passed remaining stage without debate.

EDUCATION BILL
(Serial 359)

Continued from 11 October 1979.

Mr COLLINS (Arnhem): Mr Speaker, the opposition supports this bill. However, I have just received a considerable amendment from the honourable member for Nightcliff which I had not seen 3 seconds ago. Obviously, I have not had time to even read it.

I had some discussion with the Minister for Education about this matter. We accept that there have been problems in regard to suspending students. As the minister knows, in the teachers manual provided for schools, great emphasis is placed on questions of suspension being placed before a school council where such exists. I am assured by officers of the Department of Education that this very sensitive area could eventually be dealt with under regulations.

The attitude of the opposition towards suspension and expulsion from schools is that we would like to have seen legislation modelled on the South Australian Education Act where all reference to disciplinary procedures is completely deleted from the Education Act itself. In fact, this quite deliberate philosophical line was taken by the South Australian parliament to make the legislation as positive and as forward-looking as possible. It left all the necessary but negative aspects relating to discipline to regulations. Because of our changing society, discipline in schools should be subject to periodic review, assessment and perhaps change. For this reason,

it is better left to regulation.

The original amendment proposed for the principal act was that all reference to suspension and expulsion should be deleted from the bill except for a single clause stating that these matters should be covered by regulation. Having failed to get that amendment into the bill, we then proceeded to amend as far as possible what was there. The legislation which subsequently appeared was a genuine attempt by both government and opposition to place some emphasis on parental involvement.

It has been pointed out to the Leader of the Opposition and myself at meetings with school principals that the reasons for suspensions could be a matter of considerable embarrassment to the family concerned. Further, in a small community such as a school where people on the school council would almost certainly know each other, it could cause a considerable amount of embarrassment and possibly even result in legal action being taken by a child's parents should the details of the reasons for the child's suspension be made virtually public at a school council meeting. I have given the matter considerable thought and I am convinced by the arguments of the people who have spoken to me about the details of particular cases of suspension. I have placed myself in the position of the parents of those children and I can imagine their discomforture should those matters have been brought to the attention of a school council, some members of which almost certainly would be people well known to the family of the child involved.

I have not read the amendment of the honourable member for Nightcliff but notice on the first page"the name and address, period of suspension and the reason for the action in suspending the child". I accept that there would be circumstances in which it would be quite improper for this sort of information to be placed before a school council.

The positive emphasis for involving school councils is already in the school manual. I would hope to see some method of drafting into regulation - and I am sure it is a matter which would have to be given more thought - some positive indication to the principals of schools that they should involve as far as possible the school council in all cases where children are suspended. In trying to reach a compromise over this, it may be possible to simply place the obligation on the principal to advise school councils when suspensions have taken place. If a particular spate of suspensions occurs, the regular reporting by the principal of the fact that suspensions have occurred would indicate to the council that there is a disciplinary problem at the school.

In the discussions I have had with school principals, I was encouraged by the very positive attitudes which they have displayed towards all school councils. In fact, they would routinely seek to involve school councils in all aspects of the school life. I was told by the principals of one of the larger Darwin high schools that he routinely does this and that he is prepared to be questioned closely on any apsect of the school's operations. He said that, where he gives answers which may not be satisfactory to parents, he would expect as a matter of course that the matter would be referred to the Director of Education by the council. He certainly would not be offended if that were done.

The opposition accepts the government's motives in amending the Education Act. We support the bill.

Mr BALLANTYNE (Nhulunbuy): I rise to support the bill. I have discussed the contents of the bill with local school teachers, principals and council members. They agreed with the contents. When we are dealing with matters

of suspension, we must be very careful that we do not become too heavy and start a federal case or a Perry Mason case by delving into all sorts of problems when the matter could be overcome quickly and easily. As I see it, principals have come up through the ranks with children. They know behaviour patterns and the problems which occur and they should be able to solve these problems at that level. Certainly, there is a need for consultation with the school councils but I think the problem of someone being disobedient or insolent or completely undisciplined in his or her action can be solved without going to the school council. I think it is a matter of consultation and understanding. In my speech on the Education Bill relating to suspension of school children, I said: "The people in charge of the children, the principals and the school teachers, are the experts. We must give them a certain amount of latitude to use their discretion in these cases".

As the honourable member for Arnhem said, in certain closed townships such as Nhulunbuy, a serious problem could arise and, by going through the school council process, before very long rumours will have circulated around the town which are completely wrong. I believe that these things should be done in consultation with the parents and the children. They should be solved by the principal, the teacher, the parents and the child at that level without going any further.

There is provision under clause 28 for the minister, if he considers it necessary,to expel a child from the school at which the child is enrolled. I would hate to see the day when it gets to the stage that we have to expel children to the detriment of their livelihood or future. Certainly, there are cases where people have suffered some illness which can be cured and I do not think they should be hindered in their education.

I support the content of the bill and also the other amendment which is purely to rectify a mathematical error. If you count up the number of representatives under 3A, you will find that, instead of being 9 as it is in the act, it should be 10. I support the contents and the minister's action in bringing this to the Assembly so quickly.

Mrs LAWRIE (Nightcliff): I have listened with some interest to the last 2 speakers on the bill and, by inference, on the amendment which I have circulated and I am somewhat surprised at some of the remarks made. I will get back to the sponsor's second-reading speech in a moment.

The honourable member for Nhulunbuy said that he hopes that children never have to be expelled and he would not like to see them suspended unless it is necessary. That is a fairly fatuous remark; we all hope that children do not have to be expelled and suspended unless it is absolutely necessary. That is what this bill and the amendments and the Education Act are all about. There is no way that my circulated amendment can be taken to imply anything else. Expulsion is the extreme step to be taken only under dire circumstances and a report must be made immediately to the minister. In fact, it is a recommendation to the minister for expulsion and any responsible person realises what a grave step that is.

The honourable member for Arnhem, somewhat to my dismay, seemed quite unprepared to publicly admit that school councils were to be involved in the running of schools because he said twice that he would not be prepared to see anything in the actual act regarding the involvement of school councils in this area but that we should leave it to regulations.

If we intend to leave it to regulation or to the school manuals, we are approving of some input by school councils. That being the case, why not

stand up and say so. The honourable member for Arnhem certainly seemed unwilling to support a proposed amendment but preferred it left to regulation.

The honourable sponsor of the bill, in introducing this legislation, made the perfectly valid point that, administratively, the act caused problems for principals in matters of discipline and the calling together of councils to consider recommendations for suspension - not expulsion. I accept that point of view. Having accepted it, I discussed it with 2 school councils and with many people who expressed a clear indication of their interest in this area. As a result of these discussions, I have circulated an amendment which tries to combine the best of both worlds. If accepted, my amendment will enable the school principal to suspend a student immediately if the need arises. If it is a minor suspension, a "cooling off", lasting for less than 48 hours - one school day not counting the day on which the suspension is ordered - no further action need be taken by anybody. In other words, I am not trying to set up a system of appeals where none is really warranted. I am attempting to preserve the right of principals to act immediately when suspension is deemed necessary for the variety of reasons which are in fact specified under the act.

However, there is considerable community opinion that, for a lengthy suspension which I deemed to be in excess of that time, some involvement is warranted and the proper involvement is at school council level where such a council is constituted.

It would be unwise of me to specifically say in my proposed amendment that it should be dealt with by a subcommittee of a school council, as was done at Nightcliff High School, because other school councils in other areas of the Territory may wish to set up a different mechanism. The way in which I would see it operating is that, following a suspension of a pupil for a substantial period, the parents would be notified that they had the right of appeal - and I would certainly hope that, whatever happens to my amendments, that will be accepted - the subcommittee of the board, called the disciplinary committee, would be convened and any appeal would go to that committee with the right of the teacher or the principal to present the case.

I do not share the concern of other members that school council people are necessarily verbose, garrulous and carry tales. They are deemed to be responsible people because of the way in which they are constituted. Their members include staff, students and elected parent representatives.

Honourable members also seemed to suffer from the misapprehension that students at a school will not know that one of their members is suspended. Anybody with a close association with a school, particularly high schools because the disciplinary problems appear more there than in primary schools, will know that, like prisons, there are no secrets among students any more than there are secrets among prisoners. One does, however, receive a degree of confidentiality from those persons in authority - staff members and council members - where it is logically expected.

Mr Speaker, I am attempting to ensure that the community's wish for involvement is recognised. I am also prepared to stand up and ask honourable members on both sides of the House - I will be interested to hear the shadow minister's policy - exactly what they expect school councils to do. I will be quite critical of the other 18 members of this House if they are not prepared to state what involvement school councils should have. It is so easy to pay lip service to community involvement in education but have the vapours the minute the community legitimately tries to interest itself in education.

It has been put to me from time to time, as a member of a school council for 7 years, that school councils should not be involved in the staffing of schools but should have only a peripheral say on the standards of education and the curriculum. School councils are now not supposed to be concerned with the discipline in the schools. I can think of no bodies better suited to that purpose. School councils are not to ask too many awkward questions about the running of the schools. Well, Mr Speaker, what the hell are we constituting school councils for if they are to have no legitimate interest in curricula, in staffing, in standards both professionally and otherwise and in the discipline of schools? Why don't honourable members just admit that they are happy to set up school councils but they will be damned if they will give them anything to do.

I have not met the same resistance amongst all members of the teaching profession - a very interesting point. Certainly, some members are defensive and believe that school councils are irritants and have their place but certainly not in the running of the schools. That is a point of view; not one to which I subscribe. These are public schools which are funded by taxpayers' money. The honourable minister appreciates that the public is displaying interest in the way that its money is being spent on educating its children for its workforce and its future. They are all words, Mr Speaker. As soon as legislation tries to make this implicit desire explicit, everybody says, "No, no! We can't have that! Forget it! Leave it to the regulations. Let's put it in the manual; let's talk about it some other time; let's not vote for it". I totally disagree. I am sure that the minister shares this extreme reluctance of the opposition to involve school councils.

I do not believe that elected members of these bodies will act in an improper manner which will lead to libel suits and charges of character assassination. That is ridiculous, Mr Speaker. A person who acts in that manner on a school committee will soon be asked to leave. We are talking about the involvement of a school council which will represent teachers, para-professional staff and the community in the disciplinary standards which are to apply to that school and the proper measures to be taken.

The honourable minister made a valid point when he said that he would not want this to come to a court of law where people could be sued for having done something in good faith. I draw his attention to clause 5 of my proposed amendment: "The principal act is amended by inserting after section 71 the following new section: 71A - A member of a council established under section 70(1) shall not be personally liable in respect of any matter or thing done or contract entered into by that person if that matter or thing was done or the contract was entered into by that person in good faith, and without negligence, for the purposes of carrying out the powers or functions of the council or committee of the council". As I said, the minister raised a valid point which I accepted and on which I have sought advice which has resulted in my circulated amendment.

I shall vote for the bill through the second reading to enable it to get into the committee stage. I believe that the bill, as printed, has severe draw backs and principals should have the right to suspend immediately the need arises. In the event of my proposed amendment not being accepted, I shall be very interested to see how members of this august House make an input into the drafting of the regulations to ensure the same community involvement of which they seem so scared at the moment.

Mr ROBERTSON (Education): I thank the opposition and members on this side for their support of the bill. The remainder of the debate was taken

up with matters which can be dealt with in the committee stage. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mrs LAWRIE: I invite defeat of clause 4.

This is to enable the insertion of new clauses which I have circulated in my amendment schedule. The new clause 4 would enable the immediate suspension of any student by a school principal. If the suspension was to last for not more than 1 school day not counting the day on which the suspension was imposed, no further action would be taken. However, if the suspension was for a longer period, certain other events would be put into train: the chairman of the board would be notified of the action to suspend the student; the parents of the student would be advised that they had the right of appeal to the subcommittee of that board; and the subcommittee of the board would then consider the case on all the facts placed before it from the principal, the student and the parents and may vary, uphold or revoke the suspension accordingly.

If I might hark back to what was the practice of the Nightcliff High School Board when Geoff Chard was principal and Graham Bent was the chairman of the board, the subcommittee of that board, which determined these matters in this way but without legal status, consisted of a delegate of the principal who was the senior adviser within the school and who is now senior adviser in the Education Department, the chairman of the board and one other person who was not a student. This subcommittee convened on several occasions. There was no lack of confidentiality. There was no discord; they reported back to the board at the monthly meetings on the actions taken. I have attempted to insert in the legislation the practice which I believe serves the best interests of all parties.

Mr ROBERTSON: The amendment proposed by the honourable member for Nightcliff has received my full consideration. Because of the nature of its circulation, it has not had the chance to be thoroughly vetted by my colleagues but I am quite sure that they would agree with my attitude to it.

In the second-reading debate, there was a rather interesting exchange between the honourable member for Nightcliff and the opposition spokesman on education, the honourable member for Arnhem. It seems to me that the honourable member for Nightcliff thinks she has an automatic right to expect the concurrence and the goodwill of the opposition simply because she so mechanically follows their lead on almost every occasion. I suppose one might say, "How disloyal and ungrateful of the opposition". Nevertheless, I thank the opposition for its very positive attitude to this rather negative issue.

The fundamental point which has been missed by the honourable member for Nightcliff is that she has forgotten the rights of parents. In her efforts to devolve power on a school council at all costs, she has forgotten that the people who can be hurt by her proposal are the parents who normally comprise the school councils in the first place. What she is really saying is that, whether or not the parent wants this matter to be aired before his peers, it

must be done because the honourable member for Nightcliff believes that the school council ought to have that statutory power. By giving a school council a right and a power, we would deprive every parent of every child in the Northern Territory of the right to this basic privacy. That is just not the way to go about it at all.

When I accepted the amendment during the committee stage of the principal act, I did so in good faith. The honourable member for Nightcliff said that not all teachers she had spoken to are reluctant to have the matter go before a school council. Let me assure this Assembly that nearly every school council I have spoken to has told me loudly and clearly that it does not want this particular power, particularly if the principal is to be compelled to place it before the school council. What school councils told me is that, if a parent wants the matter taken before the school council, then that is his right but it is not necessary to have a statutory provision which completely overrules a fundamental aspect of school administration - the authority of the principal in matters of discipline within the school subject to his superior's overview.

Let us look at it another way. All parents in the Northern Territory have a direct right of access to the minister himself. That is the ultimate appeal. A letter to the minister automatically sets in train a complete review of a decision by any officer of my department. The protection is there: the right of the parent to go to the school council if he so wishes but also the more important right not to have the matter aired before a school council if the parent does not wish.

The honourable member for Nightcliff has said that kids in the school will know about a suspension. However, I bet that not many kids will know the reason for a suspension. If there is a police investigation into an after-hours theft, the children and the teachers will know that Johnny is not at school today and the rumour will spread that he has been suspended. Of course, there is a vast difference between that and the school council saying the following day that John Jones is under suspension because he has been accused of theft. That is not fair to the child and it is not fair to the parents. The government opposes the amendment.

The last suggestion of the honourable member in this document relates to contracts entered into by a person, presumably a member of the school council. This government does not wish to be bound by contracts entered into by individuals because they happen to be members of a school council. Presumably the honourable member for Nightcliff, who is a member of a school council, is contemplating a couple of million-dollar developments for Nightcliff Primary and Nightcliff High and expects, by this vehicle, that the government will be saddled with them.

Mr COLLINS: The opposition generally tries to give as much consideration to legislation in this House as possible. The Leader of the Opposition and I have spoken to a great many school principals on this matter but what I neglected to say in my second-reading speech was that we have spoken to many more parents than we have principals. Some of the most pungent objections to this particular section in the act have come from parents rather than principals. Parents have said that, under no circumstances, would they want the reasons for their child's suspension to be discussed by the school council. It appears to be a fairly impossible job to maintain confidentiality in the Labor Party caucus at times; I am quite sure that maintaining confidences within a school council would be much more difficult. I am not saying that people would discuss these matters because they are malicious or in any way seeking to damage people; people just like telling stories about other people.

Parents would object very strongly to the reasons for their child's suspension being discussed at a school council meeting. I accept those arguments.

I am very happy to consider any suggestions - and I will seek discussions with the honourable minister concerning this - to bring the involvement of councils back into the practice of the Education Act. I hope that I would do the honourable member for Nightcliff the courtesy of allowing her more than a 10-second consideration of 2 foolscap pages of amendments. As I said to the honourable member, I only had time to read to the bottom of the first page by the time this debate came on. I would be very happy to consider any suggestions and, in fact, to read these amendments properly and to give them the consideration I am sure they deserve.

Mrs LAWRIE: The honourable member for Arnhem is sorry that he has not had time to read the proposed amendments. The honourable member for Arnhem did not bother to tell the House that I had discussed with him last week, as I had with the minister, the set of regulations applying in Great Britain on which this amendment is based.

Mr Robertson: I am not grizzling about lack of time, Dawn.

Mrs LAWRIE: I am referring specifically to the remarks of the member for Arnhem. The minister did not make the same comment.

In fact, I discussed the need for an amendment to the bill as circulated with the member for Arnhem last week. Whilst he is quite correct in saying that these amendments have only just been circulated, he has been aware for 4 or 5 days of my intention to circulate this set of amendments.

It is not correct for the honourable minister to say that I am making an effort to involve school councils at all costs. The honourable minister would have had discussions with more councils than I but I have had representations from parents requesting the involvement of the council as an intermediary in the running of the school. I reject the inference that I am putting forward this amendment, at all costs, for some strange, personal reasons of my own. I am responding to a legitimate community wish for involvement in the school system and one of which the honourable minister is well aware.

In criticising me for this amendment, the minister forgets that the act approved by his colleagues in Cabinet stated under section 27(2) that "the head teacher of a government school shall not suspend a child from attending school under this section unless he has sought and considered the advice of the council, if any, for the school".

Mr Robertson: That was an amendment put forward by you and accepted without Cabinet consideration.

Mrs LAWRIE: It is fair enough for the minister to say that he has changed his mind but the original legislation was approved by him in this House with that section in it. At that stage, he must have agreed with me.

As for the member for Arnhem's other criticism, I will be curious to gauge his involvement with the regulations as he is so keen not to discuss it in the principal act but prefers to have it covered by regulation.

I was not going to reply to the other comment of the minister but perhaps I should for the record. I do not expect the members of the Australian Labor Party ever to agree with my philosophy any more than they should expect

blind obedience from me. What an unconscionable expectation!

Clause 4 agreed to.

Title agreed to.

Bill passed remaining stage without debate.

STATUTE LAW REVISION BILL
(Serial 353)

Continued from 20 September 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, this bill is part of the Department of Law's constant revision of statutes. I have had the bill and the amendments checked by a member of my staff and, as stated by the Chief Minister, no matters of substance have been changed. These are simply technical amendments. The opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 138.1.

This will remove section 8A because the Remuneration (Statutory Bodies) Bill will be doing that job for us.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 negatived.

Clauses 5 to 16 agreed to.

Clause 17:

Mr EVERINGHAM: I move amendment 138.2.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 138.3.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 28 agreed to.

New clause 28A:

Mr EVERINGHAM: I move amendment 138.4.

This inserts a new clause 28A relating to the Oaths Act. It corrects

references to the term "an act" in the Oaths Act to make it "an act of the Commonwealth". The references will then be to actions that may be taken under any law in force in the Territory other than an act of the Commonwealth.

New clause agreed to.

Clause 29:

Mr EVERINGHAM: I move amendment 138.5.

This will omit reference to section 4 of the Payroll Tax Act where it refers to administration of the act by the commissioner.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clause 30 agreed to.

Clause 31:

Mr EVERINGHAM: I move amendment 138.6.

This adds 2 new subclauses to clause 31 which were inadvertently omitted by the printer from the original bill.

Amendment agreed to.

Clause 31, as amended, agreed to.

Title agreed to.

Bill passed remaining stage without debate.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 357)

Continued from 11 October 1979.

Mr ISAACS (Opposition Leader): The opposition supports the amendments to the Criminal Law and Procedure Act which enable an officer of the Department of Law to decline to proceed with indictments. The current position, as outlined in the Chief Minister's second-reading speech, is that only the Attorney-General with his own personal signature can decline to proceed with prosecutions. The bill will enable him to delegate that responsibility.

In his second-reading speech, the Chief Minister said that only a small number of officers will be authorised to decline to proceed with indictments and he made that statement in conjunction with a statement that only a small number of senior officers are in fact authorised to file indictments. I accept fully that explanation.

It is a fairly straightforward piece of legislation. It is important. Absurd situations can arise when the Attorney-General is absent and a case proceeds at unnecessary cost simply because of his absence. The opposition supports the bill.

Motion agreed to; bill read a second time.

18122.801—12

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

WORKMEN'S COMPENSATION BILL
(Serial 358)

Continued from 11 October 1979.

Mr ISAACS (Opposition Leader): The opposition supports this particular amendment to the Workmen's Compensation Act which unfortunately gave rise to some disquiet from workers, especially those who had been injured. It was pointed out by a colleague in the legal field. The simple error was that an injured worker, after the first 26 weeks of incapacity - during which time he received what he would have received had he been on sick leave - is entitled either to a second-schedule payment or a lump-sum payment, whichever is the greater. Unfortunately, with the previous amendment to the Workmen's Compensation Act, some gremlin slipped in and the wording was changed to "whichever was the lesser".

The government will amend the legislation with this bill and will return it to the previous position. By clause 2, we ensure that the amendment will take effect from 30 June 1979. In other words, it will be retrospective.

The opposition supports the amendment.

Mr PERRON (Treasurer): All I have to say in relation to this bill is that it demonstrates that we can all make mistakes. Right from the original drafting instructions, the drafting of the legislation and the passing of legislation through this House, it was clearly overlooked by everybody. It is an unfortunate matter. However, it has been picked up and, as the honourable the Leader of the Opposition said, is being made retrospective. I support the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of this bill be taken forthwith.

Motion agreed to; bill read a third time.

REPORT

WELFARE NEEDS OF THE NORTHERN TERRITORY

Continued from 11 September 1979.

Mr DONDAS (Community Development): Mr Speaker, a priority task of a self-governing Northern Territory has been to identify the needs of the Northern Territory people and the ways we can modify and restructure inherent institutions to better meet those needs. This is a continuing exercise which covers a whole range of government services and policies.

However, clearly a most urgent area of review for any new government must be those services and policies which are aimed at assisting the disadvantaged members of our society. It is through such modificationsthat we can best give self-government real meaning in the Northern Territory and pass on to the Northern Territory people the benefits of government decisions which are in

touch with local needs.

Our Northern Territory population is expanding at a rapid rate and this and the younger population are creating new requirements in the welfare area. The Board of Inquiry into Welfare Needs was established even before self-government. It was seen then that the welfare area was in need of review and that we must start the ground work for a self-governing Northern Territory.

The board's first task was to identify the growing and changing welfare needs of the Northern Territory and, secondly, to make recommendation on how the government could best meet those needs. The board was briefed to inquire, in particular, into matters which stood out as areas of priority to government concerns.

I do not propose to detail either the substance or the recommendations of the report. Honourable members had time since the tabling of this report to study it at their leisure. However, I will take this opportunity to highlight a particular aspect of the report which came to me as an overwhelming impression when I read it.

The report deals with the welfare needs and problems of various categories of people in our society. Many of these people have a single common problem. This is that welfare recipients must not only deal with the disadvantaged situation in which they find themselves but also learn to cope with the community which is, at best, ill-informed and, at worst, guilty of prejudice.

In searching for a theme in the report, this aspect most struck me during my reading. In order to illustrate this, I will quote parts of the report which support this interpretation. On the question of youth, the report prefaces its comments with the following: "It should be emphasised that most youths are not a problem despite the considerable publicity that is given to youth problems. It is fact that the majority of youths do not come under consideration as contributing to juvenile delinquency. Nor should they be considered as a maladjusted section of the society". The fact that the board feels obliged to make this comment infers that many in our community do view youth as a problem.

The report goes on to say that much of the community effort directed at assisting youth is often based on a poor assessment of youth's needs. On page 38, the report states: "It is difficult to escape the conclusion that most youth work programs attract and provide activities for that section of the population that is not the most in need of additional services. It is clear that the community, although concerned about the difficulties facing youth, is often misguided in its efforts to provide assistance".

In moving from young people to old people, the report states that the aged suffer from similar community misconceptions which tend to view old people as a burden on society. On page 45, the report states: "The aged are largely an unused community resource". On page 46: "There is a need to encourage old people to transfer their skills to others in the community". This comment should be contrasted with community attitudes to elders in the world's more traditional societies where old people are venerated for their life-learned wisdom and skills.

The report makes its point by stating on page 49: "There is now much evidence to show that there is a wide diversity of physical and intellectual capacities amongst the elderly that, if encouraged, enables them to make substantial contributions to the community. It has been demonstrated that

the aged have been socialised into believing that they are useless, worn out and are unable to make a positive contribution to the community development". In making this recommendation on this area, the report goes on to say: "There is a need to change attitudes about the ageing process and to uncover the unique skills and expertise of individual aged persons and encourage them to transfer those skills to other people in the community".

Unfortunately, we are all familiar with the prejudice sometimes shown to ethnic minorities and societies. In stating that there is a need to recognise ethnic groups as a part of the total community of the Territory, the report indicates that there is a need for even trained staff to rid themselves of apparent bias. The report states that those responsible for disseminating information to ethnic minorities need to be trained to demonstrate a sensitivity to cultural factors and to maintain a sympathetic attitude to individuals with language difficulties.

Mr Speaker, one might expect that a handicapped person might be free of prejudice in attempting to take on a meaningful role in our society. However, even in this area, the report has the following to say: "Efforts must be made to gain community acceptance of the normalisation concepts so that rehabilitation and socialisation of handicapped people is not inhibited by a negative community response".

On the question of alcoholism, there appears an obvious need for educational programs to change unfortunate Territory attitudes in 2 areas. The first area of concern is almost understated in the report where it says that there is need for education so that the community may be aware of the effects of excessive drinking and to indicate what can be done to modify the image of the Territory as being proud of its reputation as a hard-drinking community.

The second area requiring change in thinking follows from the report's conclusion that the formative influence in drinking patterns is established during adolescence. The report therefore recommends that there should be widespread co-ordinated education programs introduced into schools and the community on the subject of alcohol with reports from the Departments of Education, Community Development and Health.

This need is echoed in the report in dealing with the question of drug abuse. Again the emphasis is on education of young people and I would draw members' attention to the report's recommendation 4 on page 133: "Education programs be incorporated in the school curricula setting out the effects of drugs including reference to those currently described as legal drugs; for example, barbiturates and nicotine".

To continue on my theme on the question of community prejudice as it affects the disadvantaged, the report touches briefly on the issue of racism. The report notes lack of knowledge and information, prejudice, disinterest, apathy and negative attitudes generally which, in turn, lead to ridicule. Scorn and fear are to be found throughout the Territory and in all age groups in the cross-cultural context of the Territory population.

It would seem that even professionals in the field are not immune to bias which leads to greater difficulties in providing welfare services.

On page 182, the report states: "As well as providing training courses which will enable Aboriginal personnel to become familiar with welfare systems and services, there is a pressing need for the establishment of courses which will provide white welfare personnel with a better understanding of Aboriginals. Cross-cultural courses of this nature have been sadly lacking

in the past and the absence of information of this kind has given rise to too much misunderstanding and downright clumsiness in the handling of Aboriginal clients".

Mr Speaker, there are many excellent and positive recommendations and aspects of this report which I have not attempted to highlight. Before closing, I should point out that the government has already acted on several of the recommendations. Planning is well underway for a child-life protecting unit as recommended in chapter 2. This is taking place within the family service area which is indicative of the approach which will be adopted in establishing the unit.

The taskforce on health, education and community development, and comprising the heads of the corresponding departments, has received and is now considering a major study of the handicapped in the Territory. This has involved discussion with all groups and organisations interested in the handicapped. Information access centres have been established in 4 centres in the Northern Territory. This government has taken steps to de-institutionalise servicesto juvenile offenders. At present, the whole juvenile system is being redeveloped.

The Community Welfare Division has created a unit to examine and redevelop all aspects of funding of voluntary welfare agencies. This review has been called for by the government and non-government agencies. This government believes that the funding of the non-government welfare sector is one of the most important factors in meeting welfare needs in the Northern Territory and this action is considered a priority.

There has been an extensive development in the area of provisions of services to migrant groups. The government, in conjunction with the Commonwealth, has promoted the development of self-help migrant groups which operate services from migrant resource centres in all 6 Territory centres. In addition, the Department of Community Development provides a volunteer telephone interpreting service in 20 languages to government counter staff. The government is developing a program of refugee settlement in accordance with the Territory's population needs.

Members are also aware of the new legislation relating to mental health, adoption of children and other related welfare fields. The government will be reviewing further all areas in which the board of inquiry has made recommendations. These reviews will involve consideration of the need for new child and community welfare legislation.

I hope that, by drawing attention to those earlier comments and the attitudes of the community to welfare recipients, I have been able to show that there is a great need for more tolerance and understanding both in the community and in the government in dealing with the needs of the disadvantaged in the Territory. There is no need for me to further illustrate this by drawing attention to common prejudices against the unemployed, single parents and others. I believe that my point is best summed up in the following extract from this comprehensive and extremely worthwhile report:

> *Education programs should be concerned with introducing an element of awareness and knowledge to the whole community and providing it with the resources necessary to handle problems which may be affecting its progress as a community. There is inevitable social change which will bring problems and it is inescapable that most if not all communities in the Territory will, for some years to come, be subject to social change in a greater or lesser degree. Educating the whole*

community to an awareness of the forces that affect it and support it in its endeavours to deal with such forces is part of the process of community development. Furthermore, it can be recognised that solving one particular problem of community life will have a multiplier effect in other areas of social life and community well-being. Education, in this sense, is not solely the responsibility of the Department of Education but it is a continuous process involving all government departments and organisations. Consideration should be given to this aspect when planning to provide the welfare needs of the community and in the promotion of the community development concept.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the first paragraph of chapter 2 of this report, entitled "The consultative process", reads as follows:

The board is convinced that the inquiry which it has undertaken has, if nothing else, fulfilled a useful purpose in establishing a reference point upon which government, local government, voluntary agencies and the community at large have been able to focus for the purpose of drawing attention to the broad spectrum of welfare operations and the needs of the Territory people.

I think it has achieved that. I support those words absolutely. I think that this inquiry has served to enable us to focus on the welfare needs of Territory people and the future directions which we need to take.

It is a very difficult report to discern a common thread, to use the words of the minister, in its many recommendations in the areas on which it concentrated. I think that is disappointing. It does not seem to always come to grips with some of the directions or even to offer what we consider to be obvious solutions. In fact, in some areas it does not seem to be specifically relevant to the Northern Territory. Some chapters could be written about the Australian population as a whole.

I think the board was conscious of this disability of the report. They said in their introductory chapter that their terms of reference were as broad as they could possibly be and the board was conscious of the fact that to do justice to the terms of reference would require a tremendous amount of detail, fact gathering, research analysis and consideration which would take years to complete. That, of course, is where the report is lacking. There are no specific Northern Territory statistics. The report does not always analyse the current Northern Territory situation so that future trends can be built upon those current situations.

In retrospect, this is in part the fault of this Assembly itself. As the terms of reference were so very broad, I think we asked the board of inquiry to undertake an almost impossible task. In addition to those very wide terms of reference, the board itself draws attention to the fact that members mentioned another 16 specific items which they as individuals would like looked at by the board and they are listed in the introductory chapter of the report. It has been very difficult for the board to do everything we wanted. Some of its chapters dealing with specific areas of need are excellent. Others are not and I shall deal with those later.

I would like to have a look at the alternatives proposed by the board in order that the on-going work which they saw as being necessary might be achieved. I was interested to note that the minister did not make reference to those specific recommendations. I would be interested to know what the government thinks about them.

There were 5 specific recommendations. One was that the work of the board be continued so that research could be completed. I do not think that that is a viable option and it certainly does not have my support. The board was a part-time board made up of members who had other things to do. Inevitably, as a board consisting of 3 members, it had disadvantages in that not all sectors of the population might have felt that they could approach the board or that they were represented.

I remember when the first motion was introduced, I made reference to the fact that there was not one woman on the board and some members criticised me for that. I think that that was a grave disadvantage, particularly in dealing with welfare matters in Aboriginal communities where men's business and women's business are frequently dealt with quite separately.

The board made a final recommendation which it felt quite strongly about: "There be established by statute on a permanent basis an organisation having representatives from all departments of government, local government and non-government organisations concerned with welfare activities". The report deals at some length with that proposal. Once again, it is not a proposal which I can support. I always have grave reservations about supporting the establishment of very large committees consisting of everybody you can think of. I think it is very difficult for them to work effectively. In this case, the committee was to consist of 2 Commonwealth appointees, representatives from the Chief Minister's, Health, Education, Youth Sport and Recreation Departments, local government associations and 10 representatives from the total community. I find it very difficult to see how such an establishment could work effectively.

Having established this broad reference and focused, as the report says, on the welfare needs in the Northern Territory, I would like to see the work that needs to be done continued in a variety of other more normal ways. For example, there is a departmental committee representative of the Health, Education and Community Development Departments. I think that is admirable and should be continued. From that committee, the necessary liaison of the work of those departments in the welfare area can be achieved. In other areas, specific inquiries can achieve things.

Recently, we received the Tipping Report into the needs of handicapped persons. We received from the Health Department a paper outlining the initiatives it intends to take to concentrate on the problems of alcoholism in the community. In those ways, problems which cannot be simply overcome can be looked at. Although the initiatives can come from specific departments, there still should be adequate facilities for community and professional input into those particular areas. I feel that that procedure would be preferable to the establishment of a very large committee by statute.

Some chapters are good and some are not so good. The youth welfare chapter is remarkable for the very inadequate consideration it gives to the problem of youth unemployment which is one of the greatest problems faced by our society today. Many other ways in which youth welfare is looked at in the report are excellent. I think the lack of consideration of that very strong need detracts somewhat from that particular chapter.

I was disappointed with the section dealing with the welfare of the aged. As with the welfare of youth, I was struck by a lack of consideration of the problems of accommodation for this particular group of people.

Recently, I attended a meeting called by the youth refuge people in which the problem of accommodation for young unemployed people was discussed.

It is not frequently realised that these people are expected to exist on a grand total of $36 a week which is the unemployment benefit which they receive if they are under 18. There is a very great need to provide accommodation for these people if they are not living at home.

Similarly, the problem of providing appropriate housing for the aged needs to be examined more closely. As the minister pointed out, the report refers to the need in our society for the aged to be more respected and to have a feeling that they are contributing to society. It struck me particularly that the oral history program and other work which is being undertaken in the Northern Territory at the moment is achieving this very well. I have a number of aged people in my electorate and I know many older Territorians. The emphasis on recording, collecting and evaluating the history of the Northern Territory is an excellent program indeed. Through this sort of community activity, we can demonstrate to older citizens that we do appreciate the contribution which they have made in the past and realise that they have something still to offer us.

There is a chapter on migrants and ethnic groups. I found this interesting, particularly in view of the fact that there is not one chapter on Aborigines. Considering the grave social disadvantages that Aborigines face in our society, I was somewhat surprised. The board did say that the report "applies equally to all sections of this community. This is not to say that there may not be factors which are unique to ethnic groups. Our view is that, only in exceptional circumstances, should there be a distinction made in the formulation of policy, the framing of legislation, the development of welfare programs and the delivery of services". I was rather surprised that the board should say that it did not particularly want to single out one group as a justification for not singling out the Aboriginal community and then have a chapter on migrants and ethnic groups. Absent from that particular chapter is a recognition of the language problem which people of different ethnic backgrounds face in our English-speaking society. This is one of the gravest problems which people from other countries face. The interpreter services and things of that nature are most important in drawing those people into the broader community and encouraging appropriate interaction between different groups.

Welfare of the handicapped has already been covered by the Tipping Report. One chapter deals with a juvenile aid panel scheme. Such a scheme operates effectively in South Australia. I believe that the recommendation of the board of inquiry that one should be adopted in the Northern Territory is a very valuable recommendation. I would certainly support the introduction of a system here. In other places, it appears to be a very effective way of dealing with juveniles who might be facing legal charges.

I commented on the mental health recommendations in a previous debate. I think they are very good. I said that we cannot afford to accept the deplorable lack of facilities which we have for mentally-ill people and that appears to be the belief of the members of the board of inquiry also.

The delivery of services to remote communities, particularly Aboriginal communities, is being investigated within the department at the moment. The community workers scheme has been initiated there and, if it works well, should overcome some of the problems outlined in the report.

There is a chapter on the role and funding of voluntary agencies. This is a very difficult area and the board obviously gave it considerable thought. It is very easy to be critical of voluntary agencies. I heard it said that, in the Northern Territory, all the agencies are supported in one way or

another by government grants. Nevertheless, I believe that they have a very valuable contribution to make because they identify, more readily than governments, emerging or existing needs. It is important that they should be encouraged to work as effectively as possible. One of the great limitations on the effective working of voluntary agencies at the moment is the uncertainty of their financial resources.

I can remember an experience of an organisation with which I was associated. A submission for money for a specific program was made in March or April to be considered in the August budget. It was not until the following March that the money was approved and finally made its way to that particular association. That was the Family Planning Association and the money was to be used to employ a particular person. The association received money in March to employ somebody for the previous 10 months. That was clearly an absurd situation. These sorts of problems happen too readily with organisations which are doing valuable work. The board recommends that some method be designed to meet the objectives of individual voluntary agencies as opposed to the present system of annual funding with its inherent difficulties.

I could probably go on all day picking out bits and pieces from this report but I do not think that that is the intention of this debate today. However, as it continues, members no doubt will want to concentrate on particular areas. I think the work of the board has been valuable in that it has helped us to analyse the situation as it exists and encourages us to think of solutions and directions for the future. In relation to legislation, the board recommends a community welfare act to replace the existing legislation which is fairly inadequate. Certainly, I support that recommendation and hope that it can be implemented as soon as possible.

Debate adjourned.

REMUNERATION (STATUTORY BODIES) BILL
(Serial 360)

Continued from 11 October 1979.

Mr ISAACS (Opposition Leader): This bill seems to be an effective way of trying to come to grips with the problem of remunerating people who serve part-time on statutory authorities. The government has chosen the system of an across-the-board payment and we agree with that proposal.

The payment of part-time office holders on statutory bodies has been debated at length in the public press and it came to a head with the payments to legal people in particular. One example which springs to mind relates to the Liquor Commission. The Chief Minister said that, in the main, there was only one way to ensure that people of sufficient calibre served on these bodies and that was to pay them appropriately. Nobody can gainsay that barristers in particular can obtain a great deal of money for work which they perform. The question then arises whether those people should be paid accordingly when they perform duties on statutory bodies. There is a real inconsistency in the argument which singles out lawyers to be beneficiaries of significant sums of money. I think the amount paid to the legal representative on the Liquor Commission is $250 a day and $350 a day when the commission sits outside of Darwin. That was the information given to me in answer to a question on notice to the appropriate minister. I understand that the Chairman of the Land Acquisitions Tribunal is paid a similar amount of money. It was argued strongly by the Chief Minister that the only way we could get such people to perform such duties was to pay them appropriately.

The same argument is not applied to other professional people who are specifically appointed by legislation. In addition to people appointed as lawyers, we have people appointed as estate agents, insurance brokers, architects, engineers - a whole range of professional people. In their case, a different argument appears to apply. I think that we ought to do away with that inconsistency completely. Either the argument holds good for the whole range of professional people or it does not hold good at all. If it does not hold good, the people appointed by virtue of their qualifications or professions should be paid the same as other members of a statutory board. It will be interesting, for example, to see if the lawyers appointed to the Classification of Publications Board will be paid at the same rate which the lawyers who appear on the Liquor Commission and other boards are paid.

A great deal of thought has to be given to this particular question. It raises the whole question of whether professional advice to these boards ought to come from private industry in the form of a part-time member or whether the various commissions and authorities ought to obtain their legal advice from the Department of Law itself. It seems to me that we may be spending a great deal of money in seeking advice from part-time members when that advice is available within the government's own resources. However, if the argument holds good for lawyers, I guess it holds good for architects, engineers and the like. Having made those comments, the opposition supports the bill.

Mr PERRON (Treasurer): It is pleasing to hear that the Leader of the Opposition supports the bill because members may recall that, some months ago, the local press reported that a spokesman for the Leader of the Opposition expressed the view that service on statutory authorities ought to be voluntary as a service to the community. At that time, I felt that, if that was ALP policy, they were certainly a long way from reality.

The government has reviewed the payments to persons on all types of statutory authorities,boards and tribunals in the Northern Territory. This was quite a complex task and led to the introduction of this legislation. It was quite clear that certain statutory authorities are very popular. People are very anxious to participate on some boards and, in some cases, would probably even pay the government because membership of the board may carry a certain status. People may feel that they are contributing in a field of great personal interest to themselves.

Other boards are not so popular because they require a great deal of management and professional expertise. People are reluctant to place themselves in a situation where they will regularly be dragged away from their business or profession and where they may be required to examine files provided to them before meetings. Some authorities require a great deal of homework before a meeting. Some tribunals sit in judgment, as it were, on the issue of licences, the hearing of complaints from consumers or the consideration of licence renewals. The Northern Territory Electricity Commission is an organisation which has a staff of hundreds and spends many millions of dollars every year. The decisions made there are very important and require a great deal of attention by the persons on the board.

It clearly became impossible to simply say that all statutory board members should be paid $60 or $100 a day or some such convenient remuneration. It was made more complex by the fact that various people from different walks of life were appointed to boards - from housewives through to lawyers and doctors. If the fees were based on loss of income, it could be argued that the housewife might miss out badly compared to others. Is it really a remuneration for the service being provided or is it related

to the responsibilities of the organisation or the background of the member? These considerations made things even more complex. It was decided to bring the various provisions together into a single act which enabled varying determinations to be made.

To correct the Leader of the Opposition, not only members of the legal profession are being paid some $250 a day. I appointed a valuer from South Australia as a member of the Lands Acquisition Tribunal at the rate of $250 a day plus expenses. The Lands Acquisition Tribunal is one where the chairman selects from the remaining members of the tribunal 2 persons to sit on any particular case. Upon the advice of the Valuer-General for the Northern Territory, I accepted a recommendation that one of the 11 persons should be a land valuer of considerable national standing who would be called in solely for cases which were very large and possibly very complex. This person may never be called. Thus, we have not merely selected members of the legal profession as being special people who should earn a great deal of money in one day because the government required them to sit on the board; there are others as well.

The legislation before us only sets the structure of the fees and not the fees themselves. The fees will be set by the Administrator-in-Council on a schedule into which a great deal of work has gone at this stage. The range of fees will vary from fairly low fees for those boards which, one might argue, are established to recognise and protect a particular profession right through to the very high-level boards which make momentous decisions; for example, the Northern Territory Electricity Commission which certainly has a great deal of responsibility because its decisions could cost or win the government millions of dollars.

I support the legislation.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I am sorry that the Leader of the Opposition, whilst supporting the legislation, has seen fit to single out the legal profession by inferring that it is receiving special treatment in the form of payments for being members of statutory bodies in the Northern Territory. His grounds for attempting to infer this are pretty slim and, no doubt, his attempt to insert the knife is for the simple reason that I am a legal man myself.

The Leader of the Opposition referred to the Liquor Commission and proposed that members of the staff of the Department of Law should be called on for advice. I do not think that this would satisfy the situation at all. The Liquor Commission is a quasi-judicial authority and advice from the Department of Law is not sufficient having regard to the weight of the various matters which the commission must consider. We should bear in mind that the commission needs only 2 of its members to convene. Until the recent resignation of one of the commissioners, Mr Aloysius Narjic - I understand that my colleague the Minister for Health has appointed 2 interim commissioners to assist in the work - the services of the legal commissioner were only called upon when absolutely necessary. There was no question of the government being in a position to appoint the particular legal person which it wanted on this commission. It was impossible for any solicitor in private practice in the Northern Territory to be appointed as a member of the commission for the simple reason that all the solicitors in private practice in the Northern Territory have at least some practice before the Liquor Commission. That, therefore, restricted the government selection to 2 or, at the very most, 3 barristers who were practising in the Northern Territory at the time.

With great respect to the gentlemen concerned, only one had any great depth of experience and he himself is relatively junior by other standards.

He is the person whom the government approached. He was simply not prepared to accept the position without being paid a reasonable return because he could expect to earn considerably more by remaining in his chambers and doing opinion work, pleadings and so on.

I have just been handed an envelope outlining the reasons for the decision of the Northern Territory Liquor Commission in the matter of an application by Tuminello Investments in respect of the Fannies' premises on East Point Road. The reasons for the decision have been written by the commissioner Michael Maurice and exemplify the nature of the work which one is apparently required to do as a member of the Liquor Commission for which this man is being paid. I take the comments of the Leader of the Opposition in this matter as being something of a slur.

It has not been my job to select architects and engineers for various panels and statutory authorities but, by and large, they seem to clamour for appointment as my colleague the Treasurer has pointed out. Certainly, where there are more people desiring to get on the boards than needed, there is no requirement to offer any great incentives. They are paid a reasonable fee to cover their time and out-of-pocket expenses.

In relation to the Liquor Commission and the Chairman of the Town Planning Appeals Committee, they are paid for what amounts to quasi-judicial duties. Wherever the government must enter the market to seek the services of specialists to carry out very serious duties in a proper manner, it must expect to pay the sorts of fees which these people require. There is no other way about it.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 6 agreed to.

Schedule:

Mr EVERINGHAM: I move amendment 137.1.

This repeals the fees and allowances provisions of the Classification of Publications Act.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.2.

This corrects a wrong subsection reference from (6) to (5) in the Housing Act.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.3.

This will provide that the payment to a member or the chairman of the Housing Commission and not just the chairman will be made from the revenue of the commission.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 137.4.

This repeals the fees and allowances provisions of the Tourist Commission Act.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed remaining stage without debate.

TAXATION ADMINISTRATION BILL
(Serial 363)

Continued from 11 October 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the Taxation Administration Bill and, if it means that the Territory exchequer will be $15,000 better off, all the more reason for our support.

The amendments to the Taxation Administration Act will enable the Territory government to raise duty from travellers cheques and, as this is a standard procedure right around Australia, it is appropriate that we do it here. On 1 July this year, it appeared that a loophole existed and that travellers cheques were not subject to duty. This particular bill will correct that position. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

STAMP DUTY BILL
(Serial 364)

Continued from 11 October 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the amendments to the Stamp Duty Act do 2 things. First, they complement the provision which we have just passed in the Taxation Administration Bill and thus enable duty to be raised on travellers cheques. Secondly, they exempt the transfer of livestock and trading stock from duty. This is a progressive move by the government. The Treasurer is uncertain of exactly what revenue we will be forgoing. Nonetheless, it seems to be a sensible and practical move and the opposition supports it.

Mr VALE (Stuart): Mr Speaker, I rise to support this bill which aims to remove the present unintentional effect of stamp duty being charged on the value of trading stock and livestock involved in the conveyance of a property.

It is common practice, when a rural or other business property changes hands, for the price to be determined on a walk-in walk-out basis and the value of the trading stock and/or livestock to be included in the price. In all states other than Queensland, stamp duty is not charged on trading stock and livestock. The effect of the present Stamp Duty Act is that stamp

duty is charged on the total value of the land and cattle involved in a conveyance including trading stock and livestock.

Those entering new rural or other business pursuits in the Territory are faced with high establishment costs. It is this government's wish to keep taxation on such establishments' expansion and consolidation to a minimum.

In the case of rural producers in particular, the value of livestock involved in a property transaction could be very considerable and, in many cases, higher than the value of the property and the improvements.

This bill accordingly makes proper provision for the exclusion of trading stock and livestock from the property value on which the stamp duty is payable. Transactions relating to the sale of trading stock and livestock are of course subject to the close scrutiny of the Commonwealth Commissioner of Taxation and surpluses from sales are taxable. I support the bill.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer) (by leave): I move that the third reading be taken forthwith.

Motion agreed to; bill read a third time.

MINING BILL
(Serial 351)

Continued from 20 September 1979.

Mr COLLINS (Arnhem): Mr Speaker, the opposition welcomes this very substantial piece of legislation. I imagine this will be quite a prolonged debate. Without straining my brain too much, I can think of at least 3 government backbenchers who will all want to contribute - reading from left to right - the honourable members for Pancontinental, Magellan and Nabalco.

As far as drafting is concerned, this bill is the cleanest piece of mining legislation in Australia. This is not through any particular virtue of the honourable Minister for Mines and Energy and his department but simply by the virtue of the fact that it is new.

Mining legislation is probably the most patched up area of legislation anywhere in Australia. The very first piece of mining legislation passed in this country was in Victoria 1852. Basically, mining legislation has evolved from that original act as a result of numerous disputes because mining seems to be prone to disputation. Successive band-aids have been applied by state governments all over Australia since 1852. With some of the mining legislation in Australia, there is an extraordinary collection of principal acts and amendments.

This particular bill is most welcome. I appreciate the way in which it has been drafted. It certainly is one of the easier pieces of legislation to read. I am quite sure that people involved in the industry will make sense out of the bill without the need to refer to solicitors for advice on it. It is a very well-drafted piece of legislation.

There are in excess of 40 acts of parliament in this country dealing with mining and the dissimilarity between them is quite incredible. This bill is quite a notable piece of legislation in that it introduces an entirely new concept of mining title which, as the honourable Minister for

Mines and Energy stated, has no precedent in this country.

Honourable members will recall that a bill to amend the principal act went through this House previously in order to overcome the problem of mining companies which have made considerable investments in exploration - without getting to the stage of necessarily wanting to take out a mining lease - having their period of exploration expire. An amendment was put through this House extending the period of the licence for 12 months. The concept of a mining retention lease, which this bill introduces, will certainly overcome this problem in a much cleaner and more desirable way. However, it is a new concept in legislation which has no precedent and therefore bears close examination.

I do not pretend to have the personal expertise to deal with something like this. I believe that it would be desirable for the advice which the opposition is getting on this particular piece of legislation to come from outside the Territory. As a result of this, the opposition has sought expert advice which,unfortunately, has not been forthcoming as yet on this aspect and some other new innovations contained in the bill.

The bill will succeed to a very large degree in removing many of the anachronisms which exist in the principal act. For example, the section dealing with the issuing of miner's rights will remove sections of the principal act which deal with such matters as being able to establish market gardens under miner's rights because many people established market gardens which had absolutely no connection with mining ventures. This is certainly anachronistic and will be removed by this bill.

Other sections of the principal act which will be removed include section 23(1) which deals with the powers under miner's rights: "Cut, construct and use races, pipes, dams, reservoirs, tramways, electricity lines, telephone lines etc". In fact, under the new bill, construction, erection of buildings and so on will require the specific approval of the Minister for Mines and Energy.

In the section dealing with exploration licences, a new concept has been introduced which is extremely welcome and that is the new method of advertising applications for exploration licences in the paper. Not a single member of this House would pretend to understand for a minute the current method of advertising - it is just a meaningless jumble of words. The new provisions for advertising will be welcomed by everyone.

The terms of the exploration licences have been changed somewhat from the principal act. Under the current act, exploration licences are granted for a year with renewal for up to a maximum of 5 years. Under this new bill, the period of time will be up to 5 years in the first instance which is an improvement on the principal act.

There has been some discussion about the maximum area of land involved in an exploration licence. This bill will not change that. The area of land involved is precisely the same under the new bill as it is under the old act, but there is considerable disparity in the areas of exploration licences from state to state. This is perfectly understandable because of the disparity in the sizes of the states of Australia. There is quite a wide variation because it can be entirely a matter of ministerial discretion as to how big an exploration licence will be. For example, in Victoria it is 1,000 square miles and when Papua New Guinea was a protectorate of Australia an exploration licence there was 10,000 square miles.

Under clause 16(3)(c), there is a provision which existed in the principal

act: "If the effect of granting it would be that the total area under exploration licences controlled by any one person, whether or not the control is enforceable and whether the control is achieved by interests in various companies ... would exceed 5,000 blocks".

Last year, I spent a very interesting day in the Corporate Affairs Division of the Attorney-General's Department in NSW - a division which has achieved some publicity of late - talking to an overseas consultant who was an expert in corporate affairs and who had been retained by the New South Wales government. It was fascinating to learn the ways in which provisions such as this can be overcome. There are as many legal loopholes in this area as there are in taxation law. It is merely a matter of course these days for large concerns to overcome provisions which supposedly prevent monopolies by various means such as establishing holding companies etc. If anybody has any doubt that this sort of thing is possible, I am quite sure that the Premier of Queensland would be able to explain it to him.

Clause 26 of the bill was touched upon in the minister's second-reading speech. It refers to the progressive reduction in the size of areas under exploration licences because, under the old act, a different system prevails: the exploration licence area is cut in half after the first 2 years and so on. The minister spoke at length on the desirable aspects of this particular clause and the opposition supports it. We think that it is absolutely essential.

The minister did not discuss clause 28 which states: "The Minister may, on the written request of a licensee, defer for a period of 12 months, or such longer period as he thinks fit, the reduction under section 26 of a licence area". A great deal of ministerial discretion will be applied here. The minister may extend the reduction period for any length of time which he sees fit on a written application from the licensee.

I will now discuss the area dealing with exploration retention leases. It is impossible to compare this section of the bill with any other legislation in existence because it is a totally new concept. I believe, on the study which I have been able to give it, that it is a very desirable concept. It appears to me to be an excellent way of ensuring that companies have some security of tenure. Vast sums of money are expended these days on exploration. In fact, the whole thrust of the bill, as the honourable minister said in his second-reading speech, is basically to update the legislation. The principal act was obviously aimed at the old-time prospector. Although there is still very definitely a place in the Northern Territory for such people - a section of this new bill is designed particularly with that in mind - these days, large corporations carry out most of the exploration mainly because of the enormous amounts of money involved in development.

Ministerial discretion applies to almost every single clause of the bill. The minister will have the power in the clauses dealing with miner's rights, exploration licences, extractive leases, mineral leases etc to waive conditions and provisions of the bill but, as he said himself, he has no discretion in the provision of an exploration retention lease. In clause 41(1), it says quite specifically that the minister "shall grant to the applicant an exploration retention lease in respect of the land for a term not exceeding 5 years".

Clause 44(1) states: "Every exploration retention lease is, unless expressly waived or suspended in writing by the Minister, subject to the condition that the lessee will, on or in relation to the lease area ...". It then lists a number of things which must be complied with. Again, ministerial

discretion will apply here because particular impositions on the mining companies can be waived in writing by the minister. The provision of the retention lease in the first place cannot be waived and is the only area of the bill where ministerial discretion will not apply.

This bill certainly warrants a closer examination than I have been able to afford it. I am not suggesting that there is anything sinister about it - I do not believe that at all - but, because it is such an innovative concept, it needs to be examined closely.

The same provision applies in clause 38(2) as applies in the exploration licence provision where leases are prevented from exceeding 4,000 hectares except when ministerial discretion is applied: the minister must give his prior approval to the application in respect of a greater area being made available.

Clause 40 of the bill could provide the basis for an interesting court case if it ever went to court. As honourable members know, a retention lease is granted when an anomaly exists or an ore body of possible future economic benefit exists and is to the satisfaction of the minister. Clause 40 states: "A person shall not make an application under this part for an exploration retention lease unless he has a bona fide belief that there exists on the proposed lease area an ore body or anomalous zone of possible economic potential". I do not think that a good QC would have too much trouble tossing that particular clause.

Clause 61 of the bill, which deals with mineral leases themselves, contains another quite substantial alteration to the Northern Territory's mining laws which is certainly innovative. I was unable to find it in the legislation of other states which I examined. This clause was given considerable attention by the minister in his second-reading speech and it refers to that part of the bill where, if the minister refuses to grant a lease to a person who has held a miner's right and an exploration licence, that person can be compensated for the amount of money which he spent on the development plus an amount which compensates him for the interest which may have been earned on his investment if he had invested it elsewhere. Again, the opposition does not have any qualms with this particular part of the bill. The amount of money involved in mining exploration is enormous. If a company has expended possibly years of time, effort and money in research and development of the mineral lease, it should expect some security of tenure so that its investment will be protected.

There is a clause in the bill which says that the minister will not have to make this compensation if it is beyond his control; this is reasonable. However, after a person has been given a miner's right, after he has been granted an exploration licence and after he has been given a retention lease, which he then wants to convert into a mining lease, if he is prevented from doing so by government policy, the opposition believes that he is certainly entitled to compensation.

Clause 63(1), relating to conditions to which a mineral lease is subject, incorporates a good old ministerial discretion again: "Every mineral lease is, unless expressly waived or suspended in writing by the Minister, subject to the condition that ...". There are a whole host of conditions, every one of which can be waived or suspended by the minister in writing.

We now turn to the subject of mineral claims. This particular section of the bill is designed specifically for the small prospector. Some criticism has been made that this bill will place exploration in the hands of big

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companies and take away opportunities from the gouger and the prospector. I believe that this is not a realistic approach to the legislation because, with the amounts of money involved, most of the business is carried out these days by big companies. Of course, the opportunity for a small prospector to uncover what could be an extremely useful mineral find should be encouraged. This kind of title allows for that. A person can be granted this kind of title for an area up to a maximum of 20 square miles so that small prospectors will continue to be encouraged in the Northern Territory.

The part of the bill dealing with extractive mineral leases and extractive mineral permits provides for materials for the construction industry in the Northern Territory. In the case of permits, it is obviously aimed at fill and gravel for roads where an extractive mineral lease which involves a greater area and a greater length of time is just not necessary. For all of these titles, there are clauses in the bill which will place impositions on the licensee or lessee to safeguard the environment. In the case of these extractive leases, it will place an imposition on the applicants for extractive leases to demonstrate to the government how they intend to carry out "a complete rehabilitation of the area".

The part dealing with fossicking areas is very welcome. Again, it simply demonstrates the clean way in which this piece of legislation is drafted and the progressive and sensible way in which it can now be read. Fossicking areas allow for tourism and for people in the Northern Territory whose hobby is collecting gemstones or polishing semi-precious stones. This is an extremely lucrative area which is a very valuable drawcard for tourists to the Northern Territory. Where these fossicking areas are declared by the minister, an exploration licence cannot be granted in that area so that the area is retained for exploiting the tourist dollar in the Northern Territory.

The next part of the bill which I will deal with has particular application for my constituents: mining on Aboriginal land. Under the old bill, reference to the federal land rights act was tacked on where appropriate. In this new bill, it is given a separate part of its own which makes it much easier to understand and read.

The provisions of the bill are that this legislation will be subject to the Aboriginal Land Rights (Northern Territory) Act 1976. The provisions in that act dealing with mineral exploration on Aboriginal land are very explicit. There have been some rather disturbing developments lately on the federal scene as to possible changes in these areas. Aboriginal people, under the land rights act, except for circumstances which are specifically laid down by the act, have the right of veto over mining on their land. In a practical sense, this is an illusory power of veto because it can be overriden by the Governor-General by the simple act of proclamation.

Although the reality may be illusory, the value of those particular protective provisions politically for Aboriginals is extremely important. It is important that they be retained. Clause 40 of the act states: "A mining interest in respect of Aboriginal lands shall not be granted unless - (a) both the Minister and the land council for the area in which the land is situated have consented in writing to the making of the grant; or (b) the Governor-General has a proclamation declared that the national interest requires that the grant be made".

There are some further provisions in the act for dealing with such a proclamation. Section 42 states: "The Minister shall, as soon as practicable after the making of the proclamation ... cause a copy of the proclamation to be laid before each House of the Parliament. Either House of the Parliament,

within 15 sitting days of that House after a copy of a proclamation has been laid before the House under subsection (1) may, in pursuance of a motion upon notice, pass a resolution disapproving of the declaration of the proclamation". I say again that, politically, it is extremely important for Aboriginal people to retain that right. Although the government, in the national interest, has an overriding power to waive that veto, it cannot do it simply by gazettal or the stoke of the minister's pen. It requires a full-scale debate in both Houses of parliament where the government is forced into the position of having to provide that the mining is in the national interest and, hopefully, through their representatives in parliament, Aboriginal people will have the opportunity of putting their side of the case in a very public manner.

The terms of reference of the inquiry to be held by Mr Rowland QC, who is arriving in the Territory today, are certainly aimed directly at changing this particular provision of the act. One of the terms of reference refers to the effect of Aboriginal land claims over areas which are subject to applications for exploration licences or mining interests which can cover just about anything at all. There is no doubt in my mind that this particular term of reference is aimed directly at Pancontinental and the Jabiluka deposit. There is no doubt that changes to the federal land rights act will have a substantial bearing on the impact of this bill before us today.

I know for certain that there is no area of government policy or government activity which concerns the Aboriginal people of the Northern Territory more than mining. I know that the Minister for Mines and Energy and the Chief Minister are both well aware of this. The Minister for Mines and Energy, in previous debates, has talked of the difference between exploration and actual mining itself. Aboriginal people, in the past, have had very good historical reason for not distinguishing between exploration and mining because, in the Territory, the experience has certainly been that the one follows the other as inevitably as night follows day.

The part dealing with warden's courts retains all of the powers and control of warden's courts which exist in the principal act. The part has been basically cleaned up and all of the anachronisms which exist in the principal act have been removed. For example, section 184A of the principal act says: "Where a proceeding before a warden's court is conducted at a place other than the place at which is situated the office of the clerk of the warden's court for the purpose of the proceeding and the clerk is not in attendance at the proceeding, the warden who constitutes the warden's court shall, as soon as practicable after the proceeding has been completed, cause to be transmitted to the clerk at his office the record of the depositions of the witnesses in the proceeding. This obviously was designed in the days when wardens virtually had to be lone rangers operating in isolated areas in rather arduous conditions.

Section 214 of the principal act has also been deleted. This deals with appealing against a warden's decision and allows for an agreement between the 2 parties involved that there shall be no appeal. This section states: "There shall be no appeal in any case where, at or before the hearing, the parties, by a memorandum in writing lodged in the warden's office, agree that the decision of the court shall be final". The provisions for appeal under the bill before us are much simpler than that. It simply says that an appeal will be dealt with in the ordinary way that appeals are dealt with in courts in the Northern Territory.

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

Mrs O'NEIL (Fannie Bay): I move an extension of time for the honourable

member for Arnhem.

Motion agreed to.

Mr COLLINS: I thank the House, Mr Speaker. I have, in fact, finished with the bill. I would simply like to conclude by saying that I have not had sufficient time between last sittings and this to give the legislation the consideration that it deserves. It does contain some admirable provisions for streamlining and modernising the industry. It is a piece of legislation which I have no doubt has been looked at very carefully by the mining industry and by the mining branches of other state governments. In fact, it may be used as a model for the legislations of other states to be improved in some respects.

The opposition has sought some expert advice on some aspects of the bill. I have been advised by the honourable minister that the committee stage of this bill will not be taken until the next sittings. There may be some amendments proposed to the bill which I have not foreshadowed in my second-reading speech but, if this is the case, I will certainly supply them to the minister as soon as possible.

Debate adjourned.

FIREARMS BILL
(Serial 336)

Continued from 14 November 1979.

Mrs LAWRIE (Nightcliff): Like many members of the community, I do not have an expert knowledge of the use of firearms and the various classifications of firearms. However, for many years I have shared the concern that firearms are too prevalent in the community and that we are heading towards the American philosophy that it is a divine right to own and bear arms. This is something which I do not believe the population of Australia readily accepts.

Drafted proposals for the introduction of this bill were circulated months ago and received the close attention of the various gun buffs, clubs, rifle associations and interested members of the public. Subsequently, a number of meetings were held and these people were told that the bill to be introduced would bear little semblance to the draft proposals. Many of the members of the gun clubs felt that they had exhausted their resources in discussion of the draft proposals and perhaps did not pay the same attention to the bill as presented. I distributed many copies of this bill, as did members of the government, and it is only recently that I have been in receipt of submissions regarding the provisions of the legislation. I felt myself to be in a somewhat unfortunate position because I know very little about firearms and have had to be instructed by persons with far greater knowledge than I. However, I spent last Sunday discussing the bill in some detail with those who had taken the time to see me. I bring forward for the Chief Minister's consideration some problems which they felt still exist in the bill and which, after perusal of the public copy of Hansard, they still felt had not been adequately dealt with.

Under the interpretation clause 5, I have had an appeal for a subclause (c) to be inserted in the definition of "antique firearm" to include any percussion, flintlock or similar firearm. That should be included to make it a more reasonable provision. They point out that percussion, flintlock or similar firearms manufactured before 1900 may still be capable of being discharged yet are exempted under the definition. Therefore, one manufactured

since that time should similarly be exempted.

There was a great deal of concern expressed about the imprecise definition of "firearm class B" which under the bill means a firearm which is not a firearm class C or D and includes a firearm class A. People who are versed in these things are extremely concerned that this could lead to difficulties in court and that it was far too imprecise a definition. Also, they pointed out that there was no definition of "machine gun" and they would have preferred such a definition inserted.

Clause 6 states: "This Act (Part VI excepted) does not apply to or in relation to a firearm which is - an explosive-powered tool within the meaning of the Construction Safety Act; in an approved museum; a spear-gun within the meaning of the Spear-Gun Control Act; an antique firearm; or a pistol designed to be used for lifesaving, rescuing or distress signal purposes". From that it would appear that there could be no distress flare guns or ramset guns in restricted areas. The persons who approached me could not see the rationale for that. They believe it is an unnecessary and unwarranted restriction. Also, clause 6(1)(b) refers to any firearm which the commissioner has certified as permanently incapable of use. They say that this clause is unnecessary because such a gun is no more than an ornament if it cannot be used as a firearm. However, there was extreme concern about the inability to have a distress flare gun within a restricted area.

Part III deals with the registration of firearms. There was concern expressed at the differentiation in the penalties. The penalty for owning, possession or discharging an unregistered firearm class A or B is $1,000 and, in any other case, $2,000 or 6 months imprisonment. The latter would include a pistol. The persons drawing this to my attention felt strongly that if we are to impose penalties for unregistered firearms, which implies wrongful use of those firearms, a shotgun is a far more dangerous weapon than a pistol. Therefore, the penalties should at least be the same; there should not be twice the penalty for possessing an unregistered pistol.

Clause 14(3) deals with the commissioner determining an application for registration of the firearm: "The commissioner may require an applicant to deposit the firearm, the subject of the application, with him for the purpose of inspecting it". That was accepted as being necessary in certain circumstances but a time limit should be imposed, say, 7 days or 14 days. That would be time enough for a commissioner or his delegate to make a determination. If there is no time limit, the person could be dispossessed of the firearm for months.

Clause 18 deals with the furnishing of particulars concerning registered firearms. The whole clause carries a penalty of up to $500 for non-compliance yet subclause 18(a) only relates to furnishing written particulars of a change of address to the commissioner or registrar not later than 14 days after the change. They felt that it was more of a misdemeanour not to register a change of address. A penalty of $500 seems somewhat excessive, particularly when the same penalty will apply to a person who sells or otherwise disposes of the firearm and does not give notice or has it lost or stolen and does not give notice. In other words, a simple change of address with no other variation on the registration of that firearm should not attract the same penalty as the other 2 more serious cases.

The penalty of $500 under clause 18 conflicts with clause 102 which states: "No person who is the holder of a licence or a permit shall fail to notify the Registrar of any change in any particular contained in the licence or permit within 14 days after the change. Penalty: $1,000".

Clauses 102 and 18 appear to conflict.

Clause 19(1) states: "No person shall own, hire, possess, purchase, repair, sell, store or discharge a firearm or deal in firearms unless he is authorised to do so by the Act". There are 2 different penalties. If the offfence is in relation to a firearm class A or B, it is $1,000; if it is an offence in relation to a firearm class C or D, it is $2,000. The opinion is that there is no reason for the difference in penalties.

Clause 49 states: "Each licensed collector shall, not later than 31 December in each year, forward to the Commissioner a record in the prescribed form of all collector's pieces owned or possessed by him". I was asked by a collector to insert "within 7 days of 31 December". It does appear to me that it would be logical to post off the return on 20 December to allow it to arrive on the 31st. However, I bring forward the comment because I undertook so to do.

In relation to clause 52(2), relating to shooters' licences, there is a provision in the current legislation which states that membership of a pistol club is deemed to be sufficient reason. They ask for that amendment to be included. I see that the honourable member for Alice Springs has circulated an amendment to that effect so perhaps the sponsor will indicate in his reply whether he intends to accept that amendment.

Clause 60 states: "An application for a purchase permit shall be accompanied by a shooter's licence held by the applicant for the permit". It was put to me that it was highly undesirable to lose physical possession of one's shooter's licence. Perhaps particulars of the licence could be forwarded or some other administrative means found whereby a person who may not live in close proximity to a registrar would not have to physically surrender his shooter's licence whilst applying for a purchase permit for another firearm.

The point was also made that, under clause 58(1), there is no purchase permit required for a class B firearm. Since no one is quite sure just what a class B firearm is, people could inadvertently be in a great deal of strife. The purchase permits are apparently not subject to appeal. I had very strong representation on this point. Other areas of this bill can be appealed to a Court of Summary Jurisdiction. I refer to a decision of the Registrar of Firearms or the Commissioner of Police. No such appeal appears to be available when the Commissioner of Police refuses to grant a purchase permit. If a person applied to the commissioner for a class C or D licence and was refused, he properly has a right of appeal to a Court of Summary Jurisdiction. If that was upheld and the court instructed the granting of that licence, the commissioner could then refuse a permit to purchase any firearms under the licence thereby rendering the earlier appeal useless. There is no right of appeal from the refusal to grant a purchase permit. That would certainly seem to be an intolerable situation. I trust that this will be rectified in committee.

Clause 106 relates to the searching without warrant of the person or the clothing etc of a person whom a policeman believes, on reasonable grounds, to be carrying a firearm or silencer in respect of which he believes, on reasonable grounds, an offence against this act has been committed. The question was raised whether a female should only be searched by a female. This exists in similar legislation dealing with fisheries offences or offences under wildlife legislation.

It is very difficult for me to speak to this bill because of my limited understanding of firearms. However, I do hope that the Chief Minister will

consider the amendments I have suggested because they come from concerned collectors, dealers and members of clubs who feel that this bill still requires amendment in certain respects despite the debate which took place last week.

Debate adjourned.

ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): I move that the Assembly do now adjourn.

Mr COLLINS (Arnhem): I rise in the adjournment this afternoon to unreservedly praise a fellow member of the Legislative Assembly who, unfortunately, will not be here for this accolade. The selfless devotion, hard work and pioneering spirit of this gentleman is something sadly lacking in politicians today. I refer, of course, to the honourable Minister of Mines and Energy, Mr Ian Tuxworth. The pain and distress which this honourable gentleman is prepared to endure in the service of the people of this Northern Territory is incredible. Such selfless devotion, such hard work and such an attitude of being prepared to drain the cup of misery to the dregs on behalf of the people of the Northern Territory deserve some recognition in the House.

The honourable Minister for Mines and Energy today issued a press release which had a very interesting embargo placed at the top of it. This press release, and I can only laud the highly-admirable modesty of the honourable minister, was designed only for the people of Tennant Creek. I cannot agree with the sentiments of the honourable Minister for Mines and Energy: I believe that such devotion to duty should be made a matter of note for all people in the Northern Territory. I will read from the minister's press release and I am only sorry that I was not able to engage the services of a strolling violin player to accompany this reading. I will not quote it all:

> *Press release to the Tennant Creek Times only. 19 November 1979: It is going to be a very busy trip. We will be a full two days getting over to America and, for those in the party that cannot sleep in aircraft, that means two days without sleep. We will be travelling constantly once we are over there, travelling to meetings, inspecting mines. In Canada, we are going to come up against terrible weather, down as low as minus 40 degrees centigrade, and we will be spending hours out in that sort of weather looking over mines and equipment. I cannot say that I am looking forward to it but the government's view is that it will be an important trip.*

"I am going north to Alaska, where it is 40 below but I will do it for the people of the Northern Territory", says the honourable Minister for Mines and Energy. I do not believe that this story of hardship, this story of pioneering spirit should be reserved only for the people of Tennant Creek. It will be a very busy trip and it will take 2 full days to reach America. The rigours of 2 days without sleep cannot be imagined.

Mr Deputy Speaker, it really does boggle the mind: 2 days of hell in the first-class compartment of a 747, fighting his way through QANTAS hosties and knocking back free champers all the way from here to America. What purgatory! What devotion to duty! Minus 40 degrees below! I believe that the honourable Minister for Mines and Energy should be an object of compassion to all of us. He is prepared to quaff the bitter cup, Mr Deputy Speaker, on our behalf: 2 days of hell in a jumbo jet and minus 40 degrees below. He

does not want to go but he will do it for us. I had an instant mental vision of the honourable Minister for Mines and Energy with his huskies and his sled in minus 40 degrees covered from head to foot in snow. I believe that I can only give the honourable minister some words of encouragement for his trip. That figure, Mr Deputy Speaker, of the honourable minister out in the snow at 40 below with his sled and his huskies brought to mind some words of David Lloyd George and I will pass those words on to the honourable minister as encouragement for this forthcoming period of strain and test. This was from a speech which David Lloyd George delivered in Queen's Hall in London: "The stern hand of fate has scourged us to an elevation where we can see the great everlasting things that matter for a nation. The great peaks of honour we had forgotten: duty and patriotism clad in glittering white, the great pinnacle of sacrifice pointing like a rugged finger to heaven".

Mr DOOLAN (Victoria River): Mr Deputy Speaker, I would like to speak briefly on a matter which is causing me some concern. Some weeks ago, I attended a meeting in Pine Creek which was organised by Mr Peter Forrest, the Director of the National Trust of Australia. At this meeting, there were quite a number of senior departmental officers including Mr Noel Lynagh, Mr Ray Norman, Mr Peter Spillett and the Director of the Museums and Art Galleries, Dr Colin Jack-Hinton. The meeting was very well attended by a good cross-section of local residents of Pine Creek and surrounding areas. Its purpose was to discuss how best to preserve some of the very interesting relics of the old mining days in the Pine Creek area.

Two proposals were put forward. One was that a museum be constructed at Pine Creek in which relatively small pieces of historic mining equipment could be stored for display and the other that very large equipment and the actual mine sites be declared part of the National Trust. These proposals were discussed at length and there was only one objection raised by a local resident: that he would like Pine Creek to keep its local lifestyle. That objection was not supported by anybody. If this scheme comes to fruition, it would give a tremendous boost to the economy and to the job opportunities which presently exist in the Pine Creek area.

Pine Creek is a town which virtually died, like many other small towns, with the cessation of the railway in the Northern Territory. A musuem and the declaration of certain areas would greatly improve the tourist potential of the district. It would give jobs to at least a few locals who could act as guides for tourists looking at the many mine sites in the area. It would inevitably lead to the upgrading of hotel/motel facilities in the town and thus create more jobs.

Mr Deputy Speaker, last weekend I spent a couple of days travelling around the Hayes Creek area and I decided to go on a trip to Brocks Creek on a dirt road which runs off the Fountain Head bitumen road. I was quite amazed to find a huge mobile crane travelling along the same dirt road towards me. I could not understand what it was doing in the bush. However, not very long after that I found out why it was there because a prime mover towing 3 trailers emerged from the bush. I did not follow it but I later went to Hayes Creek Inn and this semi-trailer was there with the 3 trailers hitched. On the last 2 trailers there was a yarrow water-tube boiler which I am very familiar with having had to fire one at one time in my youth. The third trailer carried a wheel. I don't know what purpose it could have served but it was a magnificent museum piece. If you stood it on its edge in this Assembly, it would only just fit. It was an enormous piece of equipment with a great shaft attached to it.

I had occasion to speak with the driver of the vehicle and I asked him

what his purpose was in transporting this equipment out of the area. I was absolutely appalled to learn that he was driving a truck for a scrap dealer in Sydney. He said that it was "good gear" and he was removing it from the area. I had hoped that perhaps the National Trust of Australia had gotten off the ground in a hurry and that this historical material was destined for the museum at Pine Creek.

I believe that you, Mr Deputy Speaker, as a long-time Territorian, would have felt as disgusted as I felt on learning that such irreplaceable historical museum pieces were being carted from the Territory as scrap. I am not aware whether or not there was any illegality involved in this operation by the scrap dealer but I seek an explanation from government members as to why - after a statement by the Chief Minister to the effect that this particular area would be declared part of the national heritage, after a most encouraging meeting at Pine Creek where everyone was concerned at preserving such a valuable and potential tourist attraction for our Territory and after giving the small township of Pine Creek a chance to survive and become more prosperous - people are permitted to remove unique historical objects to be melted down for scrap metal.

The name of either the dealer or the truck owner was clearly written on the door of the prime mover: B.P. Murphy, 79 Forister Road, St Marys, Sydney. I also have the registration number for anyone who is interested.

On my return to Darwin on Sunday night, I tried to ring Mr Peter Forrest from the National Trust but he was out of town. I believe that he will be returning to Darwin tonight and I will certainly contact him.

I took the trouble to inquire of the locals as to whether or not they had observed other loads of old mining equipment being transported from this particular district. The answer was most disturbing. The locals informed me that many loads of unique historical mining materials have been carted out. So much for the possibilities of a museum or preserving certain interesting sites as part of the national heritage.

If this valuable and historical equipment is to be shifted out as scrap, it will mean that we have lost a most valuable source of interest to tourists and Pine Creek will remain in the virtual limbo into which it retreated when the railway closed down. I urge that this be looked into as a matter of urgency by the government.

Mr PERRON (Stuart Park): I sympathise with the feelings of the honourable member for Victoria River. He no doubt will recall the many items of historical interest which the operators of the Rum Jungle offered for £10 per ton as scrap metal. Any steel that could be moved from the Batchelor area just disappeared. Some very interesting material was converted to copper.

I rise this afternoon to provide information in answer to questions asked of me earlier this week. The honourable member for Nightcliff asked why there was a 6-week delay between the time of a loan approval and when the funds were actually available through the Housing Commission loan schemes. That seemed like an unusually long time and the honourable member was quite adamant that she was talking about the delay after the approval of funds and not from the time of application.

I am advised by the Housing Commission that her claims are absolutely not true and that, as soon as a loan is approved, funds are set aside and are available forthwith. It usually takes 2 weeks to finalise and arrange the necessary appointment for transfers of leases and registration of mortgages

and this is not strictly under the direct control of the Housing Commission. The commission must fit in with other parties in order to complete transactions. I am advised that, providing a transaction is ready to go, the funds are available upon approval of the loan. It simply is not the case that there is a standard 6-week delay.

The honourable member for Fannie Bay asked me about the future of the use of the old Parap Infant School site. I do not have any particularly pleasing news. I can understand her concern about the group of people who camp from time to time on the site. Many of us have similar problems in our electorates. However, according to my inquiries, the site is till vested with the Education Department which is in the process of relinquishing it. It seems that it has taken an awfully long time to do so. At this stage, a future use of the site has not been finally determined and that is about all the information I can provide. If the member has a specific use for the site in mind, I am certain that she will not be backward in letting us know.

Mrs LAWRIE (Nightcliff): Mr Speaker, this morning I asked a couple of questions of the honourable Minister for Transport and Works concerning motor vehicle registration procedures and he indicated by inference that he will provide the information when I put the question on notice. I asked why the registration stickers issued by the Motor Vehicle Registry no longer carried either the date of expiry of the registration - other than the month and year - or the engine number of the particular vehicle.

Notwithstanding any explanation which may come forward, I wish to indicate my concern at this practice to the honourable minister so that he will take steps to rectify what legally can be a most serious situation. One has to remember that the Motor Vehicle Registry, at the moment, is not posting notices for the registration of vehicles nor apparently for the renewal of drivers' licences.

If a person has the sticker on the left-hand side of the car window and it indicates that the car's registration is due to expire on a particular month, the normal thing to do if a notice for re-registration has not been received is to look at the sticker to ascertain the expiry date. Unfortunately, that is not printed on any stickers at the present time and it is very easy for people to drive a car which is out of registration - not through malice but because of this combination of events.

The minister may say that concerned persons should carry the car registration papers in the car but I can assure him that that would be a very stupid thing to do because, if the car was stolen, the thief would have access to the registration papers and would only have to fill in the back to sell the car - a most undesirable and highly illegal practice.

Having regard to the engine number of the car, it becomes even more serious. Regrettably, it has been put to me that it is the practice of certain persons in Darwin, when the registration has expired on a car, to quite illegally put on that car a current sticker from another vehicle. There is no description on the label identifying that label as belonging to the car by virtue of anything like an engine number. Therefore, the practice is not easily detected. I am certainly not defending such a nefarious practice but I am informed by persons who deal with the motor trade constantly that this is happening and it would be less likely to happen if car engine numbers were still put on the registration stickers.

People asked staff at the Motor Vehicle Registry why these details are no longer printed. They were given 2 answers: the time taken increases the

waiting time of people at the counter and the ink in the printing fades before the 12-month period expires. We are operating a computerised system at the Motor Vehicle Registry and I cannot really believe that it would take a great deal more time for the computer to print on the registration sticker the details which I am suggesting should be still carried. When one books a flight on an Ansett or TAA plane these days, the tickets are printed in some considerable detail by the computer. If they can do it with plane tickets, which might have up to 6 flight changes, it can surely be done with a car registration sticker which will only be renewed 6-monthly or 12-monthly anyway.

As for the comment about the ink in the printing fading before 12 months, the senior member of a copying firm has informed me that their carbon ink process lasts for 400 years. A commercial firm can produce a product which they say lasts for 400 years. Divide that by half for an excess of zeal for the product and by half again because the sticker will be in the sun and we would still have 100 years although we are only expecting the label to last for 1 year.

I would suggest to the honourable minister that the reasons given to people who inquire do not hold water. I ask that he review the current practice because I agree with my constituents that the more details which are specified on a registration sticker the better for all concerned and the less likely for nefarious practices to develop.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak about a group of people who are working for the public good under some difficulties. I will also speak about a petition I presented to the Assembly concerning the wish of the people in the rural area to have a fire station established in the rural area to serve the needs of the people for education in fire prevention and also to extinguish fires when required.

I feel I can speak with some authority on the workings of the fire brigade and Bush Fire Council because I have been forced to ask for their services for 12 years running. Last year was the only year in which we were fortunate enough not to need recourse to help from the fire brigade or the Bush Fire Council to put out fires on our place. We have been living out there for 13 years and every year - and not through any lack on our part because we are very conscious of the damage and the horror that fire can bring - due to negligence on the part of some other people in lighting fires at the wrong time of the day or during the wrong season or by children lighting fires, these fires spread to our property and placed certain parts of our property and ourselves at risk.

I am also speaking on behalf of other people in the rural area who have had to call on the services of the Bush Fire Council and the fire brigade. I cannot speak highly enough of this group of men. They work under extreme difficulties and at some danger to their own lives. When they receive a call, they take 20 minutes to reach our place. We have never had trouble at night; it has always been in the daytime. Twenty minutes is pretty good considering the distance which they have to travel. I hope that a report is presented to the Assembly on the assessment which Mr Williamson did when he examined the workings of the fire brigade up here. If it is presented, I will certainly speak about it because Mr Williamson came out to see me at my request and I presented my views and also the views of the people in my electorate to him.

I was told that, in Victoria, a fire station has a call out time of 5 minutes. This means that an appliance or fire engine can usually reach a

fire within 5 minutes. They have an area of operation with a radius of 5 miles. Mr Williamson was amazed at the distance which the fire brigade has to cover up here and still feel reasonably competent of doing a reasonable job when they arrive. At the moment, the Winnellie Fire Station services an area extending down to Elizabeth River and out to Beatrice Hill. This is a ridiculously large area to ask these men to cover.

I have spoken to many of the firemen; I know them personally. The fire brigade seems to be made up of people who have lived up here for a long time. They are usually from families who have lived in Darwin for a long time. Sometimes there are many relatives in the fire brigade and often 2 generations of families. Thus, the fire brigade itself, from my point of view, is a pretty important group of people just from that aspect alone.

To expect these people to go from the Winnellie Fire Station out to Beatrice Hill to put a fire out is absolutely ridiculous. What do they do when they receive a call at the Winnellie Fire Station? Do they say, "Oh, sorry mate, it will take us about half an hour to get out there and your house will probably be gone in about 20 minutes. You had better get out what you can and get out yourself?" On the other hand, do they set off knowing full well that, even before they get onto the Arnhem Highway, the fire will have burned itself out. They will have wasted time perhaps when they could have been attending a fire nearer home and they will have wasted fuel. It puts these men in a perfectly ridiculous situation. It also takes away from the public the protection it expects from a fire brigade in times of emergency.

There are 3 fire stations which are expected to look after all fires in the Darwin area - industrial fires, fires on ships in Darwin Harbour, fires on aeroplanes, fires just outside the boundary of the airport, fires in the urban area generally and fires in the whole of the rural area.

I have asked questions dating back to about August 1978 about the fire brigade. I have also written a letter to the minister about similar questions on the fire brigade this year. I understand the ratio of firemen to the general community is considered reasonably adequate. In all fairness, it must be stated that the fire brigade has inherited a legacy of some confusion from working under the Commonwealth. Until conditions relating to the stations, training conditions and where different people work are sorted out, we will have this anomalous situation whereby, although the ratio of firemen to the general public seems adequate, the actual cover which they give the public does not seem to be adequate, especially in the rural area.

For the first time since we have been living in the rural area, I heard disparaging remarks passed about the fire brigade this year. It was not because of anything they did or how they behaved but because there were not enough of them. I understand that the firemen here work under similar conditions to those in New South Wales, Victoria, Western Australia and South Australia. They work 2 shifts of 10 and 14 hours from 8 am to 6 pm and 6 pm to 8 am. They work two 10-hour days, have a break of 24 hours and then work two 14-hour days from 6 pm to 8 am. From this shift, they come back on duty again at 6 pm and the whole cycle is complete.

Although these seem the same as in other states, there still is that discrepancy regarding the coverage in the rural area. I think that it was only last year or the year before that that responsibility was changed from the Bush Fire Council to the fire brigade. I have reservations about who could do the best job under the conditions.

When the Williamson Report is presented, if it is presented to the Assembly, I hope that all of these things will be debated. The people in the rural area really want this fire station not only to put out fires but, if firemen are stationed out there permanently, the men could also educate the people on fire prevention because prevention is always better than actually putting the thing out once it starts.

There have already been fatal fires in the rural area this dry due to ignorance and I think a lot of fires are lit by people in ignorance also. They are lit in ignorance of the weather conditions and of the actual horror and damage that fire can bring.

I have an absolute horror of fire and I am very interested in all aspects of fire prevention. My realisation of the nature of fire was brought home to me most dramatically and it remains with me to this day. It took place in south-west Western Australia some years ago when I was working on a farm. It was in the middle of summer, which is a bad time for bush fires, and the relatives of the owners of the farm were in grave difficulty 17 miles away. The family with whom I worked went to help and I went with them. Now, unless you have been through a fire like this, you cannot envisage exactly what happened. It took place on a sheep and dairy farm which had some pastures in high timber country. The timber down there is mainly karri and jarrah and grows to about 200 feet.

During the fire, the sky - I have never seen it before and I hope I never see it again - was not only grey with smoke; it was navy blue with the intensity of the weather conditions. There were many difficulties to overcome to try to save the stock because sheep do not usually have much nous when it comes to getting away from fire. They will just pile into one corner and be burnt in one heap of wool and meat.

The fire continued to be blown towards us and we experienced great difficulty in getting out. However, most of the farm and the house were saved. Even so, to see the sky under such threatening weather conditions and to see the fire actually blowing around and reaching 150 feet into the sky was really horrifying and has coloured my thoughts on fires ever since.

I hope that a similar situation never develops in the rural area. If there was a fire station out there, with active interested men to educate the people on the damage which fire can do both to human life and also to property, I think that everyone would rest a lot happier every dry.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I thought I would just present a few facts about my electorate to the members of this House.

Last week, I attended the official opening of the sixth school to open in my electorate. It is quite a small school: the Seventh Day Adventist School in Malak. I am sure there are many rural members who have many more schools in their electorates than I do but I am convinced that I have the largest proportion of primary school children. Not only do I have 6 primary schools but I also have the 3 pre-schools attached to the 3 government schools which I have in my electorate. As you can imagine, the youth of my electorate is of some interest to me from a number of points of view.

The opening of that school last week was very pleasant except towards evening when those guests who preferred to linger on and chat with the parents, teachers and religious staff who had come from the south were almost carried away by the mosquito population. This is a matter of some concern and the residents of my electorate have raised it with me on numerous occasions. In turn, I have raised the matter with the Department of Health.

The Department of Health believes that it can control mosquito breeding far better by spraying the Leanyer Swamp than if it travelled round and fogged the districts of Wulagi and Malak. This strategy does not seem to be so effective because the residents still complain, as indeed I do, of swarms of mosquitoes biting quite heartily even in the sunlight hours.

This morning, I raised the matter of the changed circumstances relating to the swimming classes for school children in my electorate and I accept the minister's reply that this situation is a hangover from the post-cyclone days when certain Darwin schools were given certain benefits which have lingered on and have come to be the expected.

However, from the point of view of the youth of these particular districts and also from the point of view of the significant sport that swimming is amongst many of our school children, I wonder whether a permanent solution should be sought. At the moment, 2 or 3 of the schools in my electorate commute between the school grounds and the Casuarina swimming pool to enable children to be tutored in swimming and in water safety. This was made quite easy in previous years because money was set aside specifically for this purpose and the children were transported by bus to and from the pool.

In more recent times, as the Minister for Youth, Sport and Recreation would know, there is some conflict about the use of the swimming pools between established swimming clubs and ordinary members of the public. There has been quite a degree of heated debate in the press as to whether or not the public should have access to these pools at certain times, particularly those times when members of swimming clubs are being coached. All these things seem to indicate that the number of swimming pools in the northern suburbs is not sufficient to cater for the demand.

Two of my schools, the Anula Primary School and the Wulagi School, were constructed to very generous standards out of money provided by the Darwin Reconstruction Commission. The cost of these schools, I am told, is in the vicinity of $4m each. They have a very high standard of design and, certainly, the people who attend them have no complaints. However, if we are to concede that swimming should be an important part of the sports program of school children, then really we ought to be looking at some long-term and permanent solution rather than this on-again off-again funding and bussing which just takes up the time of supervising staff as well as of the students commuting to the schools.

Since the funding for this has been discontinued, school children, particularly from the Wulagi school, walk to the Casuarina pool for their swimming classes and the honourable Minister for Education might know that that is a fair hike in the middle of the day.

I suggest to the honourable Minister for Transport and Works and the honourable Minister for Education that it would not be such a bad idea if, in the letting of contracts for the building of schools, provisions were made for pools to be included. These pools would also be available for use by members of the public who are not interested in the competitive side of swimming but simply want to have the occasional dip.

Mr Deputy Speaker, these remarks are prompted simply by the youth of my electorate and from the 6 schools and primary schools and pre-schools which I have. Honourable members will realise the proportion of the under-12 population which I have in my electorate and so those remarks are really prompted by that demographic characteristic of the electorate of Sanderson.

Another point which I should bring to the attention of members is the manner in which subdivisions are developed. Since houses came on line from the Malak subdivision, some 400 families have settled there. When they arrived there with all their children and their pre-school children, they found that very little in the way of communication facilities was provided.

I made a representation to Telecom asking when the Malak subdivision would be provided with telephone cables and I was told that the trunk cable should be laid in December and then the provision of services would become much easier because private subscribers could then be connected.

I have since been told that this program has been somewhat delayed. We now have in the district some 400 or 500 families, some of them with very young children, who have only one public telephone booth between them.

I am sure that members in rural electorates who are used to having no telephones - as I am sure the honourable member for Arnhem has on many occasions informed the House - would think that this is not such a difficult condition to live with. I assure members of this House that people settling in the Malak subdivision miss these very normal and acceptable communications which have come to be expected as part and parcel of urban life. It appears that the provision of telephone services to the new subdivision has been somewhat set back.

When I had families moving into Malak, I used to drive around there to see what was happening. Of course, this district is still under construction and so there are many things relating to the actual construction of the subdivision which do cause concern. We hope that the matters causing the nuisance will only be temporary. However, I did not see any fire hydrants so I asked the Department of Transport and Works where the fire hydrants were located. There was a good deal of construction work being done and 1 or 2 contractors had a large amount of timber stored on a temporary site. It occurred to me that, in case one of the newly-constructed houses or one of those under construction went up in flames, we would like to know the location of fire hydrants. At the time, I was told that there were indeed 15 points. When I asked for the location of those points, I was told that there really weren't 15 points but only provision for them and none of them was usable at that stage. Since then, the Department of Transport and Works has taken steps to make those points available for use. I pointed out that it is not much use if a fire truck pulled up and did not have anything to connect a hose to.

These are the types of problems that occur in the early development of subdivisions. I think it is time the government took the view that, as the subdivisions are developing, certain services ought to be there before the residents arrive, particularly essential things like fire hydrants and telephone communications. We also have a series of trenches being dug around the Malak district. These are for quite legitimate purposes. They are usually for the laying of water mains or something of that nature and no one denies that this work has to be done. What I do say is that it should be done before residential construction begins so that, when people move there, they do not have these added dangers. The fencing in these places is very rudimentary and people have some difficulty keeping their kids in their yards. These big trenches, which are sometimes 8 or 9 feet deep and 6 feet wide, present quite a significant hazard to young children.

I ask the Minister for Transport and Works to ensure that, when trenches are being dug in areas where there is substantial residential occupation already, they are adequately fenced. There is one running off Vanderlin Drive

which I will be pleased to show the Minister for Transport and Works at any time. The residents would certainly like that one fenced because it poses quite a significant hazard to children under 5 years old.

I am really making a plea that, in future, when subdivisions are developed, very basic safety precautions be taken before the residents actually move in. It would certainly make life much easier for those people who find life in a developing suburb trying at the best of times.

Mr VALE (Stuart): Mr Deputy Speaker, there are a number of points which I would like to raise in this afternoon's debate. The first one concerns Alice Springs' newly-acquired link with national television coverage. I think I speak on behalf of all the residents in Central Australia in saying that I am disappointed on 2 counts. The first is because of the type of programs we receive via Brisbane and Darwin. We had to accept some type of change down there but it is a little hard for us to accept the fact that the news services and other current affairs bulletins come from Brisbane. We will be more than pleased in the new year when we have a national news coverage which will be compiled in Darwin itself.

One advantage which we have had from this national coverage - and we compliment the Chief Minister on this because he was the first to raise this issue and pursue the cause to the bitter end - was that, for the first time ever in Central Australia, we received a direct telecast of the Melbourne Cup. That was certainly appreciated by all residents of Central Australia.

Another disappointing fact about this new direct link is the continual disruptions to the television service via the microwave link. I do not know whether it is because we are a pilot scheme, a testing ground or whatever. However, even when there are minor storms in Central Australia, the television goes off for short periods. The other night, we had a large storm and I was informed that television was off all evening. I hope that Telecom, who are responsible for the transmission lines, will examine the problems and rectify them at an early date.

The second point I would like to raise relates to residential land in Alice Springs. I would like to qualify something which I asked the Minister for Lands and Housing concerning residential land and the possibility of providing alternative block sizes for residents in Central Australia. Since the settlement of Alice Springs, we have gone from large residential blocks in the town area to slightly smaller residential blocks in the old east side and racecourse subdivision to even smaller residential blocks in the Gillen area to what we have now in the new east side and the new racecourse subdivisions - literally, pocket-sized blocks of land. I believe that some residents prefer the smaller blocks but there are many residents who, because they have young children or various hobbies, would like to see larger blocks of land similar to those which were first made available in Alice Springs in early years again developed in any future town planning proposals. I ask the Minister for Lands and Housing and his department to consider this possibility if and when future residential land is made available in Central Australia.

My third and final point concerns the South Road. I am Chairman of the Alice Springs to Pimba Road Organisation. Whilst I have not had time to speak in recent weeks to the other members of this group - the Corporation of the Municipality of Alice Springs, the Confederation of Chamber of Industries, the Master Builders and the Tourist and Cattlemen's Organisations - I know that we are pleased with the announcement by both the South Australian and federal governments that that road is now to be sealed within 7 years. That is a gain of 3 years over the former South Australian Labor government's

promise to seal it within 10 years. We accept the 7 years but I should indicate that it is my belief - and again I must indicate that I have not yet had time to meet with other members of the Alice Springs to Pimba Road Organisation - that we will still continue to push for a 5-year sealing program for that road.

Mrs O'NEIL (Fannie Bay): This morning I asked the Minister for Health a question about the practice of doctors in the Outpatients Department at Darwin Hospital sending patients to private doctors rather than treating them at the hospital. The Minister for Health said that he was not aware that this was happening. In the past 24 hours, I have had 3 people tell me of their experiences in this regard. They are people who went to the hospital during normal working hours and were told by the doctors to go to private practitioners. These people may have gone to the hospital for a number of reasons: perhaps simply through habit; perhaps they have always gone to hospitals; perhaps they prefer the anonymity of the hospital service; or perhaps they can't afford a private doctor. The latter was certainly the case with one of the ladies who came to see me. She cannot afford a private doctor and was not aware that they could ask a private doctor to classify her as a disadvantaged patient and therefore have her fee reduced. This lady came to my office in some distress because she had been turned away from the hospital and did not know that she could go to a private doctor.

These people were sick even though they may not have been emergency cases. They went to the hospital because they were sick or because their child was sick. They booked in, waited for a long time and, when they finally managed to see the doctor, he did not examine them but simply said: "Go and see a private doctor". I think that is absolutely disgraceful. If the hospital is going to refuse to treat ill people at outpatients, it should let them know before they go there and certainly before they come face to face with the doctor.

I asked the minister a question this morning about this and he said he was not aware of the practice. I rang the hospital and they assured me that indeed it is now their practice. It seems that this policy was introduced without the minister being aware of it and that is absolutely dreadful. This is a fairly major policy decision and people should know that it is happening. If the Health Department or the hospital itself decided that this should happen, then the minister should have been aware of it and certainly the public should have been aware of it too. I do not know how long it has been going on. Perhaps it is a coincidence that 3 people have come to me in 24 hours. I do know that, for some time, the hospital pharmacy has been sending people to private pharmacy shops rather than supplying them with medicine from the hospital pharmacy.

I do not know whether the practice is happening in other hospitals in the Northern Territory. I have not had time to investigate. I checked at the hopsital this morning. They confirmed that they are sending people to private doctors. They could not tell me for how long they had been doing this even though I asked them when the practice had first been implemented. Presumably, not only is it a change of policy but it is policy which is being implemented by itself. People are being discouraged when they finally get to see a doctor. They are not told in advance that this will happen to them and we have not been told when this policy started. I think this is absolutely disgraceful. If this sort of thing is going to happen, people should know about it.

Mr TUXWORTH (Health): Mr Speaker, I will be very brief. The honourable member for Fannie Bay has just raised some serious points against the administration of the hospital. This morning, I asked the honourable member

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for a list of names, places and times involved. It is not impossible but it is often difficult to deal with broad-brush allegations. I would find it much easier to deal with the problem if I was given a few details of the problems alluded to. As I said this morning, I will take steps to have the matter corrected if that is indeed the practice.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

LORD MAYOR STATUS IN DARWIN

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I have much pleasure in formally bringing to the attention of honourable members that Her Majesty has approved that the title of Lord Mayor be conferred on the Mayor of the City of Darwin. I know all honourable members will join with me in congratulating the Right Worshipful the Lord Mayor of Darwin, Dr Ella Stack, the Corporation of the City of Darwin and the citizens of Darwin on the honour which has been conferred on them by Her Majesty's action. The conferring of this honour can be seen as further recognition of the importance of local government institutions as we move forward with constitutional development in the Northern Territory.

REAL PROPERTY (SPECIAL PROVISIONS) BILL
(Serial 390)

Bill presented and read a first time.

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

The purpose of this important and urgent bill is to permit certificates of title to be issued to the Commonwealth of Australia with respect to certain areas of land. Delay in issuing these certificates of title could seriously interfere with the conduct of the Commonwealth's activities in the areas in question. Areas were sought to be acquired by the Commonwealth immediately before the advent of self-government for the Territory. Descriptions of these areas are set out in the schedule to the bill. The Commonwealth wishes to acquire the lands for defence, archival and transport purposes.

Honourable members will be aware that discussions are taking place between the Northern Territory and Commonwealth governments concerning some areas of land which the Commonwealth sought to acquire just before self-government. The areas which are the subject of this bill are not in dispute. Therefore, the government wishes to see certificates of title issued in the usual way. This is not possible within the confines of the present Real Property Act and hence the need for this special bill. I should point out to honourable members that it was within the power of the Commonwealth government to re-acquire the lands in question. However, my government takes the view that, as the lands are situated in the Territory, it is the duty of the Territory government to ensure that adequate and proper certificates of title are issued to the Commonwealth in respect of those lands.

Clause 3 of the bill brings the lands under the provisions of the Real Property Act. Clause 4 provides that, upon the Crown Solicitor lodging a copy of the schedule with the Registrar-General, the Registrar-General shall issue a certificate of title of an estate in fee simple in the name of the Commonwealth as the registered proprietor of each of the areas.

Clause 5 protects persons who are already on the register book as holders of an estate in fee simple in any of the lands in question. That clause also allows the Registrar-General to alter or correct certificates of title issued to the Commonwealth to reflect any pre-existing fee simple interests.

Clause 6 enables the Registrar-General to endorse on a certificate of title which he may issue to the Commonwealth any other pre-existing interests other than fee simples. An example of such an interest would be a pre-existing

lease. The holder of such a lease would have his interest protected by its being endorsed on the Commonwealth certificate of title.

Clause 7 gives the Registrar-General the power to cancel certificates of title and make entries in the register book as he considers necessary where the Commonwealth or the Territory has a pre-existing registered interest in any of the areas in question.

Clause 8 allows the Registrar-General, for the purposes of the bill, to require certificates of title to be delivered up for correction of errors or missed descriptions of boundaries or endorsements on those certificates.

Clause 9 allows the Registrar-General discretion to deal with an instrument or certificate of title to give effect to the purposes of the bill.

Clause 10 provides a general protection for the Registrar-General in respect of an act done by him in good faith for the purpose of giving effect to the act.

As I have indicated, the bill is an important one. It is designed to meet a specific need of the Territory and Commonwealth governments which the Commonwealth in particular regards as pressing. In essence, its purpose is to permit the issue of certificates of title to the Commonwealth, notwithstanding the confines of the Real Property Act, without eroding the principles and protective provisions enshrined in that act.

Mr Speaker, I will be seeking the suspension of Standing Orders to enable the passage of the bill through all stages at this sittings. I commend the bill to honourable members.

Debate adjourned.

SUPREME COURT BILL
(Serial 377)

Bill presented and read a first time.

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

This bill proposes 2 amendments to section 86 of the Supreme Court Act which relates to the making of rules of court. Subsection (1) presently provides in part that the judges who are appointed under section 32(1), and are not additional judges, may make rules of court. Three of the present judges hold office pursuant to section 7 as though appointed under the act. There is some doubt as to whether these judges are judges appointed under section 32(1) for the purpose of section 86. Supreme Court rules are too important for there to be the slightest doubt as to who may make them. Subclause 4(1) will remove the doubt. Various acts, other than the Supreme Court Act, contain powers to make rules of court. It is much more convenient to have all rules of court made by the same judges under the Supreme Court Act. This policy is already being implemented with respect to new acts.

I foreshadow further legislation to repeal all the separate powers to make rules of court. It will, however, take some time to identify all these powers and, until that is done, it is obviously sensible to have a co-extensive power for rules of court in the Supreme Court Act for the purposes of all acts. Subclause 4(3) proposes the insertion of such a power.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

PLANNING BILL
(Serial 379)

Bill presented and read a first time.

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

Mr Speaker, the purpose of this bill is to amend the Planning Act to allow the preparation and publication of a restricted class of planning instruments by the minister. Honourable members will be aware that the planning instrument is the first step in the town planning process established under the Planning Act. Honourable members will also be aware that, under the system of the Planning Act, there is a requirement for local planning authorities to draw up and make planning instruments for the areas to which the authorities relate.

There is obviously some difficulty in constituting a local planning authority within the terms of the principal act for very small towns or villages, particularly in isolated areas. The amendment proposed by this bill would allow the minister to prepare and accept the first draft planning instrument for towns which are so small or sparsely settled that the benefits of planning should not be delayed by the administrative processes which have to be undertaken in a large town or municipality. It is clear then that this particular mechanism is not appropriate to an already settled town such as Batchelor.

Honourable members should also be aware that the proposed new section applies only to the initial town plan. All the variations of the town plans, including ones referred to in the proposed new section, would be dealt with under the Planning Act in the same manner as any other variation to a town plan. In other words, it is only the initial town plan which a minister can make. All variations and later amendments to that plan are made by the Planning Authority.

I am sure that honourable members will see the benefits of the proposed amendments and I commend the bill to the House.

Debate adjourned.

HOSPITAL MANAGEMENT BOARDS BILL
(Serial 382)

Bill presented and read a first time.

Mr TUXWORTH (Health): I move that the bill be now read a second time.

It gives me great pleasure to present this bill which fulfils a promise made by this government that we would ensure more local community involvement in the running of our hospitals. This bill is the result of many discussions with interested parties and most careful consideration of the issues involved.

As I am sure honourable members are aware, the government wishes to involve communities as much as possible in the running of their own hospitals and to encourage an active community interest. This bill reflects this wish. At the same time, however, it must be appreciated that hospitals are major consumers of public funds and are important employers in the public sector. For these reasons, the government cannot ignore its responsibilities

in matters of finance, staffing and government and, therefore, it intends to keep a close check on those areas.

The existing hospital advisory boards will be replaced by management boards to be established by this bill. At this point, I would like to pay tribute to the people who have given their time and service to their hospitals and communities by their membership over the years on these hospital boards. I am sure that all honourable members will agree that we owe them a great debt of gratitude.

Turning now to the bill, I would like to point out some of the main points. Clause 5 establishes a board for each hospital to be known as the Casuarina Hospital Management Board, the Katherine Hospital Management Board and so on.

Clauses 6 and 7 deal with membership of the boards. There will be 8 members appointed by the minister. Five of these members will be from the community, 2 from the hospital and 1 from the respective region of the Health Department. The members appointed from the community will represent the community served by the hospital as a whole and are not intended to represent particular interest groups. These members will be restricted to 2 consecutive terms of office and this will provide an opportunity for more persons in the community to serve on boards.

Clause 22 details the functions of the boards. There may be some honourable members who feel that the clause does not go far enough. The power set out here may not be as extensive as some may have wished. The government believes, however, that this clause delegates the maximum authority possible having regard to the government's responsibility to the community as a whole for the expenditure of its money and the control and management of the Northern Territory Public Service. Nevertheless, the government believes that the powers provided will allow the boards to play an important role in the management of Northern Territory hospitals. I can assure honourable members that the government will be watching the operations of these boards very closely. If it appears that there would be a benefit in extending the boards' powers, then this will be closely examined.

Clause 25 requires the minister to table the boards' annual reports as soon as possible after September. These reports will enable boards to draw attention to any matters which they believe would be of benefit to the hospital.

As I pointed out, there have been extensive discussions with interested parties concerning this bill and particularly with the present hospital advisory boards. The bill is a compromise developed from the points of view put forward in those discussions. I believe that it represents a step forward in the matter of local management of hospitals and, at the same time, preserves the government's essential interest in such management. I commend the bill to honourable members.

Debate adjourned.

BUILDING SOCIETIES BILL
(Serial 380)

Bill presented and read a first time.

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

This bill is designed to amend the Building Societies Act to permit building societies to accept loans from the Territory. At present, the Building Societies Act permits building societies to accept loans only from limited sources specified in the act. These sources do not include loans from the Territory. It is also a requirement of the Financial Administration and Audit Act that, in order for the Treasurer to lend money to a person or body, that person or body must be expressly authorised by legislation to borrow money from the Territory or the Treasurer.

The need for this bill stems from the archaic nature of the Building Societies Act which we inherited from South Australia and which today continues, to a great extent, in the form in which it was enacted in 1881. It is intended that a bill to replace the Building Societies Act will be introduced into the Assembly early next year. The government hopes that this will obviate the need for continual minor amendments such as the present bill to remedy deficiencies of legislation regulating Territory building societies. I commend the bill to honourable members.

Debate adjourned.

DANGEROUS DRUGS BILL
(Serial 378)

PROHIBITED DRUGS BILL
(Serial 385)

Bills presented together by leave and read a first time.

Mr TUXWORTH (Mines and Energy): I move that the bills be now read a second time.

Honourable members may recall that this House amended both the Dangerous Drugs Act and the Prohibited Drugs Act to comply with the provisions of the United Nations Convention on psychotropic substances. The purpose was to enable the Australian government formally to ratify the convention. Advice has now been received from the Chairman of the Australian Royal Commission of Inquiry into Drugs that Australia has not yet ratified the convention because the 2 acts referred to are not strictly in compliance with the wording of the convention.

The point at issue is whether or not the definitions of "psychotropic substance" in the Dangerous Drugs Act and Prohibited Drugs Act conform to an amendment to the convention which added to each of the schedules to the convention the following words: "the salts of the substance is listed in the schedule wherever the existence of such salts is possible". It can be argued that the existing definitions in our legislation already cover the salts of the substances concerned and that no amendments are needed in order to comply with the convention. However, the Royal Commission takes the view that those definitions should be amended to include specific reference to the salts of the substance covered by the respective acts to remove any possible doubt that the legislation complies strictly with the terms of the convention.

Although my government is loath to introduce unnecessary amendments to existing legislation, it accepts the view of the Royal Commission in this matter. The bills reflect that acceptance. The ratification of the United Nations Convention by the Australian government could be delayed even further by any delay on our part in processing these bills. I commend the bills to honourable members.

Debate adjourned.

PAWNBROKERS BILL
(Serial 381)

Bill presented and read a first time.

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

This bill will replace the Pawnbrokers Act 1888 of South Australia which is still in force in the Northern Territory. The aim of the bill is to modernise the language and scope of the legislation covering pawnbrokers. The impetus to this bill originally arose from difficulties in the licensing of pawnbrokers. To obtain a licence under the existing legislation, the pawnbroker must first obtain a certificate from a special magistrate. He then presents this certificate, together with the prescribed fee, to the Treasurer who issues the licence. Prior to self-government, there was no Treasurer in the Northern Territory. This led to confusion as to whom the certificate was to be presented in order to obtain a licence. Legal advice was that the Treasurer in the Northern Territory context meant the Minister for the Northern Territory. As a result,it appears that, for a period, there were no valid pawnbrokers' licences in force in the Northern Territory. Honourable members may recall that a bill containing new licensing provisions was introduced into the Assembly in May 1978 to remedy that situation. With the advent of self-government and a Northern Territory treasurer, the immediate licensing problem was overcome. It was decided not to proceed with the 1978 bill until a complete review of the Pawnbrokers Act was undertaken and this bill is the result of that review.

I will now turn to an explanation of the particular provisions of the bill. Part I contains the preliminary provisions. Of particular importance in this part is subclause 6(2). The effect of this subclause is that the bill applies to all loans by a pawnbroker of $200 or less and they cannot be contracted out of. Loans of greater than $200 are left to be covered by normal credit legislation. The present act does not apply to loans of greater than $40 and that is a rather inadequate limit by today's values. Furthermore, under the present act, the pawnbroker can contract out in respect of loans between $10 and $40. Thus, by ensuring that loans are greater than $10 and using a special contract, the pawnbroker can, in effect, ensure that the present act does not apply to him. This bill should not be avoidable in that manner.

Part II deals with the licensing of pawnbrokers and it provides that the licences are to be issued by the clerk of the local court. The police are to be notified of the application and given an opportunity to object on specified grounds to the issue of the licence. The police can also apply, on the same specific grounds, for the cancellation of the licence once issued. Where there is an objection or application for cancellation, provision is made for a hearing before the local court magistrate. Provision is also made for corporations to hold licences.

Part III covers the business of pawnbroking. It lays down the procedure for the pawning of articles and their redemption or sale as the case may be. It also prescribes the records that are to be kept by the pawnbroker but I do not think it prescribes that they are to hang 5 balls outside their front door.

Part IV contains general provisions including the power of the police to inspect records and the authority for the Administrator to make regulations.

It is most desirable that there be some reasonably simple but effective

form of legislative control over persons carrying on business as pawnbrokers. I believe that this bill will achieve that purpose. I commend the bill to honourable members.

Debate adjourned.

LIQUOR BILL
(Serial 374)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): I move that the bill be now read a second time.

In November 1978, this Assembly passed the Liquor Act which introduced an entirely new liquor licensing arrangement in the Northern Territory. The act came into force on 12 February 1979. Like all new acts of this kind, some teething problems, mainly of an administrative nature, have been encountered and practical experience has shown the need for a number of amendments. In addition, certain omissions were made when the act was first drafted and the operation of the Liquor Commission over the past 6 months has shown up these omissions. Most of the amendments are of an administrative nature and are designed to clarify or make easier certain matters in the interests of both the Liquor Commission and the licensees. My comments on the amendments will therefore be brief.

Clause 3 exempts the Joint Defence Base Research Facility at Alice Springs, often known as Pine Gap, from the need to obtain a liquor licence. This is the usual practice with defence facilities of this kind. The clause also grants immunity from prosecution to a member of the police force or an inspector where he purchases liquor from premises knowing that those premises are not licensed.

Clause 4 allows inspectors to seize and remove liquor from premises where there are reasonable grounds to believe that an offence has occurred, a power which they do not currently possess but which they should possess. The same clause also requires a person to give details of his name, address, age and the identity of a seller of liquor to an inspector when requested.

Clause 5 makes present arrangements for the payment of licence renewal fees more convenient. It also establishes that such fees can be paid pro rata instead of in annual lump sums only.

Clause 7 gives the commission power to transfer a licence not only from one person to another, which it can do already, but also from one premise to another.

Clause 8 extends the power of the Liquor Commission to suspend a licence where a licensee is in grave breach of the act or the conditions of his licence or has simply ceased to operate. This amendment arises from several instances over the past few months where a licence clearly should have been suspended by the commission but the commission lacked power to do so due to the narrow grounds specified in the original act.

Clause 9 is an evidentiary provision allowing the commission to issue a certificate concerning the existence of a restricted area.

Clauses 10 and 11 allow the commission to issue a permit to a person who is only temporarily living in or visiting a restricted area as well as to a person who lives there permanently.

Clause 12 extends the offences of selling liquor to persons who are intoxicated or persons who are under the age of 18 or the sale of adulterated liquor beyond licensees to include any other person.

Clause 13 allows licensees 30 minutes instead of 15 minutes to clear their premises at closing time and also allows the commission to approve the use of licensed premises out of trading hours for purposes other than the sale of liquor.

Clauses 14 and 15 are amended to allow the sale or supply of liquor on licensed premises to a person under the age of 18 where that person is in the company of his parent, guardian or spouse and where the liquor is consumed with a meal. At present, a person under the age of 18 cannot drink on licensed premises under any circumstances and this is considered to be a little too restrictive especially where families dine together at Christmas or on special occasions.

Clauses 16 and 17 are largely evidentiary in character to allow for averments and certificates as to facts in proceedings for offences against the act.

I commend the bill to honourable members.

Debate adjourned.

BUSHFIRES BILL
(Serial 373)

Bill presented and read a first time.

Mr STEELE (Transport and Works): I move that the bill be now read a second time.

This bill seeks to repeal and replace the Bushfires Control Act. The first moves to update the provisions of existing legislation were made some 8 years ago but little was achieved until it was brought to this government's attention early this year. Having endorsed the need for new legislation, the government has acted promptly while, at the same time, it has ensured that proper consultation has taken place. This bill has been discussed at meetings with the Bush Fire Council and its regional committees.

The need for a new Bushfires Bill arises from the number of deficiencies in the existing legislation. The council presently has no authority to hire equipment; it is difficult to prosecute offenders under the present act; and the penalties provided under the act have not been updated since 1965 and, therefore, do not constitute a deterrent. I do not intend to refer to all clauses of the bill in this speech but will mention the more significant changes. There are no increases in the membership of the Bush Fire Council and regional committees but, to streamline the administrative arrangements, the bill does not subdivide regions into fire districts. At the same time, the powers of the Bush Fire Council and the regional committees are defined in much broader terms to allow flexibility.

A major innovation in the bill is the introduction of fire wardens. This designation replaces the previous fire patrol officer and brings the Northern Territory into line with a number of Australian states. Fire wardens may be appointed from the community and police officers and forestry officers will not be required automatically to be wardens. The new bill will allow these officers to concentrate on their appointed duties although officers who are particularly interested in fire control may be appointed as wardens.

The bill introduces a new permit system aimed at ensuring maximum protection from spreading bushfires. Permits will not only be required in fire protection zones but also in any area which has been declared as a fire danger area. Permits will be issued by wardens and the appropriate Bush Fire Council staff. There is no limit on the period which a permit may cover and, of course, during the wet season permits are issued in fire protection zones for periods up to 8 weeks.

This bill updates the present inadequate penalty provisions. The usual penalty in the new legislation is $1,000 or 6 months imprisonment which is similar to provisions in other states. Nevertheless, where offences are common with other Territory legislation, comparable penalties imposed under these acts are used in this bill.

The bill will streamline the procedures for the declaration of fire protection and no longer requires landholders to hold a fire plan for the property. The Bush Fire Council will be able to hire equipment needed to fight fires.

The bill contains powers for the making of regulations for a number of related matters. These include the functions and management of a volunteer bush fires brigade, conditions for lighting fires and for disposing of animal carcases and household rubbish.

To conclude, I mention that there are few clauses of the bill which have not met with my complete satisfaction and may need further attention; for example, clauses 8 and 20(b). Apart from that, I am satisfied that the legislation will meet the requirements of all concerned. It has been discussed and endorsed by the Bush Fire Council and at regional fire committee meetings. I commend the bill.

Debate adjourned.

LAND AND BUSINESS AGENTS BILL
(Serial 386)

Bill read a first time.

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

The Land and Business Agents Act provides that the costs and expenses of administering the act, including the allowances and expenses payable to the members of the Agents Licensing Board, are to be met from the land and business agents fidelity guarantee fund. This fund was established under the act to provide compensation to persons who suffer pecuniary loss arising out of misappropriations of money or other property committed by real estate or business agents or their employees. The fund consists principally of licence and registration fees and interest on the trust accounts which licensed agents are required to operate under the act.

Estimates indicate that it is unlikely that the income of the fidelity fund will be sufficient to meet the total cost of administering the act during the early years of its operation. Therefore, Mr Speaker, this bill is designed to allow the minister a discretion to have a part of the administrative costs and expenses of the act met from Territory moneys. Specifically, it is provided that the minister may direct the registrar by notice in writing as to the proportion of allowances and expenses payable from the fidelity fund to members of the Agents Licensing Board in connection with their services to the board. It is anticipated that eventually the fund

will have sufficient income to meet the total administrative costs of the act whilst retaining sufficient moneys to meet possible claims against the fund. At this stage, assistance from Territory moneys in meeting the board's allowances and expenses will cease.

The bill also seeks to resolve a doubt which has been expressed in respect of payment of annual fees by registered agents' representatives. At present, provision exists for the payment of such fees in the Land and Business Agents Regulations. However, it is felt more appropriate that provisions imposing fees should be in the act itself. Non-payment of the fee has also been made a ground for cancellation.

Finally, the bill seeks to make some minor amendments in consequence of the Assembly passing the Remuneration (Statutory Bodies) Bill. I commend the bill to honourable members.

Debate adjourned.

ANSWER TO QUESTION

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, on the first day of this sittings, the honourable Leader of the Opposition asked me a question about police obtaining lists of absentees from high schools. In response to that question, I will read out the memorandum that I have received from the Commissioner of Police:

> *In response to a question without notice by the honourable Leader of the Opposition in the Assembly this morning regarding whether the Chief Minister was aware that members of the Police Force were negotiating directly with school headmasters to get lists of absentees from schools, it is reported that, on any occasion that there is a bomb threat to a school, it is part of standard police procedure to inquire as to absenteeism on that particular day. The information gained has led to the detection on 2 occasions of persons responsible for such bomb hoaxes. The police have no interest in absenteeism per se.*

MENTAL HEALTH BILL
(Serial 334)

Continued from 14 November 1979.

Mr TUXWORTH (Health): I thank honourable members for the contributions they have made to this debate. From their comments, it is evident that all members have approached the bill with open minds and the desire to ensure that the best possible piece of legislation is eventually passed.

Before looking at particular points raised during the debate, I would like to make one general comment. Several references were made to the recently-introduced South Australian Mental Health Act with the suggestion that some of the provisions in that act should be incorporated in the Northern Territory legislation. It appears to me that the suggestion has not taken into account the completely different concepts incorporated in the South Australian act as compared to the bill we have before us.

The first major difference is that, in South Australia, the primary responsibility for the care and treatment of mentally-ill persons is vested in individual psychiatrists to such an extent that a person may be detained in custody on the order of 2 pscyhiatrists for up to 2 months before his case is brought before an independent tribunal. This compares to the situation proposed in this bill where the maximum time a person can be held in custody

before referral to a magistrate is 3 working days.

The second major difference is that the custodial provisions in the South Australian act cover a far wider range of people than the corresponding provisions in this bill. In South Australia, a person may be taken into custody if a doctor considers that he is mentally ill and that he should be detained in the interests of his own health and safety or for the protection of other persons. I ask honourable members to compare this situation with the provisions of clause 13(1) of the Northern Territory bill which sets out the very limited circumstances under which a magistrate may issue a custodial order.

I now turn to the particular points raised during the debate. I refer firstly to the suggestion that the term "standard medical treatment" be defined by classifying the various types of treatment into groups with specific restrictions placed on each group. This suggestion was first made by the honourable member for Fannie Bay and was evidently based on the provision in the South Australian act later referred to by the honourable member for Victoria River. The difficulty in attempting to categorise types of treatment in this manner is probably best illustrated by the practical effect of that particular South Australian provision. There is in fact only one type of treatment, psycho-surgery, included in the major category which is designated category A and only electro-convulsive therapy in the second group designated category B. There are in effect no restrictions placed on any form of treatment and it would of course be necessary to make regulations to introduce such restrictions. In the bill before us, the approach taken is to make the Chief Medical Officer responsible for maintaining a continuous review of available forms of treatment and, in addition, providing for periodical review of the treatment provided to each patient by an independent authority - a magistrate. I believe this to be a more effective means of control than the alternative proposal.

The honourable member for Fannie Bay also suggested the establishment of a review tribunal and this too was supported by other members. The establishment of such a tribunal was in fact considered during preparation of the bill. However, it was felt that, in the Territory situation, magistrates would provide a more effective avenue of control than a tribunal. It should also be noted that the case for the type of tribunal proposed is much stronger where custodial orders are issued by doctors, as in South Australia, rather than by magistrates as will be the case in the Northern Territory.

An amendment proposed by the honourable member for Fannie Bay and supported by the honourable member for Nightcliff was the inclusion for a requirement for each person taken into custody to be given a statement detailing his legal rights. This proposal appears to overlook the fact that the only persons who can be taken into custody under the provisions of this bill will be quite severely disturbed people. The handing of a statement to such persons or even a personal explanation will not only be ineffectual but could cause further distress. It should be noted that, within a short period after being taken into custody, each person must be brought before a magistrate who is charged with the responsibility of ensuring that the person's rights are not unnecessarily interfered with.

The honourable member for Fannie Bay questioned the need for the Chief Medical Officer to assume the role of guardian in some cases and the honourable member for Nightcliff suggested that it would be preferable for this role to be adopted by someone else, for example, the Director of Social Welfare. I think the need for someone to assume the role of guardian is self-evident, bearing in mind the fact that we are considering only people

who are incapable of managing their own affairs. In considering which particular person is best qualified to fill the role, I appreciate the concern felt by the honourable member for Nightcliff that the person best qualified to be responsible for the health and welfare of the patient is the Chief Medical Officer. However, I have asked that an amendment be drafted to allow a magistrate to appoint a guardian other than the Chief Medical Officer where the magistrate deems it necessary. Where property or financial matters are involved, the Public Trustee will be responsible for these matters.

A further amendment will be proposed to remove the reference to prisons in clause 10(3). The only prisons which could be used for this purpose are in Darwin and Alice Springs. It is not necessary, therefore, to provide for a person taken into custody under this act to be held by a person in charge of a prison as it is practicable to admit him to hospital immediately.

The suggestion has also been made that this particular legislation should be subject to a "sunset" provision enforcing review of the legislation by some specified date. I do not think it is appropriate for this type of legislation to include a provision of this nature. By its very nature, the legislation will come under the constant scrutiny of the courts, the medical profession and, no doubt, other interested parties. I can assure honourable members that this government will also be keeping a close watch on its effectiveness.

Finally, I wish to refer to the proposal put forward by the honourable member for Fannie Bay, supported by other speakers in this debate, that all persons held in custody be legally represented at all hearings concerning them wherever such representation is practicable. I believe this proposal overlooks the fact that the deliberate intention of this bill is to place the responsibility for the care of mentally-ill persons - remember we are considering only persons with substantial disabilities - on the Chief Medical Officer in some respects and on the courts in other respects. In line with that general intention, the bill places the responsibility on the courts for determining whether a person will be disadvantaged by the lack of legal representation. I believe that this is not unreasonable.

In conclusion, although I have indicated that some suggestions put forward during this debate have not been accepted, those suggestions have not been rejected out of hand but have been given a great deal of consideration. I thank honourable members for their contributions and their support for what the bill is endeavouring to achieve.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

CROWN LANDS BILL
(Serial 341)

Continued from 14 November 1979.

Mr PERRON (Treasurer): In closing the debate, there has been one speaker from the opposition on this matter. The honourable member for Sanderson pointed out a number of matters. Unfortunately, it appears that she had access to a copy of the Crown Lands Act which was not completely up to date. The honourable member suggested that the bill before the House inserts a subsection (2B) in the principal act under section 78 and that the copy that she was reading already had a subsection (2B). I have a copy of the act as amended which, I am assured, is absolutely up to date and there is no sub-section (2B) in it. In fact, it jumps from (2A) to (4). So, in fact, there

are a number of subheadings there that could be used.

In clause 7, the honourable member for Sanderson suggested that we were replacing certain words in section 80 of the principal act. She said that those words do not exist in section 80 of the principal act. They do exist. Section 80 reads: "In addition to the matters provided for in division 1, the town lands subdivision lease shall contain a condition that the lessee shall comply with section 84". The words the honourable member felt were not in there were "shall comply with section 84".

In reference to clause 8, the honourable member suggested we were inserting sections 82 and 83 yet those sections were already in the act and the bill did not repeal them. Again, I inform the honourable member that there are no sections 82 and 83. In fact, the act jumps from section 81A to section 84. Sections 81 and 82 were repealed by act number 53 of 1979.

The honourable member also suggested that the government, in assessing town land subdivisional applications, should not allow lots below 800 square metres because she felt that those lots would be too small to live on in the Territory. I have not specifically checked out what an 800 square metre lot is in relation to the smallest lots which were subdivided in Darwin in the past. These were at Anula/Wulagi which is certainly in the honourable member for Sanderson's electorate. Certainly, I would agree that many of those houses are unfortunately placed in close proximity to each other. I will take particular interest in the minimum size of lots that are proposed by developers. I certainly hope that they will propose a range of sizes of lots. We should be able to get away from the concept of having streets with identically shaped and sized lots.

The honourable member also asked whether excluded subdivisions were excluded before or during the application process. The bill provides that a subdivision is excluded by a declaration, the processes which it has gone through up until that date will continue to be valid during the following processes under the Crown Lands Act in which the minister will take action to approve, review or seek that the developer resubmit a proposal.

There is an amendment which has been circulated to insert a new clause. Section 84 says that a developer can only use a town lands subdivisional lease for the purpose of subdividing. There was some confusion as to whether a developer who was subdividing land could build houses on the land at the same time and sell them. That is certainly something we are hoping to encourage. To remove any doubt that a developer can construct dwellings on the land he is subdividing, a new section will be added by repealing and replacing section 84 of the principal act. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 8 agreed to.

New clause 9:

Mr PERRON: I move amendment 143.3.

The intention of this amendment is to remove any doubt that a holder of a town lands subdivision lease can use it to subdivide and to erect buildings and other structures on the land. Secondly, it will not allow any use of the lease except to prepare proposals for such works for submission to the minister until such proposals have been approved.

Ms D'ROZARIO (Sanderson): Mr Chairman, on the explanation given, I find it extremely hard to give my wholehearted support to this amendment.

These subdivisions are now intended to be excluded from the provisions relating to other subdivisions which are contained in the Planning Act. There may have been some urgency which made it desirable that land be put on the market more readily. This particular proposal is far more significant than that. It now says in effect that the development may be completed without any reference to any of the provisions in the Planning Act. I think that that is a good deal more significant than what we agreed to last week.

As I mentioned in the second-reading debate, in my electorate there are 2 new residential districts which will avail themselves of the new provisions relating to town lands subdivision leases. In addition to that, there is the development proposed in the 32-square-mile acquisition area. The minister has now provided a way whereby all the subdivisions, including the physical development and the construction on those particular blocks, can now be done without any of the provisions that relate to prescribed subdivisions in the Planning Act. For example, there will not necessarily be any need now to provide an environmental impact statement. I am sure that those people who know anything at all about the land characteristics and capabilities in the 32-square-mile area would shy a bit at this.

There is also now no necessity to invite submissions. Therefore, we have a large area of land which remains to be developed and for which no submissions will be called from the public. Again, the Town Planning Authority will not necessarily have the ability to look into those 24 matters which are prescribed by the act and which they would look at in a subdivision which was not excluded.

All these things have now completely altered the context in which the minister provided this amendment. What we have in fact is that all those districts, not only Leanyer and Karama but the entire 32-square-mile acquisition area, could be developed without any reference to the public. If the minister's intention by clause 84(1)(b) was merely to allow speculative home building, I am afraid that the actual wording goes much further. We could find that all residential buildings and other buildings as well - this does not place a limit on a type of building to be consturcted - could be completed before the public had a chance to indicate its wishes about the type of residential environment in which it wants to live. Perhaps the minister's philosophy is that all this rigmarole is not desirable in the planning process. If that is the intention of the government, we ought to look again at the Planning Act.

From the point of view of the provision of environmental impact statements, particularly in the districts of Leanyer and the 32-square-mile acquisition area, I cannot support this amendment in the way it is written. If the minister intends it to apply only to developers who will put speculative houses on the market, then there should be some qualifying words which would give effect to that intent.

Mr PERRON (Lands and Housing): I really fail to see any difference between what the bill has done to date, what was proposed in the second-reading speech and this particular clause. I cannot see that this clause extends the matter very much further.

As mentioned in the second-reading speech, the intention of the legislation is to provide an opportunity in certain circumstances for a minister to bypass some of the provisions of the Planning Act and declare a subdivision. In doing so, the minister certainly has the power to approve the development

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proposals put forward by a developer which will include a percentage of open space, shopping centres, industrial areas, housing etc. It is not as if the proposals put forward by the developers will be broadened by this particular amendment. They will be able to erect on the land in accordance with the development plan that they have put forward. Even if they were not allowed to erect houses and other buildings on the land, the minister still has the power to bypass the Planning Authority under this system. In relation to the 32-square-mile acquisition area, there is provision already to bypass the public process despite any amendments here. The 32-square-mile acquisition area does not have a planning authority at this stage. As I recall, and I have not specifically looked at the act, an area that does not have a planning authority can in fact be administratively planned and not proposed.

I have considered the types of persons to be put on a planning authority for the 32-square-mile acquisition area. I had regard to the fact that there are not many people living in the area. Of those living in the area, I do not know that there is a great deal of expertise in the fields which would be best suited to planning a proposal for a new city. We are starting from square one in such a situation and very important decisions will be made which will bear on the future of planning in the area. I think that the first plan should be dealt with by people with some expertise and, certainly, there will be invitations to the public for input to the plan.

Whilst the 32-mile-acquisition area or Darwin East, as it is known at the present time, is an area where town land subdivisional leases will be issued and developers will build houses, I do not see that this act will materially change the opportunities open to the government as far as the planning process is concerned.

Ms D'ROZARIO (Sanderson): The difference which the minister cannot see is that subdivisional plans and proposals are invariably 2-dimensional. There have been many instances in Territory centres where people have not objected to the actual subdivisional plan but, when a specific 3-dimensional proposal has been put, a number of objections have been forthcoming.

The minister said that the buildings will be consistent with the subdivision and that the bill will allow the process to bypass the Planning Authority anyway. There is no dispute there. I just take the example of special uses. Traditionally, large areas of land are classified for special uses and the philosophy behind these allocations is that, when some group appears and the use to which it wishes to put the land is consistent with the notion of special uses, it then obtains an allocation of this land. Special uses can relate to churches, schools, scout halls, prisons etc. A person could see a block of land shown as a special use and not have any idea at all as to whether it would be for the local church or for the local remand centre. When these proposals become more detailed and the architectural concept is known, then you may have a large number of objections. That is the difference that I am talking about.

In this situation, we will allow the subdividers to erect the buildings and other structures on the land whilst the land is still the subject of a town lands subdivision lease. The difference is that a subdivisional plan is a 2-dimensional object and the right to put up buildings and the finished product thereof is clearly quite a different kettle of fish.

Another very controversial example which has come up time and again is the R2 and R3 zonings that we have in Darwin. R2 zoning is medium density housing. I can assure the minister that, when specific proposals are put forward for R2 and R3 type developments, many objections may be generated

by the design, the proposed density and a number of other considerations which were not apparent when the block was merely classified as R2 or R3 on the plan. That is the point that I am making. The existing clause 84 provided that the land would not be used for any purpose other than the subdividing of it but we are now providing by the amendment that the physical development from start to finish may be completed on land that is the subject of a town lands subdivision lease.

Mr PERRON: I think I can allay the honourable member's fears in this regard. She is right that a plan is a 2-dimensional item. She will notice in the amendment that section 84(1) says: "Subject to this section and any other act". The amendment here does not exclude building from normal planning requirements. In other words, the excluded subdivision concept provides that the section in the Planning Act which requires a procedure to be gone through in order to obtain approval for a subdivision can be bypassed by making it an excluded subdivision but buildings on that land would have to conform with other laws. If a developer proposed building houses or shops, for example, he would have to comply with the other requirements of the Planning Act and any planning instrument which applied. For example, houses would have to be built on R1 and if, in a shopping centre, the developer proposed a use which was a consent use only, an application would have to go through the Planning Authority before that building could be used for that purpose. Indeed, a developer would obviously want that sort of assurance before he built and so an application would be submitted. The proposed section 84(1) indicates that the amendments do not exclude building from the provisions of the planning requirements in the Northern Territory.

New clause 9 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

SUMMARY OFFENCES BILL
(Serial 342)

Continued from 14 November 1979.

In committee:

Clause 6 (Mrs O'Neil's amendment):

Mrs O'NEIL: The purpose of my amendment is to omit entirely proposed new section 53A which refers specifically to undue noise at social gatherings after midnight. In my view, this section is entirely unnecessary. The same effect could be achieved using the proposed new section 53B. Subsection (2) of proposed section 53A is particularly onerous in that it allows for the arrest of any person at a party even though he may not have known that the police officer had directed that the noise be abated. It seems to me that, by a simple amendment to proposed section 53B(1), we can ensure that undue noise at social gatherings is abated in the interests of the community without having the particularly harsh provisions of proposed section 53A.

The Chief Minister has circulated an amendment. While his amendment is an improvement on the existing bill, I feel that it complicates proposed section 53A unnecessarily. It is already a fairly circuitous section and I think it is entirely unnecessary. With respect, the Chief Minister is being a little bit stubborn about this. While his amendment is certainly an improvement, I would prefer to proceed with my amendments.

Mr EVERINGHAM: I undertook to give this matter further consideration. I have been able to give it consideration and I have also had discussions with my advisers on the matter. I have satisfied myself that the bill should substantially remain as it is. However, I have proposed an amendment in relation to the existing subsection (3) because the honourable Leader of the Opposition raised the matter of proposed section 53A(2) in committee last week. We decided to specify another direct ground of defence.

In order to ensure that this legislation will work effectively, I will be proposing a further amendment to insert a new clause 3A to provide for a "sunset" provision so that we can look at the operation of the whole thing. In all the circumstances, I am not convinced that we should accede to the suggestion of the honourable member for Fannie Bay. I hope that I am not being stubborn on this.

Mrs LAWRIE: I do appreciate the fact that the Chief Minister will provide a further defence that a person who did not know or had no reason to know that a police officer had directed that the noise be abated would not be guilty of the broader offence. That was the point I raised last week and I am not sure whether that makes me Leader of the Opposition. However, I do appreciate the addition to the honourable minister's list of defences. Personally, I prefer the amendment circulated by the honourable member for Fannie Bay.

Amendment negatived.

Mr EVERINGHAM: I move amendment 139.2.

Mr ISAACS: May I ask the Chief Minister the reason for the insertion of the words in proposed paragraph (b) "and reason to know". It seems to me that the important part of the defence is that the person did not know that a direction under subsection (1) had been given. The words "had no reason to know" seems to add an unnecessary complication. It is very difficult to understand just what it adds other than confusion.

Mr EVERINGHAM: If the honourable Leader of the Opposition wishes to limit the matter, I will accept that deletion if you, Mr Chairman, are prepared to take it as an unwritten, informal amendment.

Mr CHAIRMAN: If the Chief Minister is going to change it, perhaps he would write it down and hand it to the Clerk.

Mr EVERINGHAM: I thought I might cause some dissension there.

Mrs LAWRIE: Mr Chairman, the Chief Minister is being provocative. If we delete the words "and had no reason to know", the defence is that he is unable to prevent the noise occurring or that he did not know the direction had been given under subsection (1). He would then have to prove that he did not in fact know. This could be quite difficult. If the words "had no reason to know" are left, I believe it would be easier to establish that he had no reason to know. Having no reason to know is an indication of not knowing and that would assist the defence.

Mr ISAACS: I will take up the Chief Minister's offer. I move the amendment be amended by omitting the words "and no reason to know".

In answer to the member for Nightcliff, it seems to me that a person has to prove 2 things under the current situation without my amendment: that he did not know the direction had been given and that he had no reason to know. It strikes me that it would be far more onerous to have to prove 2

things. How the hell you prove that you had no reason to know is beyond me. That is far more onerous than simply to have to prove that you did not know.

Mrs LAWRIE: Could I ask the Chief Minister if he has taken legal advice on this point because my understanding varies completely from his.

Mr EVERINGHAM: My advisers do not appear to be sweating tears of blood or anything.

Amendment to the amendment agreed to.

Mrs O'NEIL: I would like to point out that the little debate which we have just had demonstrates the difference between the Chief Minister's method of dealing with this problem and the one that I proposed. Under my proposal, only persons who had been directed by a member of the police force to have the noise abated would have been guilty of an offence. We now have this problem of deciding whether people knew there had been a direction or whether they did not know and whether they had a reason to know or whether they did not have a reason to know. This is an example of the problems that might well arise in the interpretation of this law.

Mr EVERINGHAM: If the honourable member for Fannie Bay does turn out to be correct in her prognostications of doom, at least we will have a chance of looking at the woeful operation of the provisions of the bill in 12 months' time.

Amendment, as amended, agreed to.

Clause 6, as amended, agreed to.

New clause 6A:

Mr EVERINGHAM: I move amendment 133.1.

This will insert formal amendments. The recently passed act to prohibit the dumping of unsafe refrigerators and like containers inserted a second section 65A in the act. This amendment renumbers one of those sections to be section 65AA and inserts a penalty provision for that section.

New clause 6A agreed to.

Clause 7 agreed to.

Title agreed to.

In Assembly:

Bill reported.

Mr EVERINGHAM: I move that the bill be recommitted for consideration of a new clause.

Motion agreed to.

In committee:

New clause 3A:

Mr EVERINGHAM: I move amendment 139.1.

This will insert a "sunset" provision in the legislation.

New clause 3A agreed to.

Bill reported; report adopted.

Bill read a third time.

MOTOR VEHICLES BILL
(Serial 343)

TRAFFIC BILL
(Serial 344)

Continued from 20 September 1979.

Ms D'ROZARIO (Sanderson): The opposition supports these bills in keeping with our hard-line attitude on road safety. Although there are 1 or 2 states which do not have vehicle inspections on a regular basis, the Territory leads the way in this particular aspect of road safety. The problem still remains that there is only 1 inspection every year. There are a number of defects that would jeopardise the safety of the vehicle and which could arise between the times of inspection but need not necessarily be picked up until the next inspection. We fully support the concept of traffic inspectors being able to attach defect notices to vehicles and have them removed off the road until such time as the defects are rectified.

Yesterday, in the adjournment debate, the honourable member for Nightcliff raised 1 or 2 matters which do bear upon the subject of defective vehicles. She drew to the attention of the minister that there was a practice, albeit not widespread, whereby a car registration label could be transferred to another person and used in respect of another vehicle. The point that she was making was that, if the engine numbers and registration numbers of the vehicles were shown on the label, this practice might be a little more difficult. There does arise the possibility with the present practices in the Motor Vehicle Registry whereby a person whose vehicle may not pass the inspection test may be able to obtain a registration sticker by some underhand means as described by the honourable member for Nightcliff yesterday. This is a further reason for having the ability to pick up vehicles that do have detectable defects and to have them removed off the road until the defects are rectified. Certainly, the opposition supports these bills and commends the minister for the amendments that he has presented.

Mr HARRIS (Port Darwin): I rise to speak in support of these bills. Perhaps more than any other part of Australia, the Northern Territory should have legislation such as this introduced. Our climatic conditions are very harsh on the motor vehicles and I take here the meaning of "motor vehicle" in the Motor Vehicles Act. In the Top End particularly, we have long periods without rain which means that parts such as windscreen wipers are not used. Again, because of the high cost of garaging vehicles, we find that vehicles are left outside in the weather and this adds to the deterioration of the body itself and also the rubber parts on the vehicles. We also have perhaps some of the worst roads in Australia. Members of the Assembly have commented about the rough roads and I believe that these do knock the stuffing out of vehicles and nuts and bolts start to become loose. This causes tremendous wear and tear on the vehicles themselves. Thus, we have a great need to have vehicles scrutinised for safety reasons. This bill enables the authorised persons to inspect vehicles and, if they find these vehicles to be defective, to issue defect notices.

The only points I had queried in the bill itself related to the amendments circulated particularly to proposed section 128A(6)(a) which in the bill reads "specifying the reasons why the vehicle is defective". It is obvious that the intention of this particular paragraph is to detail how the vehicle is defective and not to give the reason why it is defective. The other amendment is to proposed subsection (14) where the registrar has sufficient reason for cancelling the registration of a vehicle. This now gives him the power to do so.

The introduction of this legislation will complement our present system of vehicle inspections. I also take the point made by the member for Sanderson that there are places in the world - New Zealand is one - where they have 6-monthly vehicle inspections. In the future, we must look towards coming into line with that. I support the bills.

Mr OLIVER (Alice Springs): I rise briefly to speak to the bills. I think that this legislation is long awaited. We all know that a very large number of traffic accidents in the Territory are brought about by defective vehicles. This bill is another step towards reducing that large number of traffic accidents. There are a large number of defective vehicles and, quite often, the owner or driver is not aware that the vehicle is defective. Many drivers just hop into the car, drive around and that is the end of that. I most certainly welcome the fact that we will have spot checks on the road. It is not punitive legislation; it merely lays down the procedures to be followed in the event of a vehicle being examined for roadworthiness.

Referring to proposed section 128A, we find that a vehicle can be defective if it is a source of annoyance to the public. Immediately, one's mind turns to the noisy vehicle. At the moment, there appears to be a rash of noisy vehicles, including motor cycles, in Alice Springs. If this bill does nothing else but quieten those offenders, it will be well worth while.

Motion agreed to; bills read a second time.

MOTOR VEHICLES BILL
(Serial 343)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr STEELE: I move amendment 131.1.

This amendment rewords paragraph (a) in order to clearly express its intention. What we want is an inspector to specify the defects and not the reasons.

Amendment agreed to.

Mr STEELE: I move amendment 136.2.

This amendment does not alter the intention of proposed subsection (14). It merely rephrases it so that it cannot be misinterpreted.

Amendment agreed to.

Clause 4, as amended, agreed to.

Title agreed to.

TRAFFIC BILL
(Serial 344)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr STEELE: I move amendment 147.1.

This will omit the words "defect label" and substitute "defect label within the meaning of the Motor Vehicles Act". That is fairly self-explanatory.

Clause 4, as amended, agreed to.

Title agreed to.

Bills passed remaining stages without debate.

COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) BILL
(Serial 163)

ADMINISTRATION AND PROBATE BILL
(Serial 214)

Mr EVERINGHAM (Chief Minister): Mr Speaker, I seek leave to withdraw these bills.

These 2 bills have waited for the drafting of amendments resultant upon actions of the New South Wales and Victorian governments and the finalisation of certain litigation in Victoria. It now appears that there will be a considerable number of amendments to the Companies (Trustees and Personal Representatives) Bill. Those amendments will render unnecessary the Administration and Probate Bill. It occurred to me that it would be better, in those circumstances, to withdraw both the bills and to present a consolidated Companies (Trustees and Personal Representatives) Bill in the February sittings.

It is for those reasons that I seek the leave of the House to withdraw the 2 bills.

Leave granted; bills withdrawn.

NEW PARLIAMENT HOUSE SITE COMMITTEE REPORT

Mr PERRON (Treasurer): Mr Speaker, the merits and demerits of a site for a future parliament house of the Northern Territory can be debated seemingly indefinitely. The committee has deliberated on a number of alternative sites since its first report to the House. The prospect of looking at alternative sites became available to the committee and we sought advice on alternative sites in the Darwin area.

We gave due regard to the information supplied to us by the planning and engineering experts. Some of this information dates back to the days of the Darwin Reconstruction Commission. That commission compiled a report on various alternative sites around Darwin for the purpose of a museum. I

personally have been involved in looking at a number of potential sites for a casino over the past 12 months which had a requirement for a fairly substantial site in a fairly prominent position. In addition, we gathered information on the needs of a parliament house and had information available from an investigation which was conducted by the Darwin Reconstruction Commission in its search for a future parliament house site.

Mr Speaker, we have enough information; it is time for a decision. The committee has come up with a recommendation that there are 4 possible sites which should be considered. We seek an indication from the House, preferably today, of which of those 4 sites the House feels would be most suitable. It may decide that the committee should continue with the site investigation with a view to having the project committed to a capital program.

The committee adopted the following criteria for a site in its first report to the House: firstly, it should be visually prominent; secondly, it should not give the impression of being crowded; thirdly, it should allow space for expansion but should be big enough initially to house all facilities; fourthly, it should stand apart from areas of executive and judicial activity; fifthly, it should be accessible to the public; and, lastly, it should make the best use of topographically natural features. In the latter case, attention was drawn to Darwin Harbour itself.

The 4 sites which have been mentioned in the report to the House fulfil, in the main, those criteria. The first suggestion is East Point which certainly is in a very prominent position. It overlooks the harbour and there is adequate room for all expansion. It is certainly set apart from areas of judicial and administrative functions. The Esplanade oval overlooks the harbour, is fairly spacious and seems to fulfil most of the requirements. The existing site also fulfils most of those requirements provided that the term "existing site" is expanded. The committee was originally restricted to looking at the existing site in terms of the present boundaries. It was quite clear that there simply was not enough room here and that, if one was to further consider the existing site, one must take into consideration the surrounding area and the possibilities there. It is set apart from areas of judicial and administrative responsibility by separate buildings. Myilly Point also fulfils most of the requirements. Although it could hardly be regarded as being visually prominent from the populated side of the hospital, it would be very visually prominent from any aspect out on the harbour.

In examining the requirements of a site for a new parliament house, one must look at how long the building is liable to stay. Parliament houses elsewhere are buildings that remain in use, often without modification, for very long periods of time. It is a natural reaction that politicians, to some degree, are reluctant to allocate extensive funds to their own parliament house as it may be seen as being somewhat politically unacceptable to devote funds to such a cause. Unfortunately, many people believe that only politicians inhabit and frequent the parliament and therefore they are really spending money on themselves. Honourable members would realise that that is not the situation at all.

The point is that the building is liable to remain for a long period of time in its allocated site and, from time to time, will have to be expanded to meet changing needs. In the Territory, that needs to be taken into consideration perhaps more than in other places because the Territory is extremely small by Australian standards and therefore will experience a great deal of growth in future years. I doubt that any members would dispute the fact that the number of members in the House and therefore the accommodation in the Chamber and associated buildings will perhaps double or treble

over the next 20 to 50 years. We should look at least at a 50-year period when examining a future parliament house site. Therefore, the site needs to contain sufficient areas within its vicinity for virtually a continuous expansion program.

Modern technology, of course, enables an enormous floor space to be obtained on a fairly small parcel of land. If one had even half an acre, with the ability these days to build 40 or 50 storeys, one could provide the most enormous floor space. Of course, we want a building which is prominent not only in its stature as a building itself but in its surrounds. There needs to be a reasonable parcel of land in the vicinity for landscaping and other activities which will no doubt be recommended by consultants.

I have taken a personal interest in this committee because its planning has been a subject of some interest to me for quite a number of years. I personally favour the existing site. I would have to qualify that in that the existing site as described in the schedule to the report does not really elaborate on the size of the area we are talking about. I believe that we should be talking about a site which has a potential development capacity and this would certainly include those government office blocks formerly known as blocks 1, 2 and 3. Whilst those buildings are in a reasonable state, I would certainly say that, within the next 15 or 20 years, they will be well due for demolition. In fact, their standard now is questionable and they cost a great deal of money to refurbish every 4 or 5 years.

I do not think it is unreasonable for us to say that blocks 1, 2 and 3 are a significant constraint at all on the present site having regard to the fact that the areas they currently occupy may not be needed for a considerable period. I feel very sure that a parliament house could be designed for the Northern Territory so that it contains initially all the facilities required for the Assembly over the next 5 years and thereafter a progressive expansion program could be taken into consideration by the gradual demolition of these adjacent buildings. In addition, we should not be constrained by Mitchell Street which runs very close to the front of the existing Assembly. Mitchell Street can be closed or its route can be altered. The portion which runs past the current Assembly and also the Esplanade as well were considered, at one stage, for the building of a parliament house which extended over the Esplanade and perhaps even hung over the cliff, to some degree, to obtain the benefits of views across the harbour. However, the closing of the Esplanade also seemed to be a constraint. I do not believe we should regard these matters as constraints. There are a number of alternatives. Perhaps it should be blocked off. It is not a much-used portion of street anyway; it could be left there and the building could be built over it or it could provide a very convenient access to a parliament house.

If we look at the 30-year program, one might even say that the law courts buildings, which are seemingly grand at the present time, could be due for moving. There are not many buildings today which we occupy for court houses or government purposes that are in the 30 to 40 year life bracket. Therefore, we could even envisage this entire parcel of land being designed into an eventual parliament house of a stature that would be suitable for the Northern Territory.

My personal preference would be the Darwin oval site. No doubt, some concern would be expressed from the community at the alienation of what is currently open space. It is not very well used open space but, as has been explained, open space does not have to be occupied to be appreciated. An open space can merely be a visual effect. However, that site would involve no acquisition of private land. It is available immediately; there are no constraints upon it. It would be up to the government to make a decision on

the planning processes required to secure a site for a parliament house. Personally, I believe a matter of such gravity should probably be preserved in legislation and the site enshrined in legislation to ensure that the wishes of the parliament are fulfilled.

There are flaws in that system inasmuch as East Point itself was originally set aside for a future parliament house and possibly other uses. Attitudes in society have changed. Indeed, the East Point Reserve Trustees, the body set up as trustees of a parcel of land for a parliament house, have come out against the concept of using East Point for a parliament house. One could reflect that those persons have changed their original charter, the original reason for their appointment, by changing their attitude. I personally do not favour East Point as a site for a parliament house. I believe it is one site which would involve extremely strong reaction from the Darwin community and I would have some sympathy with that reaction. However, I do feel that a great deal could be done with East Point to make it an area that the public use more rather than regarding it as open space which should be appreciated merely as a visual concept. That is another subject however.

My third preference would be the Myilly Point site. By putting it number 3, I really put it out of the picture. The Myilly Point site is one which I studied when we were looking at potential sites for a casino in Darwin. It is certainly a site which has a lot going for it but it has a lot against it as well. It is not as isolated as East Point from the central Darwin business community which we would like to feel had some attachment to it. However, Myilly Point would be somewhat detached. It has fairly severe approach difficulties at present. If one adopted the view that the hospital and some of the houses in the vicinity have a limited life, we could design a building with the intention of demolishing those portions of the hospital that would prevent a direct approach to the front door of parliament house. The site certainly has the merit of being prominent and set aside from areas of judicial and administrative activity. However, I feel that the site is not ideal when considered against the existing site and the old Darwin oval site.

That is about all I have to say. I believe that the Assembly must make a decision on where the site should be. It is a matter which could be referred to the Planning Authority to gauge public opinion. It could be referred to further consultants for further reports to the House. One could even propose some sort of referendum throughout the Territory on a number of sites. However, this will serve only to delay the final decision even further. I believe that there has been enough of that. This government wants to start programming for a parliament house. It will be a very expensive building; it will take a number of years to build and, therefore, a number of years to budget for. I believe that we should start programming the initial design expenses and site investigation expenses at the earliest possible date. I believe that this Assembly should direct its committee today to narrow its attention to a particular site and report further on the requirements of that site for a parliament house.

Mrs O'NEIL (Fannie Bay): As the Treasurer said, the purpose of today's exercise is to gain the opinion of all the members of the Assembly so that the site committee can be guided in this matter and, hopefully, reduce the number of sites under consideration. If we are lucky, we may even reduce it down to one. The Treasurer mentioned that the committee considers it desirable that public opinion be taken into account before the matter is finalised. All members of the committee would be interested to hear the views of any members today so that it can take them into account and hopefully progress at a faster rate.

There are 4 sites and I think most members are aware of the particular preferences of most committee members. The honourable Treasurer finds absolutely no constraints with the existing site. He feels that we can eliminate the Supreme Court in due course, and that is perfectly true from a long-term point of view.

I would argue that we can do exactly the same with Myilly Point which happens to be my particular preference. I think the houses there will disappear before the Supreme Court building. In 50 years, the whole point could be taken over by a parliament house and its facilities. That would be a magnificent spectacle indeed. Myilly Point has one disadvantage and that is its slightly awkward access. That is a short-term problem which can be assisted by the re-alignment of the road and, as time progresses, by the elimination of most of the Darwin Hospital buildings and some of the houses.

In other respects, it is an admirable site. It is larger than the committee first realised. Being 2 to 3 hectares, it is larger than all the other sites apart from East Point which is too far away and will be strongly opposed by the residents of Darwin who perceive it as a future recreation area. It is already used for this and I feel that that site would not have the support of the people.

Similarly, the old Darwin oval is a place which people perceive as open space for public use. I feel that there would be some opposition to that site for a parliament house. Even though it is close to the city without being immediately adjacent to administrative buildings, it is less than 1 hectare and is therefore rather restricted from the point of view of future development and even for initial development.

I have never favoured the existing site; I think it is too small. It is surrounded by a number of buildings which are architecturally inferior and which would certainly detract from it initially. It would be very expensive to build over the cliff face.

I will not speak further because it is our intention today to determine the views of the members. If it becomes obvious from today's debate that a majority of members prefer one site or particularly dislike another site, obviously we will have gone a step further and achieved a small measure of success in attempting to resolve this fairly important matter.

Mr HARRIS (Port Darwin): Mr Speaker, as a non-member of that particular committee, I would like to be the first to put in my pennyworth on the siting of the parliament house. I would love to have the choice of these particular blocks for the siting of a residence. There is no doubt that they are the choicest blocks in Darwin.

In my opinion, the only block that should be realistically considered is the block that we are on now. It is central and it does not seem to have some of the problems attached to the other blocks. All the other areas have problems. Myilly Point and East Point have the problem of accessibility. On top of that, Myilly Point is in a residential area. Both the old Darwin oval and the East Point area would be encroaching on open space. I realise that all these problems can be solved but why should we do this when we already have an existing spot which is suitable and which does not have these problems?

People are put off by the Nelson Block and the Wells Block which are on either side of the existing site. Buildings are really only shells and, with the help of architects and engineers, these buildings can be made to

look very pleasing. I think that, by using both these buildings and incorporating a new structure in the middle, the result would be most pleasing to everyone. The existing site is in a beautiful area. The only thing that I am upset about is the coffee bush but this will obviously be removed once the building is commenced. I believe that, after close examination, architects and engineers could come forward with a suitable proposal. The area is central and there are no problems with residents. The existing site does not encroach on open space. I believe that it is realistic and economic. If we expect to see a new parliament house in the not-too-distant future, we should stay where we are.

Mr OLIVER (Alice Springs): Mr Acting Speaker, I appreciate the comments of the honourable Treasurer and the honourable member for Port Darwin about the existing site but I personally feel that it is much too small.

The Treasurer referred to Blocks 1, 2 and 3. He said that they had a limited life and eventually they will be demolished to allow for the expansion of the new parliament house. Where one would put the people and the facilities presently housed in those blocks, I do not know. They could well end up at Myilly Point or East Point. We are looking at a very long existence for a new parliament house. With the effluxion of time, a lot of these constraints which were mentioned will disappear.

East Point is too far away and we would be occupying open space. I see nothing attractive about it. The Esplanade oval is also open space and, again, is too small. We would eventually have to take over the hotel so that the parliament would expand.

That brings me back to Myilly Point which I strongly favour. It is a good site. The parliament house would sit very well there. Objections have been raised to it because of the residential aspect and the Darwin Hospital. If we intend to look forward 20 to 50 years, Myilly Point will not be a residential area. It could well be a commercial area or it could be made to complement the parliament house. There may be houses there for 5 or 10 years but the city will expand. Instead of being that short distance out, Myilly Point will probably be the hub of the city. That is why I favour Myilly Point.

Mr MacFARLANE (Elsey): I feel that this Assembly is simply procrastinating instead of getting on with the job of confirming the site for a new parliament house. During one of the committee meetings, I said that, instead of deliberating, we were vacillating and I meant that. The committee should have been able to do this job - whether they chose East Point or any other place - without coming back to this parliament. It was appointed to do the job and it should have done it. The vacillation between sites has already cost us valuable building time even though the job of choosing a site was done for us in 1963.

Mrs O'Neil: Point of Order Mr Deputy Speaker! I draw your attention to the fact that the member for Elsey is reading his speech.

Mr MacFARLANE: I am reading from copious notes.

Mr DEPUTY SPEAKER: There is no point of order.

Mr MacFARLANE: In 1963, the Legislative Council saw the need for a new parliament house and, with commendable foresight, envisaged the spread of Darwin to the northern suburbs. After looking at a number of sites, their unanimous decision was that the new parliament house should be built at East Point equidistant from the city and the major residential area. Our

predecessors in this place did not pussyfoot around; they took steps to preserve the area from the blinking bods of a Canberra-based bureaucracy and the Northern Territory Administration who planned to desecrate the rain forest alongside the East Point Road by replacing it with government buildings. That is why the Mines Department laboratory happens to be there today. To cap it all, they were going to provide houses for 2 senior public servants - assistant administrators - at Dudley Point. In thwarting these plans, the Legislative Councillors who, through their vision and hard work, are responsible for all of us being here today in a fully-elected Legislative Assembly, ensured that when their aspirations for self-determination of the Territory had been realised, the members of this place, whoever they turned out to be, would have available to them the best site in Australia for a parliament house.

A site has been reserved at East Point since 1963 or thereabouts. The advantages of the site, as seen by our predecessors, have not decreased over the years. They have become more evident and they remain: the land is available and the site is separated from executive activity. The latter is a fundamental principle in locating a parliamentary institution. We have heard today that a reason why the parliament should be here is because it is close to executive activity. That is exactly the reason why it should not be here. Other advantages of East Point are: the new parliament house would be a focal point for the whole of Darwin; a scenic-coast road would provide access to the parliament house and, continuing on to Nightcliff, would remove the existing traffic problems on the Stuart Highway and Bagot Road; all major services can be provided now with minimum disruption to the community or the environment; and the development of the immediate environs of the new parliament house by landscaping, establishment of lawns and gardens and the regeneration of the adjacent and only surviving jungle area within the city boundaries would provide for future generations of residents and visitors a much-needed area for peaceful relaxation.

Compare these advantages against the restrictions and disabilities of a city site. Wherever it might be, one or more of the following will be found: insufficient space to cater for future needs; difficulties of access; lack of parking space and increased traffic problems; and the cost of resumption of alienated land including the buildings on that land. We do not want a parliament house lost among a motley mess of government and private buildings of undistinguished architecture. We should aspire to something better, something to be visible evidence of the high regard in which we hold the principles of democratic government in the Westminster tradition.

I would like to read from Mr Drysdale's speech of May 1963:

The bill, Sir, is designed to ensure that the so-called East Point Army Reserve is reserved for specific purposes. I will outline what the purposes are: (a) a public recreation ground; (b) public cultural purposes; (c) a residency and grounds at the time when we will be building a new Government House either for an Administrator or Governor; and (d) a Parliament House and grounds.

It is not envisaged, Sir, that there may be a Parliament House there in the next 20 or 30 years, but I want to see that that land is reserved for that particular purpose at this particular time because, if we do not do something about it immediately, the land will not be available when the necessity does arise. I say that this land should not be alienated for any purpose whatsoever, that it should be kept initially for the sole purpose of recreation of the public at Darwin, and that means all clubs and all people ...

Now, Sir, there are 253 acres in this so-called Army Reserve and

those 253 acres are sufficient to my mind for the purposes that I have stated. It is the only central piece of land that is equidistant from Darwin and Nightcliff and I understand the coast road to Nightcliff will become an actual fact in the near future. Therefore, this reserve will be readily accessible not only to the people of Darwin but to the people of Nightcliff and it would be used, I assure you.

The area is also the only elevated promontory site in Darwin that remains available for the recreation and amusement of the public and for the site of a future Parliament House and Government House. There is sufficient land there also for public cultural purposes, and by that I mean such things as an auditorium, museum and such other desired things which would be for the benefit of the public ...

This is not a bill to reserve land for politicians; there is no intention of that at all in this bill, but a site has to be allocated for that particular purpose. If it is not on this particular site, Sir, let us look around and see what alternative sites there are. Where is there an alternative site in or within a reasonable distance of Darwin? We can go out to Dripstone Caves, Sir, and we already know that that is marked for Nightcliff High School at a further date. Or we could see a Parliament House built on this little pocket-handkerchief block next door here, slap bang up against your executive and administrative offices, and that is not a place for a Parliament House. A Parliament House should be well away from your administration and executive offices. That is another reason why it should be placed at East Point.

Mr Deputy Speaker, there is a lot more common sense and vision in the speech of Mr Freddy Drysdale, member for Nightcliff in those days, and I commend it to honourable members.

I heard one comment about people being worried about public reaction. Had this parliament been worried about public reaction, the casino would never have been built and many other good things done. Somebody said the East Point Reserve is too far away. I understand from conversation with the honourable member for Nightcliff that she takes her son there each Sunday morning to fly his model planes. Even from Nightcliff, it cannot be too far away.

Mr Everingham: She walks on water.

Mrs Lawrie: It's not a broom flight anyway.

Mr MacFARLANE: I think the honourable member is more at home with a broom.

But I do honestly speak from the heart on this: we have a chance to build a parliament house on the best site in Australia and, as far as I am concerned, we are throwing that chance away if we build it anywhere else but East Point.

Mr ISAACS (Opposition Leader): I think the points from the former member for Nightcliff, Mr Drysdale, are extremely well taken. I believe they provide the most damning argument against the existing site. It is all very well for the Treasurer to say that all the buildings may well be going and that we might be losing Blocks1, 2 and 3, or whatever they are called at the moment, and other administrative blocks. That argument does not hold much water when we are talking about what exists and what sort of a building we ought to

have. On the one hand, it accepts the argument that the parliament house ought to be removed from the administrative area but, on the other hand, it says, "It will be slap bang in the middle of an administrative area but we will take care of that in good time". I do not think that is appropriate. I think we are stuck with the siting of the administrative blocks in this general vicinity for some time to come. To keep the site separate from the courts, the Treasurer said that they might go as well. They might, but they are here now. It is wrong to assume that these significant buildings will be removed. It underscores the argument which the former member for Nightcliff and the member for Elsey so passionately put: parliament ought to be separate, and not by the width of a street, from the administrative hub of government and the courts. If you look at parliament houses around Australia, you will find that they are significantly separated from those functionary units. It is for that reason that I do not agree with the existing site as the future site for the parliament house.

If only we were back to 1963 and the population was as it was then and the existing parklands were as they were then! However, as the member for Fannie Bay put it, the fact is that there would be an outcry, and rightly so, if East Point were chosen. I say that with some feeling because there is no doubt East Point is a magnificent site. If it were 1963, I do not think there would have been the outcry there would be if we chose that site today. I think people see it as a magnificant area of open space for future recreational purposes. They would see the intrusion of a parliament house as a blot on that; they would see the parliament house spreading. They would see the parkland which is there at the moment being eaten up. For the same reason, the Esplanade oval site is unsuitable. We are not in 1963 but in 1979. We must face the fact that there would be that outcry. Apart from the fact that East Point would be a magnificent site, it just is not available to us. I say that with some regret and I am quite certain that the Clerk and his predecessor would also have a heavy heart when they hear such words being uttered. Nonetheless, I think it is just a fact of life.

I do not think that we have to look at Myilly Point as the last of all options, as the best of a bad lot. In fact, it is quite a magnificent position indeed. The schedule to the interim report said that it was the most visually prominent of the sites available to us. Also, it is not so much a question of how close in terms of yards or kilometres you are from the business and administrative centre but rather a question of accessibility or how quickly you can proceed. It is not as though we would be in dog boxes on Myilly Point. I have seen the offices of our parliamentary colleagues in other states and they are quite sumptuous. Although I have seen them only on TV, I gather the accommodation of our parliamentary colleagues in Queensland is quite superb.

Sufficient space must be available on the site so that we are not constantly running from one office to another as we are at the moment. The matter of proximity is adequately covered by the Myilly Point site. This existing site is not suitable when you talk in terms of where a parliament house ought to be in relation to the courts and administrative blocks. Myilly Point is appropriate; it is a magnificent site and it has room for expansion. We are talking about knocking down buildings and whether buildings will last or not. The point made by the member for Fannie Bay must be correct: it is far easier to remove the buildings in the vicinity of Flagstaff House than to remove the very substantial structures in the vicinity of this site.

Mr Deputy Speaker, I believe that the best site would be Myilly Point, the current site of Flagstaff House. There is room for expansion there and it has a beautiful view. The current access problems are not of long-term

significance. The present site and the site on the Esplanade are not suitable in terms of either recreation space or proximity to the courts and administrative blocks.

There is one other point that I would like to make about the Esplanade oval site. It is a truly historic position and some might say that, because of its historical significance, it ought to be the place where the parliament should be. I do not agree with that. The photographs from which people recognise early Darwin are photographs of the mass meetings of the people in 1915 or 1916 when flags were raised and administrators were removed. In July last year, again it was the scene of a most historic occasion when flags were raised and lowered and there were 19-gun salutes. Even though it may not be used any longer for its original purpose as a football field or whatever, it is appropriate that that open space remain as it is.

For all those reasons, I believe that Myilly Point site is an excellent position. It would be of great credit to the Northern Territory, and indeed to Australia, to have the most northern parliament situated on that particular site.

Mr DONDAS (Community Development): The committee originally had a look at about 9 sites and finally decided on the 4 that we are now debating this afternoon.

I will speak about the East Point site first. With respect to the honourable member for Elsey, I feel that the East Point area is a very good site but it is too far from our original brief. I find that the site is visually prominent, it is not crowded, there is room for expansion and it stands apart from the administrative arm of the government. It is not very accessible to the public but it has some very good features.

I would also put the Esplanade site into the same category as East Point as far as those points are concerned, with the exception that it is close to the administrative arm of government and it is accessible to the public. There has been a cry that we would be taking it away from the people of the Northern Territory because it is open space. What the Leader of the Opposition said a few moments ago is very pertinent. Many decisions have been made on that block over the years. As a youngster, I played football and cricket there but, by developing that particular site for a parliament house, the whole Esplanade could then be developed in conjunction with botanical gardens. It could become a show piece of the Northern Territory.

The existing site is too small and our advisers have told us that the only way we would be able to do anything concrete would be to overhang the cliff and that would involve some very expensive structures. We would be very restricted in what we could do on this particular site in the long term. The new parliament house would take 4 or 5 years to build. I think that the government should be congratulated that this debate is even taking place this afternoon and for its willingness to provide $13m or $14m for a new parliament house. Nevertheless, whilst the new parliament is being constructed, we would have to find alternative accommodation for those 4 or 5 years. It would certainly be expensive. We would have to build a high-rise building. We must also consider future parliamentarians of the Northern Territory when we examine what kind of facilities we want in a parliament house. I would like to see squash courts and a swimming pool for members of the Assembly.

The Myilly Point site is a beautiful site too. We must take the Myilly Point site in context with the other sites. The Darwin oval site is a relatively low-cost site. We might have to spend $300,000-odd in beautifying the whole of the Esplanade but people, especially those in the city area,

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will benefit from it. It could be as much as $1.1m for establishment costs of a parliament house at Myilly Point and approximately another $200,000 to create road approaches. That money could be spent on facilities for the parliament itself. The acquisition costs for the other sites are relatively low.

We are looking at a site that will play a very prominent part in the Territory for the next 100 years at least. Mr Drysdale said that this was a pocket-handkerchief site and the honourable Treasurer talked about knocking down Blocks 1, 2 and 3 over a period of 20 years. I do not really think that is the important point. We have to establish our parliament within a reasonable time, 5 years or 6 years, or however long it will take to build it and eventually plan this part of the town in conjunction with what we might have at the old Esplanade site. We would not do that at Myilly Point. At Myilly Point, we are looking at the acquisition of 1 or 2 private houses and the infrastructure. We are talking about making more space available for a parliament house. At the moment, we have a population of 50,000 people. Who is to say that in another 5 or 6 years' time our population will not be 80,000 or 90,000? We may need the infrastructure of the Darwin Hospital or part of that land for a back-up service to the Casuarina Hospital. Nobody in this House will start taking away health facilities and health services for the sake of a parliament and I do not think anyone in his right mind would want to do that.

We must look to the future. Mr Drysdale was talking about a site in 1963. We are now in 1979 and are looking at a reality in 1984. It is the first time that this House has had the opportunity of looking at the reality. The museum and art gallery is now sited and work has started at Bullocky Point. It has taken 15 years for somebody to make the money available. I think the Northern Territory government must be congratulated for making money available for the museum and art gallery. Myilly Point is a lovely site but I do not think it would serve the long-term needs of this place. I do not think that the existing site is big enough and we would have to find alternative accommodation. Also, it would be very expensive to provide the structures for foundations out on the cliff.

At the moment, the future of East Point is the subject of some discussion. In my opinion, East Point Reserve and the other unalienated Crown land in that area should become one open-space reserve for future Territorians to enjoy. To encroach our thoughts and our desires into that area would be a mistake that we would live to regret.

The Darwin oval may be open space. It is used by people. We have processions in the town which commence at the old Darwin oval. I do not think the people of Darwin will lose that area. It would have to be part of the deal that, if we use the old Darwin oval, the whole Esplanade would be developed in such a way that the community would get the maximum use of it. For the last 25 years, that particular area has not been used for any real benefit. The area from the Darwin oval boundary to the Esplanade proper could be made into something that this city would be proud of. I do not think that the general public would feel that we have made a mistake by depriving them of that open space. I might be wrong. I think it will stand the test of time. We are talking about 100 years and I do not intend being around for another 100 years; I do not think anybody in this House will be around for another 100 years.

The point I am trying to make is that Myilly Point seems to be the opposition's choice and I am trying to convince my colleagues on this side that the Esplanade oval should be our choice.

Ms D'ROZARIO (Sanderson): Mr Speaker, I favour the Myilly Point site. I listened very carefully to the honourable Minister for Community Development. He spoke at length about the future needs of such a building and whether, if we chose too small a site,we might have to opt for a very expensive structure. However, of the 3 city sites, not including the East Point site, he chose the smallest one. I agree with the honourable minister that we have to look to our future needs. We cannot always estimate what these will be. Of the 3 city sites available to us, the Myilly Point site is the largest. It is grossly under-utilised at the moment and it has some topographical advantages which make it a very attractive site indeed.

When we speak of a building like a new parliament house, we have to remember that architecture such as this, particularly if it is good architecture, should have some enduring effects. Too often, we tend to tot up the $0.2m here and $9.1m there, as the honourable minister for Community Development just did, and say that it might cost $1.2m more to use the Myilly Point site than it would to use the Esplanade oval site and that this is a good reason not to use it. In the time context that we are speaking of, these amounts are really just peanuts. We are talking about a building which should endure for something like 100 years and should have a distinctive architectural style which will show architectural historians in 100 years' time the aesthetic principles that this community wanted. It is really irrelevant to talk about $1m tipping the scales between one site and another for a building which we hope will have some merit 100 years from now. When we consider our architectural responsibility to the public in this project, that sum must be discounted. We must look to the site which can accommodate our needs while still making some mark in the civic design context of the Northern Territory community.

The honourable Minister for Community Development favoured the Esplanade oval site and he claimed that it was not a well-used site. I was quite amazed at those remarks because only last year the government used the site for an extensive program of celebrations for self-government day. I was there and I am sure that the honourable minister was there. That was just one example of the sort of uses to which a city park can be put.

Quite apart from that occasion, there are numerous other occasions in the city's social calendar where large numbers of Darwin citizens gather to enjoy that very fine park on the Esplanade. I remember thinking to myself as I was enjoying the fireworks there last year that, if we ever had a parliament house there, we could not possibly have a fireworks display there as well. It would be too reminiscent of Guy Fawkes' antics and might give someone an idea or two.

Mr Dondas: It was the first fireworks display there in 25 years.

Ms D'ROZARIO: The honourable minister interjects that it was the first fireworks display in 25 years. The point is that we still do have fireworks displays in this city. I am not really saying that this site should not be used because of fireworks displays. That is only one point. We have them every year; we have them at Bagot Park. The point I am making is that this inner-city park, which is one of the few remaining areas of usable foreshore available to the public, is again under threat by some public decision made on behalf of some public development. That is not good enough.

There have been far too many encroachments on our usable foreshore sites. According to the map, we are well-endowed with foreshores but, by the time you take out the mangrove swamps and the other inaccessible beaches and give away large areas of land for casinos and other things, there is very little left for the public to enjoy in the way of foreshore recreation sites.

From that point of view alone, the Esplanade oval ought to be retained for public use and enjoyment.

In relation to the existing site, I think the weight of opinion at the moment, unless other members on the government side get up to speak, is definitely against the redevelopment of the existing site for the new parliament house. The reasons have already been canvassed by other members: it is far too small and it will not serve our needs in several years' time, let alone 100 years' time.

The East Point site is generally regarded by members as unavailable for the use that we are contemplating at the moment. This again brings us back to whether or not Myilly Point can be used. We have all agreed that it might cost us $1.2m to improve the access to the site. That is not an insurmountable obstacle. I consider that amount to be a very small expenditure in both the overall context of the eventual cost of this project and also in the enduring nature of the building. I consider that to be so small an amount that it is hardly worth itemising on this sheet of comparisons.

I favour the Myilly Point site. I think it is a site that could meet our needs for many years to come. It lends itself to a very attractive and distinctive architectural design. It would not interfere with the existing residential areas of the city. In fact, it would enhance that area of the city which, apart from the very exclusive residential subdivision in Myilly Terrace itself, has very little to commend it.

Mr ROBERTSON (Manager of Government Business): I move that the debate be adjourned. Quite clearly, there is quite a degree of dissension across both sides of the House. The opposition seems to have made its choice of the location of the new parliament house site. I think it would be appropriate if both sides now considered a form of resolution to put to the House. For that reason, I think an adjournment of the debate would be appropriate.

Debate adjourned.

PRISONS BILL
(Serial 368)

Continued from 14 November 1979.

Mr PERKINS (MacDonnell): I rise to indicate that the opposition will cooperate with the passage of the Prisons Bill at this stage because we appreciate that the immediate problem with which this bill deals must be solved. The bill arises from the recent Huckitta trial which was conducted in Alice Springs.

I would like to take this opportunity to thank the sponsor of the bill and his advisers for the opportunity of discussing the bill with them. It is important to realise, and I think the minister would accept this, that there are some problems in the bill which require review, particularly the age stipulation of 17 years in relation to juvenile offencers. We believe that the minister needs to consider changing the age from 17 to 18 years. I understand that the minister has indicated that there will be a review of that particular matter.

The opposition is in favour of the intention of the bill to end the practice of gaoling juvenile offenders with adult prisoners in the Northern Territory. This practice has caused considerable concern over the years to a wide section of the community. Juvenile offenders have been incarcerated in the prisons of the Northern Territory and it is now time that alternative

arrangements were made for their care and rehabilitation once a decision has been made by the courts.

There is another matter which I would like to bring to the attention of the minister. I will have an opportunity to do so at a later stage of the sittings or in the New Year when we consider the new bill which will replace the Prisons Act, but I will mention it now. If a particular judge makes a decision on where a particular juvenile offender ought to be committed, the question arises as to whether the minister ought to accept that recommendation and then to carry it out.

As I have said, we will have the opportunity in the New Year to debate that particular matter.

In the meantime, I understand there will be a review of the Child Welfare Act in relation to the age of 17 years as compared with the age of 18 years. After all, we are talking about the transfer of a juvenile, having attained the age of 17 years, to an adult prison. It would be more appropriate to transfer the juveniles when they attain the age of 18 years. As I have indicated, the opposition will cooperate with the passage of this bill because we realise its implications in the short term. I am happy to say that the minister was able to clarify other aspects of the legislation beforehand.

Mr SPEAKER: Honourable members, I am satisfied that the delay of one month provided by Standing Order 153 could result in hardship being caused. Therefore, on the application of the Chief Minister, I declare the bill to be an urgent bill.

Mr DONDAS (Community Development): I would like to thank the honourable member opposite for his support of this bill. We sought urgency because of some problems recently in the Alice Springs area. The honourable member has made a point that juveniles of the age of 17 should not be transferred to adult prisons. Hopefully, I might be in a position before the next Assembly sittings in February to make an announcement to the House on what the government's intention will be regarding the detention of juveniles in the Northern Territory. Consequently, any amendment the opposition proposes regarding the age of 17 to 18 may not be necessary. As it stands in the Child Welfare Act now, it is 17 years.

Motion agreed to; bill read a second time.

Mr DONDAS (by leave): I move that the bill be forthwith read a third time.

Motion agreed to; bill read a third time.

AVIATION BILL
(Serial 338)

Continued from 15 November 1979.

Mr STEELE (Transport and Works): The government thanks those members who have participated in the debate. Their comments have been incorporated in a fairly composite reply. Five speakers drew the government's attention to the Connair company and the need for a quick decision. Praise was made of the staff of Connair. The member for Stuart wanted to retain the name "Connair" but that might be an impossibility. The Chief Minister expressed some concern that the staffs of whatever airline should not be disadvantaged or adversely affected by the decision the government must take some time between now and Christmas. The Leader of the Opposition mentioned that he

thought there might be some amendments forthcoming and I trust that those circulated will satisfy his interest in that regard.

The bill has been developed after long and careful research and discussion with government and non-government aviation bodies throughout Australia. Much work has gone into developing this piece of legislation to ensure that the long-term needs of the Territory will be met by applying a combination of enlightened evaluation of industry proposals with rigorous inspection and maintenance of operations within the industry. In this context, the bill represents the best possible framework for a cooperative effort among the government of the Territory, operators within the industry and the federal Department of Transport in its role of overseer of air safety and efficiency. Most of those people who applied for a licence are fairly conversant with the rules that apply as far as the Department of Transport is concerned. In fact, every air route must be approved by the Department of Transport in respect of navigational aids. Indeed, the Pilots Federation itself lays down certain conditions for movement in and out of isolated places such as Gove and Groote Eylandt.

Concerning the winding up of Connair, staff members first made representations to me when I stepped into part of this job in 1977. The representation at that time came from Captains Perry and Hanson. They were hopeful that the government would be able to take over Connair somehow and ensure that their future was guaranteed. The airline staff now have those assurances. I think Captains Perry and Hanson ran out of patience and have left us. That is a shame because those people had many thousands of hours experience and much to contribute to the new entity.

The government soon established its position with the Connair staff by saying that it would not purchase Connair despite a call from the opposition who suggested a price at the time. The media exposure of this particular aspect of the proposed airline created further anxiety in the minds of those staff who thought they might be displaced. The media had its fair say and I must criticise the NT News for headlines such as "$2m Connair Sale". That would not have made any of the staff of Connair go to bed feeling in any way at ease. It was unsubstantiated and the newspaper itself probably knew that there was some doubt as to the genuineness of that offer. If I had been a reporter in that particular position, I would have asked to see a copy of the contract. There was no doubt in my mind, when that contract was supposed to have been effected, that there were escape clauses. The media caused unnecessary anxiety for those personnel.

The contenders for government licences have plenty of avenues open to them for various consultations with the government, myself as minister or the federal Department of Transport on technical requirements for an airline operating in the Northern Territory. If they were really keen, they would have read the Gallagher Report and they would have had knowledge of transport statements made in October 1977 and again in February 1979. In my second-reading speech, I said that this bill places a licence readily within the grasp of any operator who makes a genuine application. Most of the applications have turned out to be genuine.

Comments made by members on both sides of the House during the second-reading debate last week confirmed my own view that this bill is being developed against a background of sound policies and concepts. Mindful of the constructive suggestions made by members during that debate and taking into account comments made during discussions last month with members of the aviation industry, the bill is now presented with amendments which, I feel sure, will refine it into an even more effective piece of legislation.

Members have raised the question of protection of RPT routes against pirating by charter operators and protection of charter operators against the incursion of fringe operators. With the history of the operating difficulties of Connair very much in mind, the protection of RPT operations has been covered in this bill by the inclusion of clause 11. Members who commented on this particular issue will note that charter operators are restricted in any operation over RPT routes unless specifically licensed to do so. There is a balance to be struck here between the needs of the public, the demand for free enterprise competition and protection of the RPT operators' rights, a balance that will not always be easy to determine. Because the charter industry is to be regulated in a manner which it has sought, it should be much easier to protect a regional airline like the one proposed than perhaps it would be in some other state.

It is the government's intention that, if a viable regional airline is to be established, it will be protected from unfair and highly-damaging, illegal competition. As members have seen, the bill provides for licensing within 3 countries of operation. I want to make it clear that any infringement of a licence will bring down the full force of government counter-action. If the simple theme of this bill is to properly licence operators according to sound commercial evaluation of their applications, then the government accepts, as a serious consequent responsibility, the need to ensure that there are no infringements of their operations.

It is essential that the government have powers to act quickly and appropriately in those circumstances where offences have been committed or are suspected. Members have already noted that certain powers have been vested in members of the police force and inspectors under this bill. These powers relate to identifying offenders and the gathering of evidence and were the subject of comment by the honourable member of Alice Springs in the debate last week. In this regard, I want to underline the government's view that such powers are absolutely necessary. However, I take note of the views of the honourable member. I wish to assure him that it is the government's firm intention that action taken by inspectors and policemen, particularly those powers in clause 16 relating to the seizure of an aircraft, will be properly prescribed in regulations to ensure that no damage to aircraft results from such action.

To make one point about punitive action, I refer to those comments made by the honourable Leader of the Opposition concerning clauses 14 and 17. They relate to powers held by the minister and the Director of Transport in connection with applying suspension or variation to a licence or the conditions of a licence. Some criticism was levelled at giving the director such wide powers. In answer to this, I make the point that it is clear from clause 17 that the director's powers are a necessary flow-on from those situations in which an offence has been or was thought to have been committed. The way in which the director can act is adequately outlined in clause 17 and is an obvious extension of his powers and responsibilities expressed earlier in this bill relating to economic evaluation of applications and consequent licensing.

Apart from the director's powers, it is also necessary for the minister to have overriding powers to enable him to act quickly in any situation that warrants it. Were I to accede to a request that the minister alone have powers to take action affecting a licence or the conditions of a licence, we would be placed in the unfortunate situation of the minister de facto implementing his own act in matters of detail. This would be unnecessary and unwarranted.

A major amendment to this bill is the inclusion of a review clause. As a direct result of discussions with members of the aviation industry, it

has been decided to include this provision allowing for the minister to review decisions taken under this bill if a licensee so requested. The aim here is to provide to an operator who feels aggrieved the opportunity to ask the minister for review. The minister will examine the case and determine it as he thinks appropriate. As another aside, I have been known to lean on the conservative side - that was for the benefit of the member for Nightcliff.

In summary, these amendments will resolve earlier ambiguities, close existing loopholes and provide for further incorporation of the views expressed by members of this House and industry operators. The bill, as amended, will thus be an effective, workable and fair piece of legislation. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to:

Clause 4:

Mr STEELE: I move amendment 144.1.

This is to omit paragraph (j) of the definitions and substitute words which bring the definition of "aerial workers" into line with the definition used in the air navigation regulations of the Commonwealth.

Amendment agreed to.

Mr STEELE: I move amendment 144.2.

This is to omit subclause (2). The statement contained in clause 4(2) is superfluous as all legislation enacted by the Territory must be within the powers and limitations provided by the Northern Territory (Self-Government) Act. Subclause 4(2) should therefore be omitted.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6:

Mr STEELE: I move amendment 144.3.

This empowers the minister to appoint any person as inspector and not just an employee of the Northern Territory Public Service. This provision will be useful in remote areas.

Amendment agreed to.

Mr STEELE: I move amendment 144.4.

This provides that the instrument of appointment of an inspector may contain provisions which limit his powers. This is designed to protect the inspectors who are not employees of the Northern Territory Public Service and, therefore, lack the protection accorded by the Public Service Act in respect of actions carried out in good faith in the course of their duty. It also provides for the carrying of identity cards by inspectors.

Mr ROBERTSON: Where the substitution of an employee or a person is involved and having regard to the second-reading speech of the honourable member for Alice Springs and the assurances given by the honourable minister in relation to these people being involved in such activities as disabling aircraft, I would seek a further assurance on behalf of private pilots. These people should not only have regulations governing the manner in which they go about their duties but also their training because, as the honourable member for Alice Springs pointed out, messing around with an aeroplane is an extremely serious business. It merely needs someone fossicking around underneath the control console for suspected drugs and, in the process, putting a kink in the cable which is quite impossible to detect by pre-flight techniques. As a result, a pilot may find himself at 500 feet without any controls. They are extremely sensitive and sophisticated pieces of machinery. As a private pilot, I seek an assurance from the minister that not only will people who are appointed inspectors under this act be aware of the regulations but also the responsibilities which are entailed in those regulations.

Mr STEELE: I had not given any thought to the actual training that might have to be undertaken by someone to qualify as an inspector. However, I should imagine that it would not be very hard to train someone to nobble an aircraft without harming it in any way. The old bicycle chain trick for example would be one way of doing it. If an aircraft had to be contained because of legal problems, that would be one way. I am sure that all our inspectors will be thoroughly briefed in the regulations before they are gazetted by the Administrator.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr STEELE: I move amendment 144.5.

It is not only the owner of an aircraft who may carry out unlicensed operations but also the pilot or any person having the use of the aircraft. Clause 7 is therefore varied by this amendment to make it an offence for any person to carry on unlicensed operations.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr STEELE: I move amendment 144.6.

Clause 8(2) of the bill spells out all the types of information required to be included in applications for aircraft licences. It is preferable that such complex particulars be prescribed in all necessary detail by regulations.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mr STEELE: I move amendment 144.7.

This amendment proposes to insert a new subparagraph (c) to clause 9(1)

which allows for consultation and discussion between the applicant for the licence and the director who is herewith empowered to accept and grant an amended application.

Amendment agreed to.

Mr STEELE: I move amendment 144.8.

This varies the wording of clause 9(3) to make it quite clear that it is the director who has the discretionary power in the process of evaluation.

Amendment agreed to.

Mr STEELE: I move amendment 144.9.

This amendment varies the wording of clause 9(3)(c) to focus attention on the overall financial situation of an applicant and not only on his financial stability.

Amendment agreed to.

Mr STEELE: I move amendment 144.10.

This amendment empowers the director to give consideration to all the issues he considers relevant to the applicant's proposal and gives him all the discretionary powers he needs to make sound decisions.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr STEELE: I move amendment 144.11.

This amendment is a direct result of the comments offered during the debate and requires the licensee to keep and furnish records of the operation of the aircraft. I thank the honourable member for Sanderson for this.

Amendment agreed to.

Mr STEELE: I move amendment 144.12.

This tightens up the wording of clause 19(2)(c) so that no doubts remain that the Commonwealth law in relation to aerodromes and landing grounds is paramount and any direction given by the director would be within the scope of the Commonwealth law.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14 agreed to.

Clause 15:

Mr STEELE: I move amendment 144.13.

Since clause 6(2), which provides for the limitation of powers of certain inspectors has been inserted by a previous amendment, it is now necessary to

enact this amendment.

Amendment agreed to.

Mr STEELE: I move amendment 144.14.

Where it appears an offence has been committed with an aircraft, it cannot be assumed that the owner of the aircraft is at fault. Any person having the use of the aircraft is capable of committing an offence. The application of clause 15 is widened accordingly by this amendment.

Amendment agreed to.

Mr STEELE: I move amendment 144.15.

This is consequential upon the previous amendment which provided that identity cards be issued to and carried by inspectors. This amendment requires an inspector to produce his identity card before taking any action.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 agreed to.

Clause 17:

Mr STEELE: I move amendment 144.16.

This is to delete the words "subject to subsection (2)" and gives the court the final say where it rules to disallow an application lodged by the director if it feels that cancellation of or variation of the conditions of a licence in addition to a penalty imposed by this act is not warranted. A subsequent decision of the director will not overrule this.

Amendment agreed to.

Mr STEELE: I move amendment 144.17.

This amendment spells out more clearly that the court has a discretionary power in this matter.

Clause 17, as amended, agreed to.

New clause 17A:

Mr STEELE: I move amendment 144.18.

This inserts a new clause after clause 17. This amendment provides a simple review mechanism in respect of decisions by the minister or the director to cancel, suspend or vary a licence. A licensee must lodge a request for a review with the director giving grounds on which the review is based. The minister will then consider the request and take action at his discretion.

New clause 17A agreed to.

Clause 18 agreed to.

New clauses 18A and 18B:

Mr STEELE: I move amendment 144.19.

This proposes to insert new clauses 18A and 18B which provide that a certificate of certain facts issued by the director is acceptable in court as evidence of those facts.

New clauses 18A and 18B agreed to.

Clause 19:

Mr STEELE: I move amendment 144.20.

Clause 19(1) gives the Administrator general power to make regulations under the future act while 19(2) spells out some specific purposes for which regulations may be made. A previous amendment effected the removal of a list of details to be stated in an application for an aircraft licence from clause 8 as it was intended to prescribe these by regulation. This amendment confers a specific power on the Administrator to make regulations for that purpose.

Amendment agreed to.

Mr STEELE: I move amendment 144.21.

This allows for the payment to inspectors of special allowances and reimbursement of out-of-pocket expenses. This amendment is necessary since not all inspectors are employees; that is, persons to whom the conditions of employment of the Public Service Act apply.

Amendment agreed to.

Clause 19, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

NORTHERN TERRITORY DISASTERS BILL
(Serial 367)

Continued from 14 November 1979.

Mr DOOLAN (Victoria River): The opposition supports this bill. Any person who experienced the devastation which occurred following Cyclone Tracy in Darwin in 1974 would have to support it. The opposition wholeheartedly agrees that such an act should be brought into legislation in the Northern Territory. It is important to have an organisation already established to cope with any future disasters or states of emergency which may occur.

It is difficult to offer much criticism of this bill. It is necessary for someone to be empowered to declare that a state of disaster exists or is impending in certain emergency situations. The obvious person to take such action would be Her Majesty's representative in the Northern Territory. By amending section 20, the Administrator's powers have been broadened, as the Chief Minister said in his second-reading speech, to cover such emergency situations as a suspected or real introduction of foot and mouth disease.

We agree also that the bill should cover such circumstances as hijacking

or terrorist activities. It is pleasing to note that, to quote the Chief Minister, "under no circumstances is it contemplated that this act would be used to deal with a strike or a lock-out". Again, I must agree it should not be necessary for the Director of Emergency Services to have the function of preparing counter-disaster plans to cope with violent circumstances. Such matters are better left to specially-trained police squads.

Clause 21(1)(a) clarifies what action will be taken once a state of disaster is declared. It provides that it shall be in accordance with approved counter-disaster plans and, to provide for the unexpected, this provision will be extended to give the power of direction to the Territory co-ordinator if there is no relevant plan to cover the circumstances.

Like the Chief Minister, I think that all honourable members hope that the provisions of this legislation will never have to be enforced but it is good to know that, if it ever is required, it should be effective. The opposition supports the bill.

Mr SPEAKER: I am satisfied that the delay of one month provided by Standing Order 153 could result in hardship being caused. Therefore, on the application of the Chief Minister, I declare the bill to be an urgent bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

FIREARMS BILL
(Serial 336)

Continued from 20 November 1979.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in replying to the many contributions to this debate which were of considerable value to me and to the officers who were largely responsible for the production of this piece of legislation, I trust that you will permit me to refer to copious notes because, firstly, words such as "magnum" convey to me an impression of a frothy green bottle going pop. I am very much in need of notes in this particular piece of legislation. In any event, I think there is recent precedent for the use of copious notes in the House.

I do thank all honourable members for the suggestions that they made and I hope that this piece of legislation will go a long way towards satisfying the requirements of the fraternity who are particularly interested in fire-arms. It is something that has never really gripped me but it is a sport and, indeed, a necessity for some people. It does seem to arouse fairly intense feelings in the breasts of many of the shooting fraternity.

Some members have expressed concern regarding the classification of firearms, particularly class B. A class B firearm is what it states that it is - "A firearm of other than class C or D" - and it therefore includes a firearm of class A. It does not include a pistol or a firearm that falls within the definition of class D. The class D firearm is one which is designed basically as an anti-personnel weapon. In effect, sporting firearms of all types will fall within the class B classification.

The honourable member for Victoria River and the Manager of Government Business raised the point that a rim-fire rifle would include a firearm

other than a .22 standard. I think that any definition that attempts to categorise in a general form is subject to anomalies. However, I believe this is better than the other alternative of categorising every type of firearm in existence into a particular class.

The honourable the Leader of the Opposition, whilst supporting the bill in general terms, raised a couple of points. I think that the Manager of Government Business fairly adequately answered the points raised and certainly did so better than I could.

The honourable member for Tiwi foreshadowed some amendments which have been circulated and which I shall be proposing in committee.

The honourable member for Alice Springs has circulated a proposed amendment and the member for Nightcliff also raised the point that membership of a pistol club would be sufficient reason for the purpose of obtaining a pistol licence. The point is accepted and the government will be supporting the amendment. The applicant for a pistol licence will have to satisfy the commissioner on the other requirements in clause 52; for example, that he is a fit and proper person to possess a firearm. Membership of a club, for the purpose of paragraph (d) of clause 52, will be sufficient reason to possess, carry and discharge a firearm.

The honourable member for MacDonnell expressed concern that there appeared to be no restriction on an infant registering a firearm. Although the bill does not contain a specific clause precluding this, by clause 15, the commissioner is not to grant a certificate of registration unless he is satisfied an applicant is the holder of a licence. By clause 54, a shooter's licence may only be granted to a person over the age of 16 years in relation to a class A firearm and, in relation to class B, C and D, to a person over the age of 18 years.

Some members expressed doubt about certain parts of clause 6 dealing with the application of the act. The clause has been reconsidered and has been substantially redrafted. The honourable member for Nightcliff raised the point that, as clause 6 stands, ramset guns cannot be used in a restricted area. Certainly, it was not the intention to place such an unnecessary restriction on their use and reference to part VI is to be deleted from the offending subclause.

The honourable member for Nightcliff also raised the point that there was no right of appeal from a decision of the commissioner in relation to a refusal to grant a permit to purchase. This point has been accepted and will be rectified in committee.

Honourable members have generally supported the bill and I trust that it will realise, generally speaking, the ambitions of all people in the community who are concerned with the use of firearms.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 149.1.

This will amend the definition of "firearm class A" by deleting "automatic" and substituting the word "self-loading". It is a drafting amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.3.

This will amend the definition of "firearm class D" to substitute "self-loading" again.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.4.

This inserts a new definition of "machine gun".

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.5.

This amends the definition of "registrar".

Amendment agreed to.

Mrs LAWRIE: I appreciate the amendments which have been brought forward by the Chief Minister. There was one point I raised in connection with clause 5 to which he has not replied to. I did ask if there could be inserted under the definition of "firearm" a paragraph (c): "any percussion or flintlock or similar firearm". This is to do with black-powder, muzzle-loading firearms. I ask the Chief Minister if it was considered and discarded or if it has not been considered but may be considered at some future date.

Mr EVERINGHAM: Mr Chairman, I am prepared to further consider that matter. I certainly overlooked it myself. I move that further consideration of clause 5 be postponed.

Motion agreed to.

Clause 6 negatived.

New clause 6:

Mr EVERINGHAM: I move amendment 149.6.

This limits the application of the act and provides that part IV does not apply to a firearm that is in an approved museum, antique firearm or a pistol designed for lifesaving. The amendment also deletes reference to a spear-gun.

New clause 6 agreed to.

Clause 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 149.7.

This omits subclause (1) which deletes the provision for appointing persons to be registrars.

Amendment agreed to.

Clause 8, as amended, agreed to.

Progress reported.

ELECTORAL BILL
(Serial 392)

Bill presented, by leave, and read a first time.

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

The purpose of this bill is to carry out the intention of this parliament. In passing the Electoral Act only last week, we believed that we had properly enfranchised all Aboriginal people on a compulsory basis. In fact, by an oversight, we have compelled them to enrol but not compelled them to vote. The purpose of this very short amendment is to rectify that omission. I commend the bill to honourable members.

Mr ISAACS (Opposition Leader): I do not know that there is any need to move an adjournment. The Chief Minister has spoken to me about it. There is no doubt that clause 3 of this bill will overcome the difficulty. It was certainly the will of the parliament to enfranchise Aboriginal people who previously were not compelled to enrol. The opposition supports this legislation.

SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that so much of Standing Orders be suspended as would preclude the passage of this bill through all stages at this sittings.

Motion agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

Mr DONDAS (Community Development): I move that the Assembly do now adjourn.

I would like to provide information to the honourable member for Fannie Bay who asked me a question last week in relation to the overcrowding in Berrimah Gaol. The answer to the question is yes. The use of the hobby rooms for accommodation purposes is the result of overcrowding. Two medium-security blocks are accommodating 4 or 5 prisoners in excess of their capacity. These excess prisoners are accommodated in the hobby rooms of G and H blocks within the medium-security section. Urgent action is being taken to build the additional medium-security block for a further 20 prisoners as approved by my government. Hopefully, that particular problem will resolve itself in the near future.

Another question asked today by the honourable member for Fannie Bay related to the Marriage Guidance Council. The question was whether it had been forced to close offices in Alice Springs and Gove due to lack of funds. It is correct that the Marriage Guidance Council has closed its counselling service in Alice Springs and is about to close in Gove. The reason for the closure in Alice Springs is that the council has not been able to attract a suitably-qualified and experienced person to fill the part-time position for which funding is available. The counselling service in Gove will be closing shortly for similar reasons. A minister of religion has been acting as counsellor and is about to be transferred. It is not known if his replacement will be qualified to continue these duties. This position is not salaried although an honorarium is paid through an annual donation of $500 from Nabalco. The principal reason for the closure in Alice Springs and Gove relates more directly to a lack of qualified staff to fill the part-time positions than to a lack of funds.

The marriage guidance councils throughout Australia are funded by the federal Attorney-General's Department and the Marriage Guidance Council of the Northern Territory has placed submissions before my department for grant-in-aid funding for this financial year. The council has asked for $17,000 to employ an extra counsellor in Darwin but not in Alice Springs or Gove. The Attorney-General's Department in Canberra was contacted when this submission was under review and my department received the advice that there would be some increase in funds this year for the Marriage Guidance Council in the Territory. As it is not the policy of this government to duplicate funding, it has decided not to fund the council this year.

Mrs LAWRIE (Nightcliff): Mr Speaker, last week in the adjournment, I gave my support to the Northern Territory government in their initiative to send a health team to help the people of East Timor. Since that statement, many people in Darwin have expressed a very keen concern and the minister is aware that I am most anxious for some determination to be made as to whether or not this health team will be allowed into East Timor. I am not so anxious that I would wish to push it to the point where the reply was likely to be unfavourable. I draw to the attention of the Assembly the fact that I am constantly approached in the street by the citizens of Darwin who share the concern of the members of this House and who want their concern to be made known to the federal government and, depending on what is considered the most reasonable way of achieving this aim, to the Indonesian authorities.

It is also fair to say that there would be wide support for the government of the Northern Territory sending not only the health workers but, more particularly, persons skilled in the growing of crops which would be of use to the people of East Timor. We all know that those poor people are facing starvation. The simple donation of food and medical supplies is only a stopgap measure. It is even more relevant to ask the government of the Northern Territory to use its good offices to send agronomists to East Timor to assist in rice planting programs so that the people will be able to produce their own food. Strains of rice were developed at Humpty Doo which produced high yields in both the wet and dry seasons. Considerable research was done by Mr Butch Langfield whose passing was mourned by members of this Assembly. The expertise which pioneered this particular research program is still available in the Territory to enable agronomists to provide a very worthwhile input to the people of East Timor by assisting them to assist themselves.

I ask the Northern Territory government to make a similar approach to ensure that, if possible, our expertise in this field is utilised to benefit those people and that, along with the health team, agronomists and allied workers are allowed into East Timor. That will provide the long-term solution

whilst the immediate provision of medical supplies and food is only a stopgap measure.

Mr HARRIS (Port Darwin): Mr Speaker, I would like to raise a couple of points in the adjournment today. The first has been of concern to me for some time. When the Commonwealth railways closed down, the Salonika railway yards were used for the storage of railway rolling stock and railway equipment. Rubbish littered the Stuart Highway for some distance down to the old Salonika Crossing. I think all members will remember the large Christmas card there.

I felt that we were having a win in this area by having it cleared. Unfortunately, it appears now that the Northern Territory Electricity Commission, which has taken over that particular area, is now using those old railway yards for storage of things such as power poles, cable reels and old transformers. These items are beautifully stacked but it does not matter how they are stacked because they will always be an eyesore. I believe that there are other areas where such materials and equipment could be stored away from the view of the public. It always amazes me that we tend to clutter the entrance to our city with such unsightly materials in full view of the public.

I urge the Minister for Mines and Energy, and any other minister whose department has material and machinery which they wish to store, to give consideration to the effects on the community itself. We are trying to create a city which will encourage tourists. We should tidy up these unsightly areas. We should be looking to beautifying the entrance to make it something that we can be proud of. I raise this today because, if we let these things get out of hand, we will find that there will be power poles all over the Salonika railway yard. I must congratulate them on their entrance in Illiffe Street which really looks beautiful. However, I am afraid that the area which fronts on the Stuart Highway is a mess.

The second point I would like to touch upon relates to the opening of the mall last week. As the member for Port Darwin, I would like to take this opportunity to congratulate the city council and all the people who have been involved in the construction of this wonderful development. The idea of the mall was mooted many years ago. Since that time, there has been a great deal of debate on whether or not the mall should have gone ahead and whether or not the mall itself will be successful. I believe that it is the best mall development in Australia. I also believe that many other developers in the city would not have continued their developments unless the mall had been proceeded with. If this had been the case, Smith Street would have been a sad and sorry place for many years to come. The council showed confidence and I believe that this was the key to rejuvenating interest by developers in the central business district.

There is no argument that pedestrians use the mall. All those pedestrians are potential customers. Some of these people already realised the necessity to alter their marketing methods in order to have these people come into their shops. I also take this opportunity to wish all those traders in the central business district the best of luck for the future. There are problems with car parking and these are being seriously considered. I do not believe that we can wait until we have solved that particular problem because, if we do, we will not progress at all. We are looking seriously at the problem of car parking and the government and the council will come forward with recommendations that I hope will be accepted by all the community and the owners and developers of the properties.

One thing that I feel is still required in that particular area, as the

Chief Minister mentioned when he spoke at the opening of the mall, is the history of Smith Street itself. We should promote this history and share it with other people by photographic displays and documentation of the buildings and the people who have been involved in that history. I ask the council to finish off this wonderful development, which is also being funded by the Northern Territory government, by trying to obtain material detailing the history of Smith Street to display in the mall. There is plenty of opportunity to obtain this material because, over the past year, there has been a great deal of interest in the history of the Northern Territory.

I would like to take this opportunity also to congratulate the Lord Mayor, the Aldermen of the Corporation of the City of Darwin and the citizens of Darwin for obtaining royal recognition. This is something that Darwin should truly be proud of.

Mr COLLINS (Arnhem): Mr Deputy Speaker, I feel that we have probably set some sort of record here this afternoon by passing a bill through all stages in 2 minutes.

The remarks I want to make in the adjournment this afternoon are directed, once again, to the honourable Minister for Mines and Energy better known as "Tux of the Yukon". I trust that, while the honourable minister is overseas looking at uranium developments, he will give some thought and consideration to some of the problems of uranium mining in the Northern Territory.

During the development of the Nabarlek deposit, I made a number of visits to Nabarlek. Some of the things I saw at Nabarlek concerned me greatly, particularly the attitude of the workers to the problem of radiation safety on the site and the way in which very basic safety procedures were being ignored. I wrote to the Miscellaneous Workers Union, as an ordinary member of that union, expressing concern and suggesting that, rather than raising the question myself as a non-expert, they should employ a consultant to go to the uranium province to gauge the situation. They subsequently employed a health scientist, Noel W. Arnold, from the Western Region Health Centre in Victoria. He went to the Nabarlek site and I was very interested to read in his report, which is now available, precisely the same misgivings that I observed.

During a particular visit to the mine - and I must say that I was treated with great courtesy by the mine management and given the utmost cooperation while I was there - I was present through a 24-hour shift of the mine's operations. I spent some time at the area where the men showered - an extremely important safety procedure - after they had knocked off from work. The shower facilities at the mine were divided into 2 sections: a clean side and a dirty side. Workers came in one side, removed their protective clothing, showered and went to the clean side to put on their ordinary clothes. In the middle of the doorway on the clean side of the section was a monitoring machine which workers were obligated to use before leaving. After the men left the clean side, they went to the mess to eat. I was highly disturbed to see that at least 90% of the workers completely ignored this procedure. They did not use the machine at all and there was absolutely no supervision by the company to ensure that they did.

I spoke to the Thiess shift foreman about this matter. His reaction was extremely interesting. He invited me to use the machine. It was much like a pinball machine to look at: a rather modern, attractive-looking piece of equipment with 2 apertures for putting your hands into and triggers at the end which set the machine off. When I did this, a yellow light came on which said "testing", 2 meters on the front of the machine which registered gamma and beta radiation moved slightly up the scale and, after 5 seconds, a

green light came on saying "Safe" and a very pleasant chime sounded. After this performance, the shift foreman laughed and said to me: "That is nothing, just watch what I can do to it". He shoved his hands into the machine whereupon both gauges registering radiation went off the scale, a flashing red light came on saying "Dirty. Wash Again" and bells went off everywhere. His response to that was: "See that? I can do that any time". He then walked out the door and said: "Are you coming over to the mess for a cup of coffee?" I said: "No, thank you". I then asked him: "Are there any workers here who are concerned about the dangers of radiation?" He said: "Oh yeah, there are a couple of long-haired something or others here who are concerned about radiation".

There was this incredible air of bravado about ignoring these basic safety procedures. I then tried to discuss the matter with him and suggested that these safety procedures were put there for a very good reason. He said: "Listen mate, as far as we are concerned, this is just another bloody hole". These people were not miners; they were earth movers. Generally, the men on the site totally ignored the safety procedures and there was absolutely no supervision to ensure that the procedures were followed.

I was interested indeed to see these very points brought out in the report and I would like to quote from it. First of all, I want to make it clear that the report states on page 5: "It is very unlikely that any employee has received radiation doses in excess of those laid down in the code of practice". I want to make it clear that this is not what I am on about. I am not suggesting that workers have received overdoses. I am suggesting that there are serious problems and, in particular, a serious problem concerning the operations of the Department of Mines and Energy which are outlined in this report and deserve urgent attention.

"The radiation segment of the induction course was not highly regarded by most employees". I will not quote all of this. This was another factor that I also noticed. There were many people of various nationalities working on the site who could speak little English. I spoke to a great many of them. "Little was known about the ethnic composition of those on site. All instructions were given in English and no notices on the site were in languages other than English". That is absolutely correct.

Another comment is very disturbing: "The radiation safety officer was not well known amongst the plant operatives". That is a fact which I found out myself. This is quite distinct, I might add, from some of the comments he made about Ranger where the radiation safety officer was well known to people on the site.

Mr Everingham: Can we get copies of that?

Mr COLLINS: You certainly can. The honourable Minister for Mines and Energy already has one and the person who compiled this report would like to know when he is going to reply to the letter that he wrote about it.

Further on in page 9, there is part of the letter that he wrote:

It is recommended that the radiation segments of induction courses take into account the educational level and ethnic background of workers involved and that radiation booklets and leaflets be published in the mother language of the people on the site. It is recommended that notices be in the language of those people working on the site.

It is recommended that sufficient staff be employed to ensure a

strict supervision of washing prior to eating and drinking and showering and changing of clothes prior to leaving a radiation area.

I can assure the honourable Minister for Mines and Energy that, from the 3 visits that I made to Nabarlek, I was horrified by the disregard for the most basic safety procedures. Up on the wall of the shower room was a whole row of respirators which were supposedly being worn by people on the site. They were brand new. I said to the shift foreman, "Those things look as though they have never been used". He laughed and said that they had not been used. He said, "Do you think any of us are going to wear those things 12 hours a day on a shift? It is too hot". None of them were being used. There was no supervision on the part of the company to ensure that they were used. I have no doubt at all from the experience in the United States that the people who so blatantly and carelessly disregarded those safety procedures will sincerely regret that disregard in 10 to 15 years' time.

"The general impression gained was the induction courses were not regarded by employees as being particularly useful. Most of the adjectives used to describe the courses were unprintable. Several workers said that they had been told that further instructions would be given on site and, apart from information about the wearing of the TLD badges, no further instructions were given. Only signs written in English were observed during the period of this investigation". Certain institutions and people were asked about the ethnic composition of the workforce at Nabarlek and, without going into detail, the results were that nobody knew. It talks about the poor practical experience of the radiation safety officers. They were, in fact, graduates but most of them young graduates with no working experience of a mine whatsoever. Communication between the radiation staff and the site workers was inadequate. "It is thought that the ratio of 1 health physicist to 4 field staff in an isolated situation such as Nabarlek is too low". This is all fairly academic as far as Nabarlek is concerned because the mining is completed.

The Northern Territory Department of Mines and Energy had a team of monitors on the site, a vital force of people. Their job was to take exactly the same tests as those taken by Queensland Mines so that the results could be compared to keep an official government check on the mining company to ensure that the regulations were being complied with:

In order to facilitate cross-laboratory checking of results, letters were written to Mr Ian Tuxworth, Northern Territory Minister for Health and Mines and Energy, and Doctor K. Lucan of the Australian Radiation Laboratory asking the results of monitoring undertaken by these bodies at Nabarlek be released for comparison purposes. It is understood that the supervising scientist has initiated a similar program of cross-laboratory checking and the results will be available soon. As of 24/10/79, no results had been received from the Northern Territory Department of Mines and Energy. It is understood that the staff of this department undertake infrequent radon daughter measurements using an instant working level meter IWLM. It is further understood that the operating procedure adopted is that recommended by the manufacturers. This has been shown by Queensland Mines staff and the Australian Atomic Energy Commission to yield inaccurate results at levels below 0.01 working levels. It is unlikely that the Mines and Energy data can be used for cross-checking.

That is a most serious deficiency on the part of the Mines Branch that we were assured was to be the watchdog on the Queensland Mines operators. I say again that this is all rather academic. The mining has finished and the men have all gone. According to this health physicist, a consultant for the union, all of the results taken specifically for the purpose of comparison by

the Department of Mines and Energy are useless for that purpose. I trust that the operation at Ranger will be tightened as the consultant goes into some detail to suggest that it should be.

I will just fill out the time that is left to me by quoting further from this extremely comprehensive, detailed and well-researched report. TLDs are monitoring devices to determine the level of radiation absorbed by a person's body:

> *The author was told that workers were on site for several days and sometimes weeks before being issued with a TLD. During the period of this inspection, one group of workers, whilst not working in an area of excessively high gamma radiation, had not been issued with TLDs for a period of up to a week or more after arriving on site. TLDs were issued to this group before the author left Nabarlek.*
>
> *The radiation officer experienced difficulty in keeping tabs on all those workers on site. In addition, not all the radiation badges were returned on time and, on occasion, badges were not collected. More supervision by a member of the radiation office staff would have helped overcome these problems.*
>
> *Few, if any, of the employees at Nabarlek had been subject to radiation hazards during previous employment. It was suggested that this helped to contribute towards the non-compliance with safety measures. A hazard that cannot be seen, felt, tasted or smelled is difficult to appreciate. It is in situations such as this that education of the workforce is particularly important.*
>
> *Washing prior to eating and drinking. The code of practice states that employees shall wash ... Crib rooms on the dirty side were provided with washing facilities. It was possible, however, to enter the crib rooms by an entrance not protected with wash basins. No supervision was evident. Both clean-side and dirty-side locker facilities sandwiched the shower block situated at the entrance of the radiation area. The clean side lockers were protected ... It was possible to enter the dirty area without passing through the shower block.*

In fact, the majority of workers I observed did precisely that. After they had done their 12 hours down in the hole, all they were interested in was being fed. No supervision was evident.

> *Queensland Mines staff take measurements in the pit, at most, 6 times during the night. Calculation of radon daughter exposure, based on these sporadic measurements, could lead to serious inaccuracies. In the light of this, it is recommended that much more frequent measurements be undertaken when Ranger and other sites begin to mine ore.*

Mr Deputy Speaker, the author of this report goes on to produce the evidence on which these statements are based: photocopies of the actual radiation levels taken at the mine. An entire section of the report deals with Ranger which is not, thank goodness, in an advanced stage of mining. What I would point out to the honourable Minister for Mines and Energy is that the author of this report is most anxious to receive the comments of the honourable Minister for Mines and Energy on the very serious problems that he touched on in this report. He is particularly concerned because, with every passing day, the mining development at Ranger continues. He mentions the same kind of misgivings about workers not paying any attention to safety procedures at Ranger also. He says: "It is important that this low-key awareness does not develop into carelessness among operators and other staff when mining of the

ore body begins". He is talking about Ranger.

I have mentioned his serious misgivings with the monitoring that was done by the Department of Mines and Energy which he considers to be useless for comparison. Talking about Ranger: "The radiation safety officer gained his experience in radiation control whilst serving in the Danish Army. The radiation technician worked for 12 years at the AAC establishment at Lucas Heights. Neither of these officers have had much experience in a mining environment".

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

Mrs PADGHAM-PURICH (Tiwi): This afternoon, I would like to speak on a matter which has been the subject of many questions to the honourable Minister for Transport and Works. It is a subject which is very important in the Tiwi electorate just outside Darwin. Very seldom would a day go by without somebody contacting me about this subject: the condition of the roads in the rural area.

I would like to suggest that, before the next Australia-wide reliability trial is held, invitations to compete be sent to long-time residents of the Darwin rural area. These people would have all the expertise and experience necessary to take part in any such reliability trial. They live and breathe road trials every time they take to the highways and the byways out our way. However, it is mainly the byways that give them the experience. These are gazetted roads. In any trial designed to test motorists and vehicles, many things are considered. How does the car perform under ordinary conditions? That depends whether the "ordinary conditions" are down the Stuart or Arnhem Highways or on one of our gravel roads. How does the car perform under stress? You have only to drive down some of those roads out our way and you will certainly experience some stress. You might not have a sump left on the car or you might have few leaves of the springs left unbroken.

Does the driver know his car intimately and get the best out of it? To get the best out of a car depends on many things. It depends on the make of car and where you live. If you live in the Elizabeth River subdivision, you might not have had 1 car but 2 cars this year. Can the driver judge the time of travel accurately from point A to point B? Point A is usually his home and point B would be the point where he works. Sometimes you can judge it accurately but, when the wet starts and the bulldust turns to sort of soup, things become pretty difficult. Is the driver competent to drive adequately and correctly while, at the same time, making navigational assessments? This would not apply to the people who live near the roads in question but it applies to people who visit people in the area and who do not know the roads intimately. Until I knew the roads intimately out there, I was caught on a few occasions.

All of these questions and many more are put and answered by people each day they drive in the rural area. The people who live in the rural area live there by choice. They have to use these roads to get where they want to go. It was drawn to my attention that there will be a road trial or something like that at the weekend in the rural area. My secretary has told me today that the phone has been ringing hot with people objecting to this trial. The exact route was not specified in case the people took the law into their own hands. This is something that the people out there do not want. They have stressed their annoyance and their absolute hostility to this in the past and I think they will do it again. The roads are bad enough for them to drive on when they have to but, for somebody to muck up for a bit of sport on a Sunday or a Saturday afternoon, is beyond sensible comprehension.

If you want a reliability trial, you simply have to drive around that area and you will meet all the hazards. First of all, there are corrugations everywhere. Corrugations are on the McMinns Bore Road which, in its so-called enlightenment, the Place Names Committee named Girraween Road. They never told anybody why. There is a swamp there called Girraween but there are also bores. No doubt, they have to justify their existence. These corrugations are also along Old Bore Road and Langton Road. However, the corrugations par excellence are on Gunn Point Road. Not only do you have corrugations but also potholes and bulldust. If anybody has ever driven on Gunn Point Road, he will know exactly what I mean.

If you just want corrugations, dangerous corners and bulldust, I would suggest you drive down the road past Johnston's concrete works. You will strike the added hazard there of turning a right-angle bend and perhaps coming in direct contact with a loaded sand or gravel truck. I have nearly had that experience a few times and so I keep very well over to the left. It is a bit slow going because the sides have been built up; it is graded one day and just as bad the next.

The fourth hazard is where the Howard Springs Road meets the Stuart Highway. You have the speed stops not more than 100 yards from the highway. If you are coming down Howard Springs Road onto the Stuart Highway, there is a sign which says you can travel at 60 to 80 kilometres an hour. Before you have time to put your foot down, you have to stop for the Highway. If that is not a hazard, I would like to know what is.

A road on which to experience a few more hazards and which would give the reliability trial drive a bit more practice is the road to the Elizabeth River subdivision. This road has corrugations, angles, gradients and bloody great boulders down what could only be called a "jump-up". I do not know what they call it. You could not possibly do any more than 5 kilometres an hour down that road.

If you want water hazards, you go to the McMinns area in the wet. You can go down Old Bore Road but you have to be very careful. You have to be very careful going down to McMinns Bore Road because, if you divert a little bit or if you meet one of these inevitable sand trucks on the causeway where there is swamp either side, you will end up swimming instead of driving. After a few showers, Pioneer Drive has quite a few water hazards. It is a bit like the curate's egg; it is good in parts, but very small parts. When it rains, there are blackish swampy areas here and there. They are so spaced as to make the road almost impassable.

There is also the hazard of wandering stock. This is not such a hazard as it used to be because of the price of cattle these days. You do see the odd horse on the roads. The next hazard would be perhaps on the causeway on Whitewood Road. Again, you have a swamp on either side. To make things a little harder, there is a slight subsidence if you are travelling to the school. This makes you perhaps wonder whether you are going to tip into the swamp on Yates' side or whether you veer to the Thiele's side and go over the white line in the middle.

The sand trucks on the road certainly do not help. The Transport and Works people are very good. They do the best they can with the money they have available but the speed at which these loaded sand and gravel trucks travel on the road certainly does not help. These are seen on the Howard Springs Road, McMinns Bore Road, Stow Road, Johnson Road and Secrett Road.

A further hazard is that the watering point for watering down loads of sand and gravel has been relocated at Howard Springs Road. Before they come

out on the Stuart Highway, they stop there. When turning onto Howard Springs Road from the Stuart Highway, you certainly have to use fine judgment because, when trucks pull off to take advantage of this watering point, they usually have their right wheels on the road. It is not unusual for them to be there at busy times of the day when people are coming home or going to work. Somebody may be trying to pass them on their side of the road while somebody else is trying to pass down the other side of the road. It comes down to a hair's breadth decision of whether you stay on the bitumen or whether you go off because there is a big difference between the shoulders of the road and the bitumen surface.

A final hazard is the experience of cornering in the rural area. An excellent practice spot for cornering in bulldust is at Janides corner at the 19-mile or before you reach Johnson's corner in Berrimah.

I have shown that travel in the rural area is certainly an experience. I would like to mention that there are 2 good roads in the rural area: the Arnhem Highway and the Stuart Highway. It makes me rather cynical. These highways are used 50% of the time by people who do not live in the area. I could possibly say the same for Wallaby Holtze Road; it is used by people who are not permanent inhabitants of the area.

I will conclude my remarks on roads in the rural area by commenting on the safety aspect of the white line painted down the roads. In one Gazette recently, I saw that there was a further contract let for painting white lines on the roads. I cannot overstress the necessity for this safety feature, especially as the wet is coming on. In downpours, not only the white line in the middle of the road but also the white line by the side of the road between the edge of the bitumen and the gravel shoulder is important. I have just stated my views once more on the condition of roads in the rural area.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I felt sorry for the honourable member for Tiwi. She is really having a tough time; I did not know that these conditions existed so close to Darwin.

I would like to apologise to the Assembly and also the Chief Minister for being so vague about self-sufficiency last week as to lead the Assembly to think I meant total self-sufficiency. I generally do not talk about things other than primary products and that is what I really was talking about that time.

A pensioner called into my office last Saturday in Katherine and he said that, on $51.45, he could not exist up here. Many pensioners have left the Northern Territory because of the cost of living which is exaggerated by the cost of many of the basic items such as meat, vegetables and eggs. The freight on all our stock foods is at least $100 a tonne and that has to be added on before it can be taken off. It makes eggs, pork and all these other things dearer. I do feel that there is a great need for self-sufficiency in agriculture and in horticulture. We are growing first-class vegetables but nowhere near enough. We will not grow enough until the cost of fertiliser comes down. If the cost of fertiliser falls, it does not mean that the cost of vegetables will fall. It will mean that they will be more plentiful and of better quality. Horticulturalists must be protected against gluts. There must be some kind of marketing and some kinds of incentives.

I remember being at Ron Hersey's farm several years ago with the Chief Minister, the Minister for Transport and Works and Mr Martyn Finger, the Director-General. After we looked at the farm, we were going back to our cars. I remarked on the amount of equipment that Mr Hersey had. He said that

he had a lot more in the shed. I asked him quietly what his equipment was worth and he said that it was worth about $300,000. That is a great deal of money to put into a small piece of land. He said:"There is nothing special about the land, just the way I have farmed it". People knowing Ron Hersey as such a quiet, modest bloke will realise that he is a professional and an expert.

We could be self-sufficient in other things. As I said the other day, our salt comes from Rockhampton even though we have salt-pans galore up here. With our high evaporation rate, it would be no trouble at all to become self-sufficient in salt.

People say you cannot have dairy cattle up here. In Grafton in New South Wales, they are crossing Brahman cattle with Jerseys and Friesians. I think we should be looking to these cattle to make milk production here. If you can cart milk from Malanda or reconstitute it here in Darwin, there must be a huge freight component which could offset the higher costs of growing feed for the cattle and the higher costs in stripping the milk. It is something that must be examined.

Everybody knows that fertiliser doubles in price as you bring it from Brisbane or Townsville to here. There is $100 a tonne which could go to helping overcome the higher costs of production in agriculture and horticulture. It seems quite sensible to me that we should become self-sufficient in fertiliser. We are not so very far from Christmas Island. With a boatload of phosphate dust plus the sulphuric acid that is available here now, we could establish a plant to provide employment and lower the cost of fertiliser.

According to the honourable member for Stuart, Alice Springs produces the best beef in Australia. However, it goes south. Tancred's sell beef here from Beaudesert. This particular firm's products come from the Cape River export works in Queensland. It sells prime export cryovac rump at $3.49 a kilo. Angliss, that well-known Territory firm, always supports the Territory. They obtain their beef from Rockhampton; you would not expect them to get it from up here. There must be some way that we can become self-sufficient in beef. Why should we send Centralian beef a thousand miles south to Adelaide en route to the United States when we could send it a thousand miles north to Darwin and treat the people up here to the kind of delicious steak the honourable member for Stuart says that they eat down there?

These things must be examined. If $1 in every $560 or $1m out of the $560m in the Northern Territory budget was spent on agricultural and horticultural development, the housewives would get better products and probably cheaper products. At least, we could contain the price which is going up all the time. Also, we would create employment. That is the self-sufficiency I am talking about and I apologise to the House for leading it astray.

Events in the island to our north worry me greatly and they have for many years. I know they have worried the Chief Minister. I have heard him, as a backbencher, explode about the events in Timor. Like other people, I don't know anything about South-east Asia or Indonesia or Timor or Irian Jaya. I know nothing except what I read in the newspaper. I think that this government should know a lot more than it does. Dili is 400 miles from here and that is nearly as close as my station on the other side of Katherine. Nhulunbuy is 200 miles from Merauke in Irian Jaya and that means that West New Guinea is closer to the tip of the Northern Territory than Katherine is to Darwin. People jump in their car and drive to Katherine with no worry at all. We are their neighbours; we must worry. We must find out what is happening, not Canberra. We are the people in the hot seat or the box seat or whatever you would like to call it. It is our particular problem. It is

Australia's too! The boat people come here and these people can come here too.

The honourable member for Nightcliff was talking about sending agronomists over there to grow rice and other crops. We could probably be doing it here better or as well. Surely, when we have an Indonesian consul in the town, it is the job of this parliament to find out from him whatever he knows of events in Timor or Irian Jaya. Surely it is the duty of this government to find out from Jakarta itself exactly what is happening and to make these representations where it counts. I do not think muttering in our beards here will make an impact on President Suharto. We cannot even make an impact on Canberra. We should do something about this. I feel very strongly that we are living in a fool's world; we are completely blindfolded.

Some years ago, a friend of mine, Sid Hawks - who is still in Darwin - said that he took 3 of the journalists over to Dili and one of them was Brian Peters. As soon as these journalists left his boat, they went to a Portuguese army store and they decked themselves out in Portuguese Army uniforms down to the boots. The only distinguishing marks which they had on them was Australia written across their arm by a ballpoint pen. Hawks said to these people: "Don't be mad! You are fools. Wear a white shirt like me". He and a friend of his, Mr George Jong, a Chinese man who is presently employed with the Department of Health in Darwin, drove around East Timor for 7 days and only got one bullet hole in their car. However, we know that the journalists went missing. On his return, Mr Hawks was interviewed by Sergeant Tiernan of the Special Branch. He was taken to Government House where he related his experiences to the then Administrator, Mr Jock Nelson, over a cup of tea. There is no reason to suppose that this information was not then relayed to the then Prime Minister, Mr Whitlam.

Mr Hawks and Mr Jong are in Darwin and are available for comment. As a matter of fact, I rang the journalist who was in charge of the Australian Associated Press at the time, Mr Chris Lee, and advised him of this incident. He said that it was too late, the matter was closed and it was of no importance now. One of the festering sores is that Australians do not know the fate of those 5 journalists. This is a pretty good indication that 3 of them may have been killed in battle, one way or another, because they were wearing Portuguese Army uniforms. Just to put the record straight, I would like this investigated to determine whether they were brutally murdered, as some say, or whether they were killed by accident because they wore the enemy's clothes as far as the Indonesians were concerned.

Mr VALE (Stuart): I would like to raise an issue which was first raised several weeks ago by the honourable Leader of the Opposition concerning his call for the Northern Territory government to buy into the Mereenie oil field. Included in his call was a comment that, for about $8m, the Northern Territory government could acquire a 25% interest in the Mereenie field. On current values, the in-ground reserves of natural gas and crude oil are well in excess of $2,500m. Anyone who had that in-ground value would be very unwise and unwilling to sell for the price that the Leader of the Opposition mentioned. I think I should spell out something that I said before and which I still firmly believe: government funds should not be expended in the high-risk area of natural gas and crude oil exploration and development.

It is unfortunate that most people in the Northern Territory are only familiar with the word "Mereenie" which relates to the natural gas and crude oil field or the words "Palm Valley", the natural gas field situated just outside Hermannsburg. The names that are not well known to many Territorians include Ooraminna, Alice, Orange, Waterhouse, Walker Creek, Johnny Creek, Gosse Bluff and Tyler. A number of wells were drilled in all of those areas.

They were all dry holes and each cost millions of dollars in high-risk capital in the search for either natural gas or crude oil.

It has always been my belief, and will remain so unless someone can change my mind with well-documented arguments, that public funds should not be invested as high-risk capital for oil and natural gas exploration. The governments of the day - and I refer to federal, state and territory governments - have complete and utter control over both types of resources through exploration permits, production permits, pipeline licensing authorities, export controls and, as the Opposition Leader inferred, the power to place royalty levies on the fields and to review and upgrade taxation levels. It is my belief that, if the governments of the day do not go into primary or secondary industries, why should they go into high-risk oil and gas exploration and development? I think that the future potential of the Northern Territory, given a good run of discoveries, is immense. The number of wells drilled in Central Australia, whilst not declared commercial, had minor shows of either oil or natural gas. I know that certain companies propose to eventually go back to those areas and drill some more.

It is my belief that the much-discussed energy crisis in Australia is government created, at least in the short term. I am heartened by the recent discovery of oil in Queensland and the first on-shore discovery of natural gas in Victoria. It was interesting to read in the paper about 2 engineers who formerly worked in Central Australia. One of them, Jim Hodgkinson, was involved in the Queensland discovery and the other fellow, Bill Lawson, was involved in the Victorian discovery. I learnt much from them but, unfortunately, they have taken their experience to other states. Hopefully, they will help avert energy problems in the short and long terms in those areas.

I would like to come back to 2 other proposals. First, I would like to say that the publicised proposal that the Alice Springs and Tennant Creek powerhouses should utilise Mereenie crude oil has my support but only for the short term. I would say that it would be a valuable waste of that natural resource for NTEC to assume that it can tie up the entire Mereenie crude oil supply for ever and a day. Given the lead time of 3 years, a refinery could be built in Alice Springs which could supply all of the major petroleum products for the Alice Springs and Tennant Creek area, and probably even further north, for a minimum of 40 years. Once that refinery is established, the powerhouses in Alice Springs and Tennant Creek should revert to automotive distillate. I noted a press comment in the paper today pertaining to NTEC. This stated that it is considering the possibility of modifying the Mereenie crude oil slightly because of the high petroleum content. I hope that it does not spend too much on that because, in a few years' time, it will not need to keep utilising the Mereenie crude oil in its slightly refined state.

It is my belief that the crude oil ultimately should be used to supply all of the major petroleum products - automotive distillate, motor spirit, aviation fuel, bottled gas etc - for at least the Alice Springs and Tennant Creek areas.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, it is not often that I take up cudgels on behalf of residents of Katherine in the adjournment but this morning I was telephoned by a very distressed young woman and I think that she had cause to be distressed.

Apparently, on 12 November, the honourable Minister for Lands and Housing attended a meeting in Katherine for the Confederation of Industries and Commerce, Katherine Branch. This meeting was reported in some detail in the Katherine Advertiser of the week ending 21 November. The honourable

minister made some attempts to outline what was being done within his department to satisfy the land demand of the residents of Katherine.

Although he apparently gave this in some detail, and it has been reported in some detail in the Katherine Advertiser, the problem is that there does not seem to be any solution near to hand. It seems that the earliest date that land for residential development will be available to the residents of Katherine is the middle of 1980. That date is contingent on a certain number of circumstances occurring before that time. It seems that, in the best of circumstances, there could be 20 residential allotments available by the middle of 1980 provided that the Transport and Works depot in Giles Street is re-sited. Although the minister informed these people that this move was imminent, apparently there has been no discussion yet on the proposed location for this new depot and the residents are quite rightly concerned that, if the whole land supply situation depends upon the depot being re-sited, they are certainly not going to get their 20 meagre lots by mid-1980.

It was put to me that the land supply situation in Katherine was having quite severe effects upon the town. This young woman and her husband are fairly settled residents in Katherine. They have lived there for several years in a caravan. Her husband is a local businessman in the town and they are seriously thinking that, if they cannot find a better abode than a caravan - and they have tried to purchase an allotment on the open market - they will have to leave Katherine. They don't want to do this. The lady's husband has a business and he is also in a position to take on an apprentice next year. Not only would their leaving cause them some personal disturbance but it would also mean a lost opportunity for a young person in the Katherine district to take up an apprenticeship in his chosen trade.

The honourable minister, as I mentioned, was at some pains to outline all the possibilities. The problem is that they are only possibilities. There has been no firm decision made as to when land will be made available or even where. If the report from the Katherine Advertiser is correct regarding the removal of the Transport and Works depot, a possible 20 allotments could become available in mid-1980. That is in the best of circumstances. On the other hand, if the relocation cannot be effected, then those 20 allotments will not be available next year.

There is another proposal for a subdivision which would make available, at some unknown future date, 37 residential lots. I gather that the land market in Katherine is so tight that it is virtually impossible to lay hands upon an allotment from any source on the market. According to this report, the honourable minister said that there was a possibility of a further 60 lots for rural living on Crown land. I am sure that, when it eventuates, that would be a very attractive style of living but, again, when will this land become available? All this is extremely disheartening for those people who are trying to make firm plans to live in the town.

I understand that the residents have organised a further meeting to discuss their land needs with the minister and I hope that, at that meeting, the minister will afford the local residents the opportunity to ask questions. I also understand that, of the people who attended the meeting on 12 November, many went away without having had the opportunity to put their case to the minister.

One further thing that was also mentioned by the minister to the members of this confederation was that his government had framed a management policy for the development of flood-prone areas. This brings me to another point which I must raise with the minister. This afternoon, by the merest of chance, I went to the One Stop Shop and I picked up a leaflet entitled "Land,

Floods,Safety and You" which is put out by the Lands and Housing Department. It is a very informative leaflet. It is also a very important leaflet because it outlines the proposed policy for flood-plain management in the Territory centres affected by the various river systems. I cannot stress how important this particular document will be for the framing of future decisions on both planning and land release in some of the affected towns. Imagine how surprised I was to read that submissions are invited and that the closing date for submissions is 15 December 1979. It has occurred to me that, if there was such an important move afoot, and I gather that this policy is to be incorporated in regulations, this matter should have been better publicised. I have not seen anything in the press about it and it was by mere chance that I came into possession of this leaflet.

The front of the leaflet outlines the locations at which copies of the proposed regulations can be obtained. These are regulations which will arise out of this particular management document. Apart from the Government Information Office, these may be obtained at police stations at Adelaide River, Daly River and Borroloola. I asked the member for Victoria River, in whose electorate the settlements of Adelaide River and Daly River are, whether he had any knowledge of this document and whether he knew of anyone who was going to make a submission. The member for Victoria River told me that he did not have any idea that this particular draft management policy was available. I asked the member for Arnhem whether the leaflet was available in any of his communities because it mentions that the Northern Land Council has copies for Arnhem Land communities. He said that he was not aware of this proposed policy.

I understand it is the intention of the government to have public meetings in various towns which may be affected by this policy and that is well and good. However, I have had an opportunity to look at this policy in some detail and I would suggest to the honourable minister that, if he genuinely expects to receive constructive submissions on this, it would require quite a deal of examination. It is not something that one can respond to off the top of one's head. There are, no doubt, people who could but I do not think potential residents who would be affected by this policy would be able to respond to this matter off the top of their heads.

For example, there are statements which would limit the type of development permitted in the flood fringe. The flood fringe in itself is a fairly technical concept which would require some coming to grips with. There are a number of criteria listed here and some of them are quite easy to understant or notionally a lay person could get an idea of what was being aimed at. Then, we come to one which is not easy to cope with at all. It says: "Land fill or other works or other flood-proofing measures should not cause constrictions or flow diversions resulting in an afflux of the flood which defines land liable to flooding greater in aggregate effect than the following limits. Longitudinal gradient of flood-profile overreach affected by works (prior to construction 1 of the works) flatter than 1 in 2000. The range of suggested afflux limit is 50 to 150 millimetres. Between 1 in 2000 and 1 in 200". This is the longitudional gradient in case you are getting lost. "The range of the suggested afflux is 100 to 250 millimetres".

Mr Deputy Speaker, I know what it means but I doubt whether people in Katherine or Daly River or Adelaide River or any of the other towns that will be affected by this policy will have any clue at all as to what this means. If they were interested enough, they would seek to find out. I suggest to the minister that it would take quite a deal of time for a person to find out what this actually means and then to postulate how it would affect him.

I gather that there is to be a meeting in Katherine on 15 December.

Katherine will be affected by this flood-plain management program. That will allow interested residents a mere 10 days to respond to this proposed policy. The minister might not think that this is very important; perhaps I have a greater interest in this matter than he has. There is a great deal of work in this field being conducted in many parts of Australia at the moment and, in the last 2 or 3 years, there has been quite extensive work done in respect of flood-affected settlements in northern and central New South Wales. If the honourable minister is at all interested in this matter and how it would affect residents, he ought at least to afford them the opportunity of making a constructive attempt to come to grips with this flood-plain management policy. Having said that, may I say that I do commend the minister for having printed this draft policy. I think that it is an extremely constructive one indeed and I propose to make some submissions to his department about it. Whilst I commend him, I think that the number of settlements affected are such that he ought to consider allowing an extension of time for submissions.

Mr TUXWORTH (Barkly): Mr Speaker, I would like to make a short response to a couple of matters that the honourable member for Arnhem raised during his very gentle bucket-tipping exercise earlier when he made reference to a document concerning safety and radiation practices.

The first point that I would make is that the Department of Mines and Energy is a monitoring agency. We carry out practices in accordance with rules and procedures and levels of effectiveness that are determined by the supervising scientist. We do not run off at a tangent and do our own thing. Generally, where there is any need for variation in practices, it is done in concert with and with the consent of the supervising scientist so that the sort of things that the honourable member was alluding to, such as the continuity of records, are covered.

The honourable member mentioned that the document came to me and has not been responded to. Having been bitten before by the honourable member and some of the outlandish claims he has made concerning radiation levels in Arnhem Land, I am now pretty cautious when I circulate these things to the supervising scientist, the company concerned or any other interested parties. My understanding is that the matter is still with the supervising scientist. The report will receive a response from me when I receive a response from the supervising scientist, the department and the company. I believe that the company is about to provide information along the lines that the honourable member mentioned confirming radiation levels that are important to a reply and some points made in that particular report. I concede the point that the report generally is a very helpful one. It highlights the need that employees, employers and government must be involved together in radiation safety practices.

Often, I have it rammed down my throat that safety is the government's responsibility. I have worked on a few mines in my time and that is the greatest load of hogwash that I have ever heard. Safety is the employees' responsibility as much as it is anybody else's responsibility. One of the great difficulties is a malaise right across the board towards the issue of safety - safety in using equipment, safety in radiation, safety in just about every field. There is a very poor attitude generally by the employees as well as employers towards total safety practice.

I recently had a deputation from miners who were concerned that the mine management was not conscious of certain safety practices in the mine. We started talking and they said, "Of course, we always know when the mines inspector comes". I said, "How do you know that?" They said, "Because somebody comes round and tells us to put on our hard hats". That is the most

incredible confession of disregard for one's own safety that I have ever come across. About 10 or 12 years ago, a gentleman from Mt Isa Mines took over management of a company in Tennant Creek that had been rather like a sleepy hollow for many years. The same enthusiasm for safety that was adopted at Mt Isa Mines was applied at the mine in Tennant and guys did not know what happened to them. They had to throw their thongs away and wear shoes, put on hard hats and wear long-sleeved shirts when they went underground. The old practice of going underground with your ankles to wrists covered was enforced. When I was underground, they would all go down in this gear and then take it off and walk around in their jocks. The responsibility for safety does not lie with any one agency; it is one that must be fought on a pretty wide front.

The honourable member has mentioned some deficiencies in the management level and also some deficiencies in the employee level whereby guys regarded the mine as just another hole. I go to Gove and I see guys driving these enormous scrapers. The dust is something that I could not put up with but they don't wear any dust protection. I do not understand how a man believes he can work in that sort of environment all day and not be affected by the dust.

Recently, we made a provision in one of the authorisations for mining at Ranger. We insisted upon the men wearing overalls from ankles to wrists. The management said: "That is a pretty unreasonable confinement you have put on us there. The men won't wear them". I said, "If you give them half a chance, they will have them off. They will cut the sleeves off and tear the legs off above the knees. It is your responsibility to make them wear them, just as it is their responsibility to put up with the discomfort that goes with this particular type of work".

Without labouring the point particularly, I am very conscious of the need for education that has to accompany this particular arena of work. It is something that we have to fight on all fronts. It requires the goodwill of management, unions, employees, government, supervising agencies and everybody to make it work. I can assure the honourable member for Arnhem that, where deficiencies are identified on the part of the government or its inspectorial staff, we will certainly take action to have those remedied. I hope that we will receive the same sort of support from the honourable member when the time comes to say to the men: "You fellows have responsibility too and you had better measure up to your side of it".

Mr Collins: I spent a long time doing just that.

Mr TUXWORTH: I take the point. The honourable member is genuinely interested in the issue and it is one that I have always had an interest in, particularly because I was involved in the area for a while myself. I know how people become slack and disinterested in the issue of safety. Radiation is a prime example because it is not immediately obvious. It is the old story: it has never happened until it has happened to you. This particular attitude is highlighted by the men driving the machines who said that it is just another hole. What do managers or inspectors or work mates say to a bloke who has that mentality? In my book, there is no room for a mentality like that in this particular industry. It is not just another hole; it is something particular and different and has many serious ramifications for those who are negligent.

There is one other thing that I would like to touch on that was raised by the honourable member for Stuart. It concerns the purchase and government ownership of the Mereenie oil field. The Leader of the Opposition has touched several times on the need for the government to buy into this resource to maintain the government's control. The reality is that we issue the explora-

tion licences and leases and we have control over the royalty. If we do not have control after that, we never will.

The share portfolios that make up the leases with Magellan are held by Oilmin at 21%, Transoil at 9%, Petromin at 7.5%, ISAS at 6.25% and Flinders Petroleum at 6.25%. The department examined this and I relayed this information to the honourable Leader of the Opposition. I would like him to have this paper which I have finished because it makes interesting reading. The share market capitalisation of the companies with an interest is calculated on the basis of closing prices for 8 November 1979 and shows that the companies have an uncalled capital on contributing shares and paid-up prices valued at $277m.

If we wanted to purchase a 25% share of Mereenie, as the honourable member suggested, we could purchase 25% from each of the companies and that would cost $69m or we could acquire 50% of Magellan for $74m or we could acquire a 100% of Oilmin and that would cost over $54m. This is to get the sort of equity that the honourable member was suggesting we buy for $7m. I think it is a fanciful story that the Leader of the Opposition is peddling. I do not detract from his philosophy but I do think it is unreasonable to suggest to the public at large that you can buy shares and take out equity in companies like this for the amounts of money that he is purporting.

Mr PERRON (Treasurer): Mr Deputy Speaker, the evening is ruined now so I might as well rise and have a few words in response to the honourable member for Sanderson who stated that, during a recent meeting in Katherine, I made attempts to outline departmental and government activity on land availability in Katherine. I take some exception to the inference that I made attempts to outline it. I do not think there was any doubt that I did outline it. I do not charter planes to fly halfway across the Northern Territory and back in the middle of the night to attempt to outline things. The news may not have been all that those Katherine people wanted to hear. It may not have been all I wanted to give but it was certainly telling them what was happening.

The honourable member suggested that we were proposing to move a works depot but there was nowhere to move it. She is very wrong. My understanding of the situation is that the works depot in Katherine has been scheduled for removal for years and there is certainly a new site selected for it. She suggested also that the removal of this works depot would produce a meagre 30 lots. A meagre 30 lots in a town of 3,000 is something like 4%. That is only one of several activities which are designed to produce more land in Katherine. It could hardly be described as meagre. She made no attempt whatsoever to indicate that there is no demand for more than 30 lots although the program is designed to turn out much more. While some people may feel that the land situation is critical, there is no information to demonstrate that the demand is beyond 10 blocks or 20 blocks.

She also mentioned a woman who has been living with her husband in a caravan for several years. She now suddenly has a dilemma in finding a plot of land for herself. I feel sorry for her. She has tried the open market with no success. I am sure there should be blocks in Katherine for sale. We are pushing some people very hard who have not complied with their lease conditions. If they do not take the opportunities to be able to sell at the appropriate time, they may well lose them for nothing. However, I am surprised because there has been land turned off in Katherine over the past several years. In fact, there was a small land auction this year. When she says that, after several years, this woman is suddenly faced with the prospect of moving out because she cannot obtain land, I think there is more to that story than the honourable member has led us to believe.

On the subject of the flood policy which the government is proposing to distribute, publicise and obtain some reaction to, she feels that the average resident of Katherine and other places may feel that it is all a bit above his head and he might need some time to deliberate on the points in the paper. I can assure her that, from indications that I have had, some of the people in Katherine do not even want 5 minutes to consider the flood policy. They say to me every time I see them - and this includes the mayor and a number of aldermen - that they want land and they don't care if it becomes flooded. They say, "Tell people that it is subject to flooding before they buy it and that is the end of your responsibilities". I do not accept that it is the end of our responsibilities and I would have thought that, as a planner, the honourable member would have more brains too.

Mr ISAACS (Millner): Mr Deputy Speaker, there are 2 matters which I would like to touch on. The first is the question of safety in the uranium industry. One of the problems involving safety in the uranium province has not been assisted by the fact that those people who are such vociferous proponents of uranium mining tend to play down the problems of radiation and the general question of safety in the uranium industry. There is no doubt that, in the report prepared by Mr Arnold, that issue comes out loud and clear. There is a general playing down of the problem of radiation. We are told that the uranium mining industry is the safest industry around. It may well have an extremely safe record but such comments made by vociferous proponents of the industry tend to ensure that there is an air of unreality about safety in regard to the uranium mining industry. It is a difficult problem and I think the minister is correct when he says that the question of safety control and regulation does not lie with any one agency. It is true that there is a great need on the part of employers, employees and the government to ensure that the most rigorous safety standards are applied.

The minister related some interesting stories about mining in the past. I am sure those stories are perfectly accurate. There have been similar situations in Darwin. I took over the Miscellaneous Workers Union at a time when the union was coming to grips with the 1970s and the need to look at the question of safety and apply standards which were acceptable elsewhere. We had a particular problem with the Darwin city council. After much toing and froing, the employer agreed to provide safety boots on the proviso that the unions would enforce the wearing of them. They thought that was the way they would get out of supplying safety boots. I can assure you that we had a very strong union delegate. He took the matter very seriously and he enforced it all right. On one occasion, a chap arrived at work at the Botanical Gardens in his thongs. The shop steward told him to go home. The worker said, "What for?" The steward told him that he had to wear safety boots. When the worker remonstrated, the shop steward said, "That is okay, you can go to work if you like but the rest of us will not". The fellow went home for his safety boots and came back to work. Every worker from that day on wore his safety boots. I don't say that every worker has the same responsible attitude. It does occur and it will occur so long as every agency plays its part. The union movement is prepared to play its part. I believe that the report compiled by Mr Arnold is a very significant and constructive step in that process.

I would like to comment briefly on the remarks made by the member for Elsey. Over the last couple of weeks, we heard a number of statements relating to East Timor and I have added my pennyworth to those comments in the mass media, particularly by commanding the Minister for Health for the offer to send a health team to East Timor. I do not have any illusions about what happened in East Timor. I am surprised that the member for Elsey does.

There is no question that East Timor was invaded by Indonesia and there

is no doubt either that the 5 journalists did not die in combat; they were gunned down. He mentioned some story about journalists wearing Portuguese battle gear. I cannot argue on what they were wearing when they arrived in Dili. If Mr Hawks said that they were wearing those clothes, I will not gain anything by disputing his statements because I was not there. However, I saw a film entitled "Timor Isle of Fear, Isle of Hope" which was an excellent film. It was made by the 5 journalists concerned and it shows, just 2 days before they were gunned down, what they were wearing. I can assure honourable members that they were not wearing Portuguese battle fatigues. In any event, I recall a recent announcement by one of the Indonesian people, Murtopo, who was involved in the actual invasion. When interviewed by journalists, he conceded - the first to do so since the invasion - that those journalists were in fact gunned down in the manner which most people believed.

I agree with the member for Nightcliff, the Chief Minister and others who voiced their disappointment at the manner in which Australian governments of both political persuasions have acted. I hope that the Minister for Health's offer is taken up because I believe that the way to find out what happened in East Timor is not - and I say this with respect - as suggested by the member for Elsey, to ask representatives of the Indonesian government because they will tell us what the Indonesian government's official line is. With respect to all concerned, the only way we will find out is by interviewing and speaking to those people who are still there now such as relatives who have been able to find their way out of East Timor to Portugal and other places. It is a distressing time in the history of Australia. As I have said on many occasions, it is a great blot on the record of Australia especially given the outstanding assistance which Timorese gave Australia during the Second World War.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS

DOG CATCHER

Mr ISAACS (Millner): I present a petition from 1,010 residents of Darwin stressing their concern at the continued reports of alleged abuse of authority by the Darwin City Council dog catcher. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of we the undersigned citizens of Darwin respectfully showeth that continued reports of alleged abuse of authority by the Darwin dog catcher, alleged harassment of complainants by officers of the Corporation of the City of Darwin and alleged failure of the Corporation of the City of Darwin to fully and justly investigate these reports and complaints is causing concern and distress. Your petitioners therefore humbly pray that you will defer all action on your proposed new Dog Act and institute a complete inquiry into the handling of the dog problem by the Corporation of the City of Darwin and your petitioners, as in duty bound, will ever pray.

RADIO BROADCAST SERVICES IN OUTBACK AREAS

Mr COLLINS (Arnhem): I present a petition on behalf of the honourable member for Elsey from 71 citizens of the Northern Territory relating to the inadequacy of radio broadcast services in outback areas. The petition bears the Clerk's certificate that it conforms to the requirements of Standing Orders I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of we the undersigned citizens of the Northern Territory respectfully showeth that the outback areas of the Territory are inadequately served by radio services and, as a result, approximately 30,000 residents are denied normal national and local news and weather information. Provision was made in past years to remedy the situation but, as a result of cyclone Tracy, the short-wave transmitters destined for the Territory were diverted elsewhere.

Your petitioners understand that Telecom has no plans to give the disadvantaged residents better radio reception in the near future and therefore humbly pray that the Northern Territory government make strong representations to the Commonwealth Minister for Post and Telecommunications to have the priorities of his department adjusted so that this disability, suffered by residents of outback areas for so many years, will be removed within 12 months and your petitioners, as in duty bound, will ever pray.

LEGAL OPINION ON BREACH OF CHILD WELFARE ACT BY MINISTER FOR COMMUNITY DEVELOPMENT

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I table an opinion dated 13 November 1979 received from the Solicitor-General. I do not normally table legal opinions but, in these circumstances, I believe that I should. The opinion relates to claims which have been made in the press that the Minister for Community Development infringed the provisions of the Child Welfare Act in

a talkback radio program some time ago in Darwin. The legal opinion finds, in the view of the Solicitor-General, that there has been no such infringement. Had I simply announced that fact, it would not have placed beyond suspicion any partiality which I might have for the Minister for Community Development. I am tabling the opinion to ensure that the public is fully informed on the reasoning behind the conclusion that there has been no infringement of the act and people can satisfy themselves in this regard. I should also point out that, if anyone does not accept the opinion of the Solicitor-General, he is free at any time to institute proceedings privately.

JABILUKA PROJECT

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, there is at present in the Northern Territory an undeveloped gold deposit containing 1.1×10^6 tonnes of ore containing an average of 10.7 grams per tonne of gold. At today's prices, this gold is worth more than $100m.

In addition, this deposit contains 207,000 tonnes of uranium oxide which, at today's market price, is worth approximately $18,000m. This deposit contains a significant proportion of Australia's uranium resources.

Underground mining is envisaged on this project and the techniques of this type of operation are commonplace in the world scene and can be applied to ensure proper safeguards for miners and the environment. There are at least 30 such underground uranium mining operations in the United States and Canada alone. The Department of Mines and Energy officers have recently visited the United States and Canada to study these operations and, as "Bomb Alaska Bob" has already said, "Tux of the Yukon" will visit these areas with members of the Northern Land Council and traditional owners.

The project will cost in the vicinity of $400m to bring into production and will directly employ some 1,600 people during the construction phase of 3 years duration and 800 to 900 during the operation phase of more than 25 years duration. The effects of this investment will of course lead indirectly to the creation and support of many more jobs than those directly involved in the mining operation. It is hoped that the minimum of delay will be experienced in getting this industry underway as the asset is of major importance to the development of the Northern Territory and it is becoming increasingly clear that the world can no longer afford the luxury of ignoring its energy resources.

The project I have been referring to is the Jabiluka project. The operating company for the project is Pancontinental Mining Ltd which has a 65% participation in the resource and is an Australian public company whose shares are listed on the Australian associated stock exchanges. This company commenced exploration in the area in March 1971 and announced the discovery of significant uranium reserves in 1973. Further exploration proved an ore body of major significance and, at the direction of the Commonwealth Minister for Environment, Housing and Community Development, the company prepared a draft environmental impact statement which was placed on public display from 7 December 1977 to 6 February 1978.

A final environmental impact statement, taking into account public comment and further comprehensive environmental investigations, was submitted to the Commonwealth on 13 July 1979. The company has undertaken extensive baseline environmental studies in the region preparatory to mining, and the same high standards of safety with respect to the public and the environment as this government is requiring at Ranger and Nabarlek will be applied to the project.

Finally, I must comment on one of the inaccuracies concerning this project which has appeared in the media recently; namely, that the project can be

vetoed under the provisionsof the Aboriginal Land Rights (Nothern Territory) Act. Section 40(3) of this act provides that the consent of the Northern Land Council and the Minister for Aboriginal Affairs is not necessary where the holder of an exploration licence applied, before 4 June 1976, for another mining interest. As the Jabiluka ore bodies and the majority of the surface facilities, as presently planned, are within mineral leases which arise from an exploration licence and which were applied for before 4 June 1976, it is obvious that the project is not subject to veto under section 40 of the Aboriginal Land Rights (Northern Territory) Act.

I move that the paper be noted and seek leave to continue my remarks at a later date.

Leave granted.

GIFT OF TIES

Mr EVERINGHAM (Chief Minister)(by leave): I think all honourable members, including some of our charming female members, will have received ties this morning bearing the Northern Territory coat of arms. For the information of female members of this Assembly, I should advise that an order for scarves has been placed as well which may be of more use to them. Also, an order for brooches bearing the Northern Territory crest was placed many months ago and these brooches are still awaited by my department which I have asked to take follow-up action to endeavour to expedite delivery.

EMPLOYMENT

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, at this time last year, and almost to the day in fact, I made what the government regarded as a major statement on employment in the Northern Territory. The main thrust of that statement was the employment prospects of the young people of the Territory those 800 or so young people who left the various Territory high schools last year. I considered it only proper that I review the situation at the end of 12 months and inform honourable members what has happened in the Territory job market in the past 12 months and what prospects our current crop of school leavers will be facing.

I am happy to report that the story this year is happier than it was when I last reported to the House. My information is that 1,072 Territory teenagers will leave school and either enter the job market or go on to further education at the end of this year. These job seekers are almost evenly divided between males and females in the total Territory context. There will be approximately 781 school leavers in Darwin, 171 in Alice Springs and 120 in other Territory centres.

Current indications are that 625 school leavers will be seeking immediate employment in Darwin, 137 in Alice Springs and 90 from the rest of the Territory. Almost 230 of the total 1,972 school leavers intend, at this stage, to go on to further education either in the Territory itself or in universities and colleges in southern cities.

The situation they are facing is this. The various arms of the public service can accommodate 56 school leavers as apprentices at the end of this school year. The clerical and keyboard ranks of the public service can accommodate another 632 in the following categories: 280 at the administrative A1 level which is for clerical people who have not passed their matriculation; 125 in the administrative A2 program which caters for those school leavers who have achieved matriculation; and 230 keyboard operators - that is, typists, data processors and so on.

Just in those 4 categories alone, the job opportunities add up to nearly 690. It must be remembered that we are talking about the public service alone. I would be the last one to advocate that all Territory school leavers should find a niche in the NTPS but it is comforting to know that, according to the figures I have to hand, there are at least these 690 job opportunities for young people in the Territory public service with only a total of about 844 job seekers - that is, of course, after you exclude the 228 Territorians who are going on to further education.

If all of these young people took up their options in the Northern Territory Public Service, the Northern Territory Electricity Commission and so on, only 154 would be available for the private enterprise job market. If private enterprise in the Northern Territory cannot come up with 154 job opportunities, there is something very wrong.

Whilst I recognise that there is still a major employment problem right across the nation, I believe the picture is happier in the Northern Territory, especially for our own young people, than it may be in the crowded cities of the south. I do not base this optimism on my own enthusiasm for the Territory and the way it is shaping up, as the opposition so often accuses me of doing, but on figures indicating job opportunities past and present. I am very enthusiastic for young people to take up some form of trade training such as apprenticeships. As I have said before, the Territory, Australia and quite possibly the rest of the world need skilled tradesmen more than they need lawyers, in many cases doctors and, certainly, bachelors of arts. The tradesmen will contribute more to the world we live in than many of the people in those categories I have just mentioned and, from the practical point of view, they often earn more money with fewer complications.

I am happy to report to the House that there are currently 676 apprentices in training in the Northern Territory. In fact, it may be a few more by now because that was the figure at the end of June this year. I am even more pleased to report that 236 of these apprentices signed their indentures in the last financial year which, coincidentally, was the period of the first 12 months of self-government in the Territory. Of these 236 young people, 8 are serving their time in Commonwealth departments, 47 with the Northern Territory government and 181 in the private sector.

I cannot speak for what the private sector will do in the coming year but, as I have already mentioned in the House, the public service will be offering apprenticeships to 56 young people. This includes 12 trade training opportunities which have been especially set aside by the Northern Territory Electricity Commission for Aboriginal teenagers. It does not include the 12 cadetships which will be on offer in the NT Police Force at the end of this school year. This is a pioneering move on the part of the police because it is the first time Territory kids have had a chance to take part in a police cadetship scheme from the moment they leave school. Traditionally, our police force has been recruited not only from the ranks of adult job seekers but also from the ranks of job seekers outside our borders. Even this is changing: the last class of 1979, which graduated a week or so ago, are all local Territory recruits.

On the subject of apprenticeship schemes and local recruitment, I have in front of me an advertisement which appeared in the local newspaper on 12 November calling for expressions of interest in apprenticeships offered by the Territory's Department of Transport and Works in 10 different trades. Various apprenticeships are available in Darwin, Alice Springs, Tennant Creek, Gove and Katherine which will no doubt be good news to you, Mr Speaker, because you

recently expressed in this House concern for the welfare of the young people of Katherine.

Still on the employment front, another piece of comforting correspondence crossed my desk this week. The Minister for Aboriginal Affairs, Senator Fred Chaney, has announced an extra $5.5m to be allocated annually for an expansion of the community development employment project scheme for Aboriginal people. The Territory's share of this expansion of CDEP is about $400,000. I think that this is insufficient and I will be taking that up with the minister. It will, however, allow for the creation of job opportunities for Aboriginal people in their own communities and another 9 centres. Honourable members who follow the employment prospects for Aboriginal Territorians as closely as I do will be aware that the CDEP scheme currently operates at Bamyili, Elcho Island and Milingimbi.

I do not want to lull the House into a sense of complacency about the job situation in the Territory. Honourable members will note that the majority of the job opportunities I have spoken about are based in our 4 major population centres - and Jabiru which cannot be forgotten even by honourable members opposite as they struggle to reconcile their opposition to uranium mining with their alleged commitment to expanding job opportunities. We simply do not have enough job opportunities for Aboriginal Territorians on offer in their own community centres. European education has raised the expectations of these young people and we as a legislature and members of this community must work together to ensure that those expectations can be fulfilled.

I realise that the opposition will come back and say that, despite the job opportunities for young people which I have detailed, 9% are still unemployed in the Northern Territory according to this week's figures. In fact, from the figures I have to hand, there are around 1,000 people under the age of 21 registered as unemployed in the Territory at this moment. What the opposition does not seem to realise, with their insensitivity on most major issues affecting the Northern Territory, is that quite a number of Territorians probably came here as unemployed persons, by good luck or good management, at some time in their history. To build up our population, we rely on immigrants, for want of a better word, and many of the immigrants we need and welcome will be the ones with the sheer guts to come here and take their chance.

With development projects totalling $4600m in the uranium province, across the Territory or on the drawing boards at this moment, I believe that many of these job seekers will find employment if they are prepared to try. Many will settle here and will end up calling themselves Territorians.

I move that the statement be noted.

Mr ISAACS (Opposition Leader): The government has as much understanding of the problems of the unemployed as the amount of compassion just displayed by the Chief Minister in his whirlwind and lack-lustre delivery about his meagre performance on unemployment. It is 12 months since the Chief Minister made a similar statement about unemployment and I believe that this one is as lack-lustre, as unfeeling and as unknowledgeable as the previous one.

The Chief Minister and the government talk a great deal about not being complacent and that the job opportunities are expanding in the Northern Territory. We heard it again today. He said that the position is not too bad. The position is not too good, Mr Speaker, and it is unlikely to get much better. It will only get better if the government adopts a positive attitude about job creation rather than sitting on the fence and waiting like Micawber for something else to happen in the hope that private enterprise will soak up all the

unemployment in the Northern Territory.

I want to give a slight explanation of the unemployment situation right now. Currently, there are 4,600 people unemployed of whom about 1,000 are juniors. In fact, the figures for October were 962 out of work. According to the Chief Minister, we will see a further 842 young job seekers leaving school very shortly. If my arithmetic is correct, about 1,800 young people will be on the job market in the next month or so. Those young people will represent approximately a third of the unemployed. A tremendously significant number of our unemployed are our young people. The Chief Minister often talks about our greatest asset being our youth. In the next year, unless we do something positive about youth unemployment, the asset will turn into a disadvantage. In fact, judging from answers given by the Chief Minister recently in regard to another matter, I believe the police are concerned about the problems of juvenile crime.

The other thing which people ought to recognise about the unemployment situation in the Northern Territory is the way the numbers shape up. In so far as skilled trades are concerned, the employment scene is tight. As I understand it, there are something like 2 vacancies for each person seeking work. Skilled people are finding work very quickly. Indeed, in May 1979, there were 2 people registered with the CES for each unfilled vacancy; in August 1979, there were 4 persons in the skilled and trades area for each vacancy.

When you examine the semi-skilled and unskilled situation, you find the real unemployment problem in the Northern Territory. In the semi-skilled area at August 1979, there were 25 unemployed people for every job vacancy and, in the unskilled area, there were 2,862 people and only 4 positions available to them. I am quoting from the CES figures. That is a staggering 1 job for every 115 unskilled people out of work. Those figures show a significant problem in the Northern Territory. We do not have an across-the-board unemployment problem but an unemployment problem in specific areas. There is a great need for the government to tackle the problem of finding work for unskilled people.

The Chief Minister said that 842 school leavers will be hitting the job market in the next month or so and that the government would soak up some 690 of those. What he did not make clear was whether those 690 vacancies were new positions or positions which normally become available at this time of the year through wastage. I believe that the latter is the case. The creation of 690 jobs in the public service would cost about $5m. I am quite certain that the government would have made more of it if that indeed is what they are doing. What they are saying is that those types of jobs will become available throughout next year. Of course, one has to look very carefully again at the wording of the Chief Minister's statement. Those 690 jobs will not become available on day one but they will be available throughout the year. Given the state of youth unemployment at the moment and the fact that it seems from the statistics around Australia that the youths under the age of 21 take between 5 and 6 months to get a job, the prospects are not very good.

The way the government has glossed over the problem is significant. There are not only 840 new people on the employment market; one must add the 1,000 who are already unemployed. All those people will be fighting for those positions. What we must do is look at the particular problem of our young people. The Chief Minister said that we will provide them with those very exciting, interesting and enjoyable jobs at the keyboard and A1 and A2 level in the public service and the 56 apprenticeships which will be offered. In the debate on the Industries Training Bill, we spoke about the number of women and men in apprenticeship. The normal thing in those particular jobs which the Chief Minister has

spoken about, the A1 and A2 and the keyboard jobs, is that they go to women. About 75% of the occupants of those position in the Northern Territory Public Service are women. Clearly, unless the government has a change of direction against the traditional bias, women again will be offered those positions in the public service. It is true that 7 additional apprenticeships will be offered in 1980 as against 1979 and most of those will go to young men. However, if the statistics are correct, we will have a significant problem next year with young men not being able to find work unless the government takes a positive stance to provide them with work. If not, the problems of youth unemployment which lead to juvenile crime will increase. We must view this against the background of the unskilled job market today.

The figures which I read out from the Commonwealth Employment Service are staggering indeed. We just heard a statement from the Minister for Mines and Energy on the great opportunities of uranium mining. Presumably, the government hopes that uranium mining will take up the slack in that area. However, the statements from Ranger have been that, so far as employment opportunities in 1980 are concerned, there will be a much greater need for skilled tradesmen. It is readily recognised by them, and I am sure by members opposite, that that market will be provided from the south. If you look at the skilled and trade positions available now, you can see that what I am saying is borne out. There is little unemployment in the trades area. We recognise that we have a dearth of tradesmen. Those positions in the uranium province will not go to the young people leaving school.

The Chief Minister spoke about the employment situation. He concentrated more on youth unemployment and so he should but, if that is the level of thought and attention which the government is giving to that particular problem, then heaven help the society and heaven help those young people. Unless the government gets out of the clouds and has a look at the substance behind the statistics, the Northern Territory will face a very significant problem in regard to unemployed youth. I hope that the figures I have given and the attitudes I have expressed in relation to that are taken on board by the government.

We have said for some time that what is required by this government and by the federal government is positive action in regard to job creation. We are told that we want to build jobs just for jobs' sake and that we would create work which leads nowhere. The fact is that the Northern Territory must look to its future both in the building up of assets and the training of its young people. Let me say that I implacably disagree with the Chief Minister on the subject of self-sufficiency. The Territory cannot rely on the importation of its skills. It must grow its own. We must train our own young people for the needs of the Territory of the future. We cannot rely on the importation of people from south. One reason is the cost of importing people and then returning them, which we have been doing for many years. People in the Northern Territory are now seeing their future here. Their opportunities to go south are getting less and less so they want to make a stake here either by choice or because they realise that they have no choice. They feel stuck here. That being so, we must ensure that the climate is right for them to bring up their children so that their children can contribute to the future of the Territory.

The figures I have produced illustrate a poor situation in relation to youth unemployment. I do not believe that this government or, indeed, the federal government is taking it seriously enough at all.

The Chief Minister also spoke about Aboriginal employment and I wish to touch very briefly on that matter. There is a significant problem in relation to Aboriginal communities and it is detailed and documented in answers given by the Chief Minister to a number of questions which I have asked. There is a

constant conflict in Aboriginal communities between the desire to work and the desire to be left alone, We heard very much about that conflict in this House over the last couple of years. It seems to me that the mining companies which - it is said - contribute so much to the wealth and fortune of Aboriginal communities ought to be just not encouraged but forced to make employment opportunities available for those Aboriginal people who wish them. We hear a lot of nonsense about the opportunities available to Aboriginal people. We hear a lot of nonsense about training Aboriginal people. When it is all boiled down - after people have made all the excuses in the world as to why Aboriginal people cannot be employed in a production area - you are left with the situation about which the member for Arnhem has spoken often and long; that is, Groote Eylandt where, against all the odds, it appears the mining company is able to directly employ Aboriginal people to take part in the workforce like anybody else. A number of positions are made available for Aboriginal people and they fill these positions. Against all sorts of odds which apparently exist elsewhere, the fact is that Gemco - and I applaud them for it - have taken positive steps to ensure that local Aboriginal people are employed in their mining operation. The same ought to happen in other mining operations and, indeed, in the uranium mining industry.

The Chief Minister touched briefly on Katherine. How hollow his words must be! We know from answers given by the Minister for Industrial Development that the government intends to run down the experimental farm at Katherine. It has been said within the department that the experimental stations owned by the government should consider themselves at risk. If that is encouraging young people in the Territory to take part in the industry in which you, Sir, have such an interest, then words fail me as to just where this government is heading. It is all very well for the Chief Minister to have a general philosophy about self-sufficiency but, as an ideal, I do not believe we can go past it. As an ideal, we ought to be looking at the specific requirements of our young people and where this Territory is heading with its own industries. There is no doubt that the rural industry is a most signigicant industry. That has been said often enough and yet this government is running down its own experimental stations and it has told its departmental people that the experimental stations should consider themselves at risk.

I hope that the government, rather than carry on the way it normally does when the opposition raises these issues, seriously reflects on its own performance and attitudes on the problems of youth unemployment. It is the fastest growing area of unemployment and no one should be pleased to hear that. There will be 1,800 young people on the job market within the next month or so. Over the next year, there will be 690 positions made available for them. On average, it takes 5 to 6 months for them to find a job. The indication is clear that we have a significantly serious problem indeed.

When you look at the make-up of the workforce and the traditional attitudes about male and female unemployment, I think the situation is one which requires very detailed study the like of which most certainly does not exist in the contributions given by the Chief Minister this morning. I am not saying that the private sector or the government are not each playing a part in employment. Indeed, as luck would have it - the government has not contributed a great deal - the employment figures as at today are better than they were at this time last year. The government has done precious little to assist that. If the figures were taken 2 months ago, the situation would have been dramatically the reverse.

Mr Robertson: I suppose that is the government's fault.

Mr ISAACS: Well, if you want to make that contribution, you can. The July unemployment figures were 25% worse than last year. The Minister for Education is showing the standard of debate which he will bring into this House. Nevertheless, the government should not overlook the problems relating to unemployed youth. They are significant problems. The police know about them. So far no government - and I do not believe that this government is Robinson Crusoe in relation to this - has tackled the very significant problems of training our young people to ensure that they have a role to play. I trust that the government will look at if far more closely than it has to date.

Mr TUXWORTH (Mines and Energy): I rise to speak to the paper presented by the Chief Minister because I believe the efforts of the government to alleviate the unemployment problem in the Northern Territory has been either misunderstood or misconstrued by the honourable the Leader of the Opposition. I do not think that the intention of the Northern Territory government, in presenting this paper, is to pay lip-service to the issue and make noises over something which the honourable the Leader of the Opposition feels more strongly about. In fact, I believe it was intended to indicate the government's level of activity in providing, within its resources, a lead in the community to contribute to the alleviation of unemployment.

The honourable the Leader of the Opposition went on to say that 962 children in the Northern Territory would enter the workforce in the next 12 months. Across the Northern Territory, that is probably a true figure. The figure in Tennant Creek, my own electorate, will be 20 to 30 which is not many when compared with the total figure of 962. It is a figure which we must work on as part of a total community effort. It is not just a figure which should be left to the government to resolve. In our own quiet way in Tennant Creek, we tackle this problem in the way every community and every school in every community can tackle it. People like myself, the mayor and councillors and employers in the community go to the school and give the kids encouragement. We ask them what they want to do and how they can help themselves to get a job. We suggest types of work which are available and we all - employers, teachers, students and parents - make a conscious effort to ensure that every child who comes out of the Tennant Creek Area School has the prospect of a job and that he does not just walk into the street and become a figure on the unemployment list. In its own way, that is a very small contribution. It takes a little bit of time and effort on the part of the community but, in the last 2 years, it has paid dividends because the figures from Tennant Creek indicate that not one school leaver from the last 2 years is unemployed or collecting the dole. I think it is incumbent upon the lot of us - from Finke to Bathurst Island and every school community in between - to adopt similar tactics to ensure that we guide the children involved into the workforce.

I cannot accept the premiss that the problem will be resolved by government job-creation schemes funded out of a bottomless pit of money which sees no end. It is a community responsibility. In the final analysis, it is a federal responsibility; that is, if we just want to dump the responsibility in some convenient spot and leave it. We have taken an attitude that the Northern Territory government cannot solve this particular issue by itself. We can only contribute to it the way everyone else in the community can and the paper presented today by the Chief Minister outlines the government's interest and involvement in this particular area.

There are a couple of other aspects which I will speak on which I did not raise in the debate the other day. First, the new apprenticeship reform scheme and, secondly, the responsibility of teachers, parents and students to obtain a level of education which has some meaning in the wider community.

Almost everybody in this House went to school at a time when the ability to get a job was probably related to the grade obtained in the exams. That system has gone out the window. For the main part now, we have a system which is virtually a record of school attendance and activity. There is no level of proficiency. Some of the largest employers in the Northern Territory complain that the kids cannot read, write or add up and, in the main, cannot communicate. It seems to be the employers' responsibility to continue this training after the age of 15 or 16 so that the child will gain the abilities and skills which are useful to the employer. This is keeping some young people in the unemployed lists. There are many people between 16 and 22 who, to all intents and purposes, have completed school but, so far as the employer is concerned, do not have the skills which would enable them to get a job.

In my own portfolio, I come under increasing criticism because of the standards set by the Nurses Examination Board for students wishing to enter the nursing profession. Parents say that it is too tough and children say that they cannot do it. Are we to reduce the standards so that we can accommodate everyone who wants to join the profession or do we maintain the existing standards of professionalism and require people to measure up to them? We must address ourselves to this problem.

The Leader of the Opposition referred to the government's attitude that uranium will solve all the ills of the unemployed. He referred particularly to the skilled professions which are imported from the south. That is reality. Every skilled person in Australia today has a job. If we wish to get skilled people in the Northern Territory, then we will have to import them because every skilled person up here is well employed. We do not see the uranium industry as the solution to unemployment but we believe that it will help, as will many other things. I think that the Labor Party's uranium policy is quite incongruous considering that party's policy attitude towards giving people jobs. It is about as sane as the policy which the federal government had the other day on the Nomad contract. It refused to sell $60m worth of Nomads because of a philosophical difference with an overseas state. We would have provided many jobs by the provision of those aircraft and we would have done the country a lot of good. The realities of unemployment must be balanced against some of the philosophies which are held in the country today by all parties.

The honourable Leader of the Opposition also referred to Aboriginal unemployment. I am particularly interested in this as it relates to the mining industry. I go to places like Groote Eylandt and Gove and there is no doubt that great progress has been made in introducing people into the workforce through total training programs. This must be continued to a greater degree. I am aware that some companies are loath to take on young people because of their standards of education but I am also aware that some companies also take on apprentices on the basis of the amount of accommodation which is available in the community. That is something I will be tackling in the mining industry as a whole in the new year. I believe that the mining industry has a large responsibility to train as many young people as possible, to make them proficient in the workforce and to make them permanent Territorians.

While I am away, I will look at a training school which has been developed at the uranium mine in land occupied by the Navajo nation. The company involved has set up a school which concentrates on training the local Indians for work in the uranium mine. It gives them work experience in about half a dozen different areas of the industry from truck driving to fitting and turning. These people alternate between actual working experience and theoretical training in the classroom. We need to have such a school in the uranium province. I am very keen to see this school. I do not believe I will have much trouble coercing the companies into being a party to such a scheme because it can only

benefit the Northern Territory population. Given that about 65% of our population is under 30, I believe that we are making a pretty fair effort at getting young people into the workforce. There is plenty of room for improvement and I have no doubt that great progress will be made in the next 18 months in getting many more young people into the workforce as we involve the wider community. This is not something which will be solved by government alone.

The Leader of the Opposition also said that the employment figures today are better than they were a year ago and that is no thanks to the government. I do not know about the Leader of the Opposition but members on this side of the House have worked tirelessly to get the Northern Territory economy going by encouraging new projects and developments and getting people to invest in the Territory. The level of activity can be seen everywhere you turn. The people out there believe it even if the ALP does not. If we continue on our present path, there will be an unprecedented level of investment in the Northern Territory in the next 12 months and many more people will leave the unemployed lists as a result.

Mrs LAWRIE (Nightcliff): Some of the Cabinet people opposite ought to talk to each other instead of to the members on this side of the House because we have heard varying descriptions of the youth unemployment problem in the Northern Territory. You, Mr Speaker, spoke of the need for practical training for persons who are not interested in a purely academic form of schooling and you have some knowledge of that in the rural area which you represent.

The honourable Minister for Mines and Energy has just spoken of concern expressed to him by members of the community that young people, after perhaps 11 or 12 years of compulsory schooling are still not able to express themselves properly or to read and write. I have had the same concern expressed to me and I would be surprised if other members have not. The Minister for Education would be the first person to acknowledge that we do not have a technical high school which is urgently needed. He would be well aware also that, in the high schools, there is a feeling amongst senior school teachers that, if a student is not considered capable of matriculating he should not be encouraged to sit for the matriculation exam. In other words, only those students who clearly demonstrate an ability to matriculate should complete that year in that form. That is fine for the school statistics; it means a higher pass rate and a lower failure rate.

As the Minister for Mines and Energy expressed so well, so many doors are closed to students today if they do not have matriculation. Once upon a time, matriculation was considered only as an entrance to university. Today, many branches of apprenticeships, including nursing, consider matriculation a necessity rather than an option. As from 1980, young men and women in the Northern Territory who may wish to enter the nursing service must have a matriculation pass and they must have certain subjects specified in that pass. We cannot have it both ways. I have been given to understand in written replies from the director of nursing that an entrance exam will not be considered adequate as from the end of 1980; it must be a Public Examinations Board matriculation pass with good passes in certain subjects.

Mr Robertson: Bloody crazy.

Mrs LAWRIE: The honourable Minister for Education says, "Bloody crazy". I am inclined to agree with him. Are we going to insist on purely academic qualifications with honours in certain subjects to enter a profession such as nursing? I believe that we should not concentrate simply on that area

and disregard the all-round ability of a student and his attitude to that profession. Conflicts within the areas of ministerial reasponsibility must be resolved before we can come to grips with youth unemployment which both the Leader of the Opposition and the Chief Minister acknowledge as a problem of prime importance in the Territory.

We have so many viewpoints all of which have their own validity. We say that a student who has an aptitude towards a particular skill should be encouraged to develop his potential in such a way as will enable him to enter the workforce. We all agree with that but the bureaucracies administering the entrance to these particular trades or professions are not quite as understanding as the members of the House. I would suggest that, if we are to come to grips with the problem, the first thing to do is get the Cabinet members around the table to decide what qualifications are necessary and what educationalfacilities will be available to people through the community college and the TAFE scheme when they leave a high school. If departments and professions operate in isolation, we will never be able to solve the problem.

Mr PERRON (Treasurer): Mr Speaker, the Leader of the Opposition made many outrageous statements. One was that this government is waiting around for someone else to create jobs so that it can avoid its responsibilities. The government has been accused of many things by the public but inaction has not been one of them. The opposition in this House has been the only voice which has accused this government of inaction. If criticism comes from outside, it is usually that there is too much action and we are moving too fast. We believe there is a great deal to be done.

The Leader of the Opposition has conveniently ignored the fact that some 2,000 new jobs have been created this year in the Northern Territory. I have long argued in this House in debates on unemployment that the figures which should be watched are those on growth in employment and in job creation and not necessarily in the Northern Territory unemployment figures themselves. We all know that the Australian unemployment situation is very fluid and that many of the Northern Territory unemployed are people who have come across our borders. I am not criticising that but I think the Leader of the Opposition himself would admit that, given Australia's present situation, if we employed all the unemployed in the Northern Territory tomorrow, within 12 months our figures would be once again near the national average because people would simply flow to the Territory where the jobs were.

What about the ALP's record in this matter of getting the Territory on the move and creating as many jobs as possible? They fought very savagely and, to some degree, successfully against self-government itself: "We cannot afford it; we will be taxed out of existence. Let's not have this insanity of self-government". They opposed every major initiative this government has taken since it came to office. They opposed uranium mining and job creation thereby. Unbelievably, they believe that a federal administration would have done better. They do not accept the additional jobs that were created through self-government itself: The Public Service Commissioner's office, the Treasury, the Chief Minister's Department and the building up of staff in a whole range of areas which were formerly completely neglected. Fisheries, Primary Industry and Industrial Development did not even exist before self-government. The ALP do naught but criticise this government for growth in the public service. You can hardly have it 2 ways. Despite their knocking and their kicking, the Territory is beginning to move. There has been a long period of inertia and it takes a long time to crank the machine. I am sure every minister here is disappointed at just how long it takes to get things done, to move legislation through the system and to get the machinery organised to start the government rolling.

The Leader of the Opposition criticised areas such as the uranium industry

where the jobs which will be created will be filled by southerners. They are still Australians. He is really implying that we should not even bother creating jobs unless there is a great pool of unemployed with those particular skills or non-skills if that be the case. He dismissed uranium mining out of hand as providing jobs for a few skilled workers from interstate. The Leader of the Opposition himself has been guilty of employing persons from interstate. If he seeks to bring people over the border, it is because he does not feel there are local people with the skills required. Obviously, that is a sensible thing to do.

I refute the statement that uranium mining will not help school leavers to find jobs. If uranium mining and treatment primarily employs skilled workers, it has jobs which will be aspired to by school leavers. What of the flow-on jobs? These skilled workers have to be fed, transported and clothed. All types of jobs at all levels will be created to support the industry. To dismiss this out of hand, as the Leader of the Opposition chooses to do, is simply being unrealistic.

He said that the government was placing its experimental stations in the Territory at risk. The Northern Territory government's proposal to look closely at the experimental stations and decide what should be done is long overdue. Most members who know anything on the subject feel that it is time to examine the programs. Should there be an alteration in the direction of those programs? Should they be consolidated? Should more programs or experimental stations be based in other locations? We need a review. Does that necessarily place them at risk or imply that we are about to shut them all down? Not at all.

Perhaps the Leader of the Opposition should use his influence with the unions, if he has any, to see if he can create a few jobs instead of continually knocking what the government does without proposing any particular alternatives. What about the federal unions who have closed their books to locals. What about the Meatworkers Union, the Waterside Workers Union and the Seamens Union which require employers to fly people across the country to fill a job in the Northern Territory because they will not let people into the union? It is a closed shop. I wonder how many school leavers in Katherine would do a number of the jobs at the meatworks. That would create an awful fuss because of the power of the federal unions to keep closed shops.

The Seamens Union has quite a reputation in the Northern Territory which stems from a dumb barge dispute. It was claimed by a couple of employers that an expansion of the operations of dumb barges around the Northern Territory coast and to Dili would create additional jobs. They were prepared to buy air-conditioned tugs. There was a range of industries around the Northern Territory coast, particularly logging and forestry from Melville and Bathurst Islands, which would have been viable if dumb barges were used instead of manned barges which are frightfully expensive. Through a total black ban and simple strong-arm tactics with no legal backing whatsoever, the proposal was completely stifled and has never been implemented. To this day, there are industries which could be viable in the Northern Territory if sanity prevailed. The Leader of the Opposition, with his background in unions, does not seem to be interested in taking any lead role there.

The Chief Minister's statement properly outlined the number of school leavers who will enter the workforce. It is appreciated that jobs will not be available for everybody. That is a problem which we have faced for a long time and which will continue for a little longer. However, the Leader of the Opposition has not proposed any specific alternatives but merely reiterated the problem again. The opposition had the opportunity in the budget debate to propose an alternative split-up of the $516m which the Northern Territory govern-

ment had for disbursement this year. It had the opportunity to show Territorians what it would do in the unlikely event that it ever became the government. It threw that opportunity away because the job was just too hard for it. It is bereft of ideas. The best it could do was to scramble around trying to split up a few million which it saw as left over in the Treasurer's advance. I pointed out to the opposition that was not all available anyway because most of it was for unforeseen contingencies. The ALP has taken this opportunity again to throw a lot of mud and put forward nothing constructive. That is a style which we and Territorians are becoming used to.

Debate adjourned.

EDUCATION STATEMENT

Mr ROBERTSON (Education)(by leave): Mr Speaker, I said that I would be making a statement on education. We heard how long it took just to read the 2 previous statements. This statement is 18 foolscap pages of closely-typed information which would take about an hour to read. I am quite sure honourable members would not want me to read it now.

I seek leave to table the statement for circulation to honourable members and I move that the statement be noted.

Leave granted; debate adjourned.

PRISONS (CORRECTIONAL SERVICES) BILL (Serial 365)

Bill presented and read a first time.

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

The purpose of this bill is to update current legislation by means of a series of sweeping reforms appropriate to Northern Territory penal systems. The present legislation has been under extreme criticism for many years. It has been condemned in a report from the select committee appointed to inquire into prisons and prison legislation, the Ward Report, in the Hawkins and Misner Report and in the report of the committee on the implementation of changes in the correctional services of the Northern Territory, the Weir Report. It has also been the subject of remarks from the courts.

My government's policy on community protection supports continuing improvements in facilities and servicing, the expansion of qualified staff in prisons, probation and after-care services. We also support corrective services providing for: rehabilitation of those in custody and their effective reinstatement in the community; welfare services where appropriate for prisoners and their families; and improved assessment, training and education facilities for prisoners. Within the framwork of this proposed bill we will have the resources available to bring major portions of these proposals to fruition.

The existing Prisons Act was enacted in 1950 and has been amended many times since. It has now become antiquated in its concept. Massive amendment would be necessary to update the concepts in that legislation. It was considered preferable to repeal it and replace it with legislation which is both modern and practical in its approach, thus enabling the effective functioning of acceptable correctional and rehabilitative programs. This was accomplished only after an Australia-wide review was undertaken of all penalogical systems presently operating.

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To overcome the situation, emphasis must be placed on the augmentation of rehabilitation programs. By these innovations, it will be possible to equip the prisoners with the necessary prerequisites to enable them to be readily accepted within the community upon their release. The age old view of a prisoner being locked away in a cell serving no useful purpose, either during the period of detention or after release, has been replaced with the new concept of implementing programs which impart various survival skills considered best to serve the inmate upon his release. These skills vary from training in basic trade courses through to research, investigation and eventual guidance where personality problems exist.

Prisons in the Northern Territory to date have lacked effective remedial programs. They have operated virtually as warehouses for the safe keeping of offenders away from the community. After the opening of the new prison at Berrimah and the major upgrading of the Alice Springs facilities, a whole range of new options are now available to assist in rehabilitation programs.

Part I of this bill is the traditional "preliminary" incorporating short title, commencement, repeal, savings and interpretation clauses.

Part II deals with administration and encompasses the power to appoint both the Director of Correctional Services as well as prison officers.

Part III deals with prisons and empowers the minister to actually declare a place, premises or institution to be a prison or police prison. It also clearly defines the areas of lawful custody, the penalty for escaping and the ability of a police officer to arrest an escaped prisoner.

Part IV deals with prisoners. Of prime importance in this particular passage is the concept of transferring juveniles from a prison to another suitable institution, an aspect which gained favourable support in the Assembly during these sittings.

Part V deals with official visitors. It is proposed to appoint 3 official visitors to each prison, with each having the power to inquire into the treatment, behaviour and conditions of the prisoners. This approach is seen as an avenue of ensuring an independent and indeed critical review of conditions and will be carried out on an ongoing basis.

Part VI deals with visiting medical officers. An essential requirement in any situation where a large group of people are segregated for varying periods of time is covered within this segment.

Part VII deals with visiting magistrates. At the present time, a Justice of the Peace visits the prison once a week to hear complaints regarding alleged offences committed by prisoners. Upon his decision, the case is either dismissed or recommendation is made that it be heard before a magistrate which necessitates transportation of prisoners to the various court sessions. By appointing a visiting magistrate, it will alleviate this rather cumbersome and time-consuming transportation aspect because it will be possible to convene a court within the prison itself.

Part VIII deals with prison offences. This part is a functional development of the duties and associated responsibilities which will assist the visiting magistrate in the effective carriage of his duty.

Part IX deals with chaplains. At the present time, there are no regular

services provided. It is proposed that a representative of each denomination be approached with a view to not only conducting services but also to have personal discussions with prisoners.

Part X deals with prison visits. This is an all-embracing part that adequately covers all visit situations. By introducing visiting arrangements that are not so restrictive, prisoners will have closer contact on a more regular basis with immediate family and friends. This will assist in overcoming problems of tension within the prison itself.

Part XI deals with legal representatives. This part merely ensures that prisoners have access to legal representatives.

Part XII deals with communications. The previous limitations on the dispatch and receipt of mail have been lifted. The Director of Correctional Services still has the right to open and inspect any such mail if he considers it may be prejudicial to the security or the good order of the prison or prisoner or may have a detrimental influence or effect on that prisoner. In the dispatch of prisoners' mail, it will be a compulsory requirement that the Director of Correctional Services shall not delay, intercept, open or inspect a letter or parcel when it is addressed to a minister, the Ombudsman or to a prisoner's legal representative. It is further proposed that the director may allow prisoners to make and receive telephone calls or send and receive telegrams. It is envisaged that this additional freedom of communication will assist in overcoming a minor portion of the problems relating to tension within the prison while ensuring that prisoners are kept abreast of external activities which might be pertinent to themselves.

Part XIII deals with female prisoners. This part acknowledges the formidable difficulties facing a female prisoner upon entering an institution and, in particular, the aspect of childbirth.

Part XIV deals with the removal of prisoners. This part merely provides the director with the administrative ability to transfer prisoners from one institution to another.

Part XV deals with search. Part XVI deals with the security of prisons and prisoners. Both parts are self-explanatory.

Part XVII deals with leave of absence. Within this part, the director will have the power to grant leave of absence to a prisoner for education and training, employment, compassionate reasons, health, recreation, participation in community projects, integration into the community or such other reasons as he thinks fit.

Parts XVIII and XIX relate directly to the employment of and payment to prisoners. A more flexible and appropriate scale of earnings may now be possible.

Part XX deals with medical treatment. Of major importance in this part is the provision for the director to authorise a prisoner to undergo medical treatment outside the Territory. At the present time, there is no legislation whereby Aboriginal prisoners can be legally transferred to a southern state for medical treatment. This anomaly will be rectified with the passage of this legislation.

Part XXI deals with prisoner activities. Provision has been made to allow prisoners to pursue activities or hobbies in their leisure time which can gain for them additional earnings by the sale of manufactured articles. Al-

though all prisoners may not have the ability or the experience to produce saleable articles, it is seen as a form of incentive which will be available to all inmates.

Parts XXII, XXIII and XXIV are all self-explanatory. Part XXV deals with internal management. This part spells out the requirement on the director to ensure that all prisoners, upon reception, are informed of their rights.

Part XXVI deals with the remission of sentences. In this part, remission has been rationalised with the director now having the power to grant a prisoner remission which is equivalent to not more than 7 days per year of the sentence being served.

Part XXVII deals with offences. This part is necessary to ensure that the normal requirements pertinent to the security and management of all relative institutions have been given appropriate consideration to ensure that the safety and entitlementsof prisoners, officers and the community are adequately covered.

Part XXVIII deals with miscellaneous items. It is considered an essential component of any service that recognition of long-standing service and acts of valour be duly acknowledged. By incorporating these awards within the Northern Territory correctional services, we are providing recognition which was not previously available. Institutionalisation has been and always will be a most expensive burden on the taxpayer. Without enlightened legislation, trained staff and appropriate remedial programs, the costs will continue to increase without any correlated increase in the efficient and effective running of institutions themselves. I commend the bill to honourable members.

Debate adjourned.

RADIOACTIVE ORES AND CONCENTRATES (PACKAGING AND TRANSPORT) BILL (Serial 387)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): I move that the bill be now read a second time.

The purpose of this bill is to ensure the safety of persons and the protection of the environment through the control and regulation of the possession, packaging, storage and transport of radioactive ores and concentrates on all areas excluding mine sites. The bill will achieve this objective by setting up a system of licensing and the framework for the adoption of the Regulations for the Safe Transport of Radioactive Materials (1973) revised addition formulated by the International Atomic Energy Agency. This agency was set up by the United Nations. These regulations have wide international acceptance and have been recommended by the Australian National Health and Medical Research Council. In addition, the Ranger Uranium Environmental Inquiry concluded that the regulations ensure adequate safety for the drivers and for the members of the public in relation to the transport of yellowcake.

The Northern Territory government has executive authority in respect of such matters as surface transport regulation, industrial safety and environment protection and conservation. In view of planned shipments of uranium oxide, commonly referred to as yellowcake, from Nabarlek in approximately May 1980, the government has decided to exercise its authority in the area by legislating in respect of the packaging and transport of radioactive ores and concentrates.

This bill will ensure that the same high standards of protection will apply to the packaging and transport of radioactive ores and concentrates as already apply to environmental and radiation and protection matters in respect of the mining and milling of radioactive ores. An important element of the Commonwealth government's decision on uranium development is the intention to establish uniform codes of practice to apply to all uranium mining activities in Australia and to any future nuclear activities.

A comprehensive set of codes is being developed by a Commonwealth-state consultative committee on which the Territory is represented. The Territory was the first to incorporate into legislation the Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores (1975) and, with this bill, the Territory government will be the first to incorporate into legislation the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials (1973).

It was decided at a recent meeting of the Commonwealth-states consultative committee that these regulations will also form the basis of the uniform codes throughout the Commonwealth on the transportation of radioactive materials. As I indicated in my opening comments, the proposed legislation will not apply to mines sites which are already controlled under the Mines Regulation Act incorporating the Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores and the Uranium Mining Environmental Control Act.

The present legislation will be completely complementary to the Radiation Safety Control Act, administered by the Department of Health, which is concerned with the transport of radioactive material in general but which specifically excluded the mining, production, possession, treatment, handling, sale, use or disposal of uranium ores and uranium oxides U308.

Mr Speaker, I would now like to point out some of the major provisions of the bill. Subject to the direction of the Minister, the Chief Inspector, who will be the chief government mining engineer of the Department of Mines and Energy, will be primarily responsible for the administration of this legislation. There will, however, be some independent responsibilities for the Chief Medical Officer of the Department of Health.

Possession of radioactive ores and concentrates will be allowed only under and in accordance with the conditions of the licence. This was one of the recommendations of the Ranger Uranium Environmental Inquiry. Licences will be issued for periods of up to 12 months with respect to the transport and storage of radioactive ores and concentrates subject to appropriate conditions regarding protection of the public and the environment.

The basis of procedures for the maintenance of records and for the protection of the public and the environment in the event of an accident are established. Uranium oxide will be the main substance dealt with under this act and it should be emphasised that the hazards of its transport and storage are no greater than the transport and storage of many other toxic substances. This is because uranium oxide emits only a very low level of radioactivity and will be packed securely in approved containers in accordance with the International Atomic Energy Agency's regulations. I commend the bill to honourable members.

Debate adjourned.

CROWN LANDS BILL
(Serial 389)

Bill presented and read a first time.

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

This bill revises the rural provisions of the Crown Lands Act to encourage and stimulate development on rural land. The new provisions will create a framework which will allow greater agricultural and intensive farming activity in the Northern Territory. These provisions will enable pastoral lessees - this could include tourist and public recreational development - in addition to the required pastoral lease use. Alternatively, a portion of a pastoral lease may be surrendered in exchange for an agricultural or miscellaneous lease subject to the usual Land Board processes and provided that the remaining pastoral lease is a viable unit.

The range of uses for which a miscellaneous lease may be granted is extended by this bill to include, among other things, rural residential purposes. The new permitted uses, in conjunction with a new direct grant provision for miscellaneous leases, will make it possible to deal with a number of outstanding applications for land which have been held up pending such legislative change. A reserve price related to market value will apply to miscellaneous leases throughout the Territory and provision is made for payment by instalments. The bill also provides for the payment of survey fees by instalments.

The bill also introduces a provision that will prevent the granting of grazing licences under the Crown Lands Act over land reserved for stock routes and travelling stock. This is necessary because the responsibility for the administration of stock routes and travelling stock lies with the Minister for Industrial Development and this responsibility necessarily extends to the control of stock reserves. I commend the bill to honourable members.

Debate adjourned.

STOCK ROUTES AND TRAVELLING STOCK BILL
(Serial 391)

Bill presented and read a first time.

Mr STEELE (Industrial Development): I move that the bill be now read a second time.

The purposes of this bill are twofold. Firstly, it will permit a new and more appropriate type of licence, an agistment licence, to be issued for the short-term over land set aside for stock routes and travelling stock under the provisions of section 103 of the Crown Lands Act. In the Stock Routes and Travelling Stock Act, as it now stands, there are provisions to issue licences over declared public watering places. The bill in no way affects those provisions and the authority to issue those licences will still continue.

However, a licence to water stock is not a licence to graze stock. Our stock reserves, in particular, total many thousand square kilometres and are strategically located throughout the pastoral areas of the Territory. Under present law, there is no authority, save that under the Crown Lands Act, to assist pastoralists, particularly in times of natural disasters - for example,

fire and drought - by licensing them to feed stock on the pastures of our stock reserves. The government regards that as a deficiency which the amendment seeks to rectify. The provisions of the Crown Lands Act that I have referred to permit the issue of grazing licences over land set aside for stock routes and travelling stock.

The specified legal conditions attached to those grazing licences could, under certain circumstances, cause detriment to the pastoral industry. Of particular concern in this regard are the facts that 3 months notice is required to determine a grazing licence and that, on renewal, the licence is effective for 12 months. In the event, for example, of a cattle disease outbreak, it would take 3 months to terminate a grazing licence and resume the stock reserve to enable its use for disease quarantine purposes. The government considers that to be an untenable situation. It proposes, therefore, to amend the Crown Lands Act to remove the authority to grant grazing licences for land reserved under section 103 for travelling stock purposes. It further proposes that the same date will apply for the separate amendments to take effect.

Secondly, the bill seeks to clarify the onus of responsibility for the disposal of cattle carcases located on or near a stock route, stock reserve or public trucking yard. It is an unfortunate fact, as you would well know Mr Speaker, that despite all care cattle sometimes perish during transit to market outlets. In the existing legislation, the responsibility for disposing of such carcases, on or near public places, rests with the person in charge of the travelling stock. The legislation currently provides that, if the person in charge does not dispose of the carcase, an authorised inspector may do so and recover the costs from the person in charge who, by legal definition, is the drover and not from the owner or the agent. It is the government's view that the ultimate responsibility in such cases rests squarely with the owner or with him through his agent. The amendment seeks to make this so. I commend the bill to honourable members.

Debated adjourned.

VISITORS BOOK

Mr SPEAKER: Honourable members, I draw your attention to the Visitors Book on the table near the Mace. This handsome gift is the work of the 4 apprentices at the Government Printing Office. On behalf of the Assembly, I thank them again for this gift and also I thank their master, Mr Alan Caudell, the Government Printer.

MENTAL HEALTH BILL
(Serial 334)

Continued from 21 November 1979.

In committee:

Clauses 1 to 6 agreed to.

Clause 7:

Mr TUXWORTH: I move amendment 148.1.

This amendment reached its present form by reason of the deep concern of the Chief Magistrate and his colleagues over the restrictive nature of the initial threshold issue which is envisaged in the old clause 7. Members will

note that, under the old clause 7, before a magistrate could make an order to have a person examined, he had to be satisfied that, by reason of mental illness, the person required care, treatment or control and was incapable of managing himself or his affairs and was not under adequate care or control and, further, was likely, by act or neglect, to cause death or serious bodily harm to himself or another person. The magistrates expressed the view that it would be impossible in the normal situation in which they are called upon to make initial orders to have a person examined to assess, without medical experience, all the criteria listed above. This was because the clause was required to be read conjunctively and not disjunctively; that is to say, all of those elements had to be present, not merely one of them. Unless the magistrates can act effectively and quickly in the initial stages to arrange for treatment and examination of a seriously distressed person or a person who may be suffering from mental illness, there is more danger of that illness manifesting itself in more severe forms in the very near future.

Accordingly, the clause has been reworded to provide that, where a magistrate is satisfied after reasonable inquiry that a person may be suffering from mental illness and, by reason of that illness, may require care, treatment or control or be incapable of managing himself or his affairs or is not under adequate care, treatment or control, or is likely, by act or neglect, to cause death or serious bodily harm to himself or another person, then the magistrate may order that the person be held for medical examination and treatment. Honourable members should note that an order under the new clause 7 cannot last for more than 3 days excluding Saturdays, Sundays and public holidays. Naturally, the purpose of the order would be to calm the distressed person and to enable the magistrate to receive expert medical advice in the form of reports when the person is next brought before him.

I hasten to advise honourable members that the relaxation of the threshold provisions in respect of magistrates does not flow through to the rights of medical practitioners and members of the force who detain persons under clause 9. Honourable members should also note that a magistrate, having received reports, is required then to use the much stronger conjunctive test set out in clause 13.

I recommend the amendment to the House because it will allow the magistrates to continue the excellent work which they are all currently doing in respect of mentally-ill persons - work which is often done at most inconvenient times.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9:

Mrs O'NEIL: I move amendment 126.1.

The purpose of this amendment is to ensure that persons taken into custody without a warrant have the same medical examinations as those taken into custody with a warrant. As the bill now stands, if a person is taken into custody without a warrant, the magistrate does not necessarily have to receive a report from the Chief Medical Officer before that person is dealt with under the proposed act. This amendment and the following 2 amendments will overcome that problem.

Mr TUXWORTH: I will be seeking the defeat of the amendment. The proposal by the honourable member for Fannie Bay is noted but this clause sets out the circumstances under which a person may be taken into custody without warrant and the procedure to then be followed to obtain a custodial order. In short, that procedure is that either the person who has the other person in custody or the Chief Medical Officer must apply to a magistrate for such an order within 24 hours or as soon as possible thereafter. These amendments, together with the later amendments proposed to clause 12, would have the effect of requiring, in every case, the Chief Medical Officer to establish the full facts of the case before applying for custodial order. This would inevitably lead to delays in the seeking of orders and negate the intention to have all the cases brought to the attention of a magistrate at the earliest possible time. For that reason, we would seek defeat of the proposal.

Mrs O'NEIL: It seems to me that, if we leave the bill as it stands, there is no requirement under subsequent clauses for the magistrates to receive a report from the Chief Medical Officer before he orders that a person be kept in custody for a prolonged period of time. That is stipulated in the bill for when people are taken into custody in accordance with a warrant. I do not feel that we should have this disparity between the management of people taken into custody without a warrant and those taken into custody with a warrant.

Mr TUXWORTH: It would seem to me that, if a warrant has been issued, a case would have been established. The Chief Medical Officer is required to bring his case before a magistrate within 24 hours. The proposal of the honourable member for Fannie Bay would just have the effect of delaying what is already a requirement on the Chief Medical Officer.

Mrs O'NEIL: I would like the Minister for Health to refer me to the clause which says that a Chief Medical Officer must bring a report within 24 hours on persons who have been taken into custody without a warrant.

Mr TUXWORTH: The procedure is that either the person who has the other person in custody or the Chief Medical Officer must apply to a magistrate for such an order within 24 hours or as soon as possible thereafter. That is a requirement on whoever the detaining person is. We are saying that the proposal by the honourable member will not have the effect she is claiming because there is a requirement on the detaining person to do certain things within 24 hours. The proposal offered by the honourable member would in fact negate that.

Mrs LAWRIE: Mr Chairman, the clause which the minister refers to as being reasonable and sufficient is subclause (2): "Where a person takes another person into custody under this section, he shall, within 24 hours or as soon as possible thereafter, make, or ensure that the CMO makes, an application to a magistrate under this act for an order".

The honourable member for Fannie Bay's amendment will ensure that the CMO makes the application. The difference is that, in sublcause (2) as it is printed, the Chief Medical Officer does not necessarily have to make the application; the person who took the other person into custody can. If the CMO has to make the application, the magistrate then must have in front of him medical evidence as to why it is necessary for the order to be made. That is the difference in emphasis and I believe that it is an important check and balance.

Mr TUXWORTH: I appreciate the point that the honourable member for Nightcliff makes. However, it is seen in the context of a situation where there is

a medical officer or where the person doing the detaining has access to a medical officer. It could well be that the person doing the detaining is a ship's captain or a policeman at the back of Bourke. The balance and check that the honourable member is trying to obtain is perfectly satisfactory in a major centre but it is more restrictive than practical for any situation outside a centre where there is no medical officer in charge.

The difficulty with this legislation is that we have to cover as many Northern Territory contingencies as possible. That is the great weakness in the existing legislation which was taken from South Australian legislation and no doubt based on metropolitan views and attitudes. For doctors and police in the remote centres, it is an incredibly hopeless piece of legislation. We do not want to repeat that. By putting in all the checks and balances that we see as necessary in Darwin or Alice Springs, we might make life much more difficult for the patient in a remote area. I take the honourable member's point but I still indicate to the committee that we will be seeking its defeat.

Amendment negatived.

Clause 9 agreed to.

Clause 10:

Mr TUXWORTH: I move amendment 148.2.

As I indicated in the second-reading debate, the reference to a prison is superfluous because the only places where there are prisons are Alice Springs and Darwin. In both centres, persons taken into custody can be taken directly to hospital.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 18 agreed to.

Clause 19 agreed to.

New clause 19A:

Mrs O'NEIL: I move amendment 126.4.

The bill has a number of provisions which attempt to protect the rights of people taken into custody. There is no way that those people necessarily know that they have those rights. This new clause ensures that a person in charge of a hospital advises persons taken into custody of the rights that those people have in relation to appeals and so forth. We must accept that often people who are dealt with by this sort of legislation are people who might have language difficulties or who do not have relations or friends to look after them and their interests. It is important that they should be advised of their legal rights. In his second-reading reply, the minister indicated that his advisers felt that this could be even more disturbing to the person concerned. That is a matter of opinion but I do not think it necessarily would be.

Mrs LAWRIE: If the honourable sponsor of the bill looks at clause 19, he will see that the matter comes back to the difference between mental illness and physical illness. If you have a broken leg, it is easy to insist upon your

rights. If you are deemed to be suffering mental incapacity, it is not so easy to know your rights and to insist upon them. In fact, it is almost self-defeating.

The clause says that the person holding another person "shall comply with any reasonable request by that second-mentioned person". That really makes the whole operation very selective. I cannot accept that the check and balance sought to be introduced under the new clause 19A would in any way cause distress to the patient but I do see it as a very necessary safeguard of his rights. In particular, proposed subsection (3) of the honourable member for Fannie Bay's amendment is reasonable because it allows for all practical things to be done. The inclusion of this amendment could only enhance the legislation and the philosophy behind the legislation.

Mr TUXWORTH: I covered this point in the second-reading debate. I appreciate their comments but we will be seeking defeat of the proposed amendment on the advice of medical people working in the field. The proposed new clause places an obligation on the person in charge of a hospital to inform each person taken into custody of that person's legal rights. No one would argue against the intention behind this and I most certainly do not. This amendment evidently is based on a similar provision in the South Australian Mental Health Act which has different principles applying to the detention and recommittal of people. The custodial provisions in this bill relate only to persons who have quite severe disorders. The action suggested in this amendment could well do more harm than good in medical terms. It should be borne in mind that one of the basic concepts incorporated in the bill is that the courts are charged with the responsibility of tending the legal rights of persons who are taken into custody. This is in contrast to the South Australian situation where custodial orders are issued by medical practitioners and may not be reviewed by an independent tribunal for up to 2 months. We do not have that situation. For that reason, we will be seeking the defeat of the amendment.

Amendment negatived.

Clause 20:

Mrs LAWRIE: In speaking to the second reading, I mentioned that it is necessary for clause 20 to be made known to the guardian of the person. The clause that was just defeated would have ensured that. It is no use having an admirable clause like this if the patient is not aware of it and cannot act upon it. By the very definition of "mental incapacity", that might be the case. Therefore, his legal guardian or best friend should be aware of this communications clause. We stressed the necessity for this clause to be made known to that person having guardianship of the patient.

Mr TUXWORTH: I take the honourable member's point. As I understand it, we are dealing with people who have an immediate kin who they would wish to be advised. The honourable member is saying that there must be a compulsion on the staff to advise the next of kin. I am advised by the medical people that the staff rely on the next of kin to be involved if they are to treat the patient satisfactorily. There is no situation, so far as the medical people are concerned, where it is felt that communication should be prevented. Nevertheless, they have to try to limit the distress. If preventing communication has that effect, then they must do whatever is necessary to try and minimise the distress. We do not intend to introduce an amendment which will force the staff to do something that might not be in the interests of the patient. That is a medical decision and we would be seeking defeat of any proposal to compel the staff in that area.

I accept the premiss that the honourable members are trying to protect patients with necessary checks and balances. One of the great difficulties is that, when we appease one particular philosophy, we often make it very difficult for the patient in another way. I do not doubt the sincerity of the honourable member's belief but, in this case, it could make the patient's position much more difficult.

Mrs LAWRIE: It is only fair to speak to this clause now, even though it is obviously not going to be amended, because we understand that the operation of the act will be subject to review. As the honourable minister is aware, I am concerned to ensure that a patient has independent representation at all times whether or not it is exercised. The point about this legislation is that it is not simply one of medical practice; legal responsibility also enters into it. Whilst I appreciate the advice that the minister is getting from his medical advisers - obviously given in all sincerity and in the best interests of the patient - that alone is not enough. When this bill is reviewed, the legal implications as well as the medical implications will need to be studied.

I wish to indicate to the minister my strong concern and that members of the legal profession and not only the medical profession are involved in the best interests of patients in these circumstances.

Mr TUXWORTH: I take the honourable member's point. I find myself in some difficulty with things of this nature where there may be political, philosophical or personal feelings about a principle. However, the advisers say: "That is fine but the result could adversely affect the patient. Do you want to take that risk?". On medical advice and in the interests of the patient, my answer would be no. I accept that the honourable member may bring it up at a later time and I will be prepared to look at the matter then.

Clause 20 agreed to.

Clauses 21 to 23 agreed to.

Clause 24:

Mr TUXWORTH: I move amendment 148.3.

Where a magistrate makes an order under clause 24, he may at the same time make an order under clause 23 that the person be released from custody while he is cared for under the order. As the bill stands, his release from custody would have the absurd result that the order under clause 24 would cease to have effect and thereby the order under clause 23 would cease to have the effect so that the person would immediately be again taken into custody.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 28 agreed to.

Clause 29:

Mrs O'NEIL: I move amendment 126.5.

This will omit the word "necessary" and substitute the word "practicable". The effect of this amendment is to ensure that, as often as possible, a person

being dealt with under this act has the benefit of legal representation. It is most unfortunate that we could have a situation where a magistrate could decide that representation was not necessary. The inclusion of the word "practicable" instead of "necessary" ensures that, in certain extreme cases, that is an option but, generally speaking, persons will have legal representation. I draw members' attention to the fact that,because of the defeat of my earlier amendment, we can have the situation where a magistrate can commit a person under this act without the benefit of a medical officer's report. In view of the fact that those amendments were defeated, it is even more important that those persons taken into custody without a warrant should have legal representation.

Mrs LAWRIE: I have discussed this proposed amendment with magistrates and they agree with it. They feel that it would be a desirable inclusion. It would be better for them to have to dispense with independent legal representation for a patient only where it is obviously impracticable to provide it. To be required to determine whether it is necessary or not is an unfair burden on a court which is already dealing with a most sensitive case. Again, if independent legal representation is available to the person, all sections of the community would be far better served. The medical people still have the opportunity to put their case. The court will still determine the outcome but it was seen as a commendable provision that, where at all practicable, the person who is to be the subject of the order should have independent legal representation.

It is a small amendment but it has fairly wide ramifications so far as personal liberty goes. We are dealing in this legislation with a possible deprivation of personal liberty and therefore the utmost care must be taken.

Mr TUXWORTH: I accept that the spirit of the debate today has been towards providing the best legislation to prevent the deprivation of citizens' liberties and, at the same time, to try to maintain, as far as possible, the maximum medical treatment that can be made available to the patient. In seeking the defeat of this amendment, it is not a matter of being bloody-minded about it. I am acting on the advice of people in the legal and the medical professions. I will tender their comments and I take them myself.

The amendment proposed would remove all discretion from a court of a magistrate to determine whether or not a person in custody needs legal representation. As it is drafted, the clause places a positive onus on a court or a magistrate to satisfy itself or himself that a person is not disadvantaged by a lack of legal representation and this is considered to provide adequate protection for the individual concerned.

I take the point that the honourable members make. However, there is the difficulty of making this apply right throughout the Territory where a magistrate may hear a case where there is no legal representation or where there is no need for it in his judgment. Under the rules of the system, he has the right to order that legal representation be made available anyway if he thinks that it is necessary. You are just adding more fuel to the fire.

Mrs O'NEIL: I think the Minister for Health is putting far too much burden on the poor magistrates. He seems to expect them to make decisions which they should not necessarily make. They should not have to decide whether those persons need legal advice or not. In a matter as important as this, people require legal advice. The magistrate has to decide whether that person is to be kept in custody according to the facts that are presented before him. He should not be the person who has to decide whether those facts will be put before him or not. There should be somebody else doing that.

Mrs LAWRIE: Mr Chairman, I support the comments of the honourable member for Fannie Bay. As far as the valid point of the minister that it may be difficult to obtain legal representation in a smaller centre is concerned, the amendment takes note of that point because it says "practicable".

A good analogy to the provision before us is the practice which developed in the Children's Court. Prior to the days of legal aid, a child before a Children's Court for determination of an offence did not have legal representation. A welfare officer and a police prosecutor were present. Subsequently, it was felt by all concerned that it would be in everybody's interests, including the courts, to have legal representation where practicable for children appearing in the court. That is the practice today. It is a good analogy because a child has diminished responsibility in the same way as the person who is under consideration as a mental defective. It is in everyone's best interest to ensure independent representation of that person so that the court can make a decision on the basis of the evidence presented to it. The only way a court of summary jurisdiction comes to a decision is on the basis of the evidence. If there is no independent legal representation for the person involved, the court can only make a judgment on one set of evidence. I believe that is contrary to the British judicial system which members opposite normally support. Independent representation in this case is a very vital safeguard of the person's rights.

Mr TUXWORTH: The honourable member for Fannie Bay suggested that we are placing a pretty onerous task on the magistrates. We all agree that these are hard, uncomfortable decisions to make whether by 2 doctors, a tribunal or a magistrate. It is not a very pleasant area of work. We have determined, as a legislature, that that final decision will be made by the magistrates on the advice of medical people or whoever comes before him.

Amendment negatived.

Clause 29 agreed to.

Clause 30 agreed to.

Clause 31:

Mrs O'NEIL: I move amendment 126.6.

The wording of this amendment is taken from one of the original drafts of the bill and I was disappointed to see that it was left out of the final version. It enables the legal practitioner representing a person to ensure that the person receives an independent medical examination and also that any reports of medical examinations are available to that legal practitioner. I thought that this was very desirable when I saw it in the first draft. I concede that it will not be necessary in most cases but there could be cases where the medical basis of a committal is very marginal or arguable and independent medical advice would be considered desirable.

Mrs LAWRIE: I support the proposed amendment. These days, where a person has x-rays taken for physical injury, the x-rays are the property of the person of whom they were taken. One can demand those records as a matter of right. We are dealing with medical evidence which shall determine whether a person shall be held in custody, released on certain conditions or discharged. If a person whose liberty is at stake is to be represented, those medical records should be available for independent appraisal to ensure that the best interests of the patient are served. We cannot pass legislation depending upon the goodwill of persons. Today's CMO might be marvellous but tomorrow's CMO might have

a particular hangup. We cannot rely on goodwill. We must ensure the best interests of the patient in both a medical and a legal sense. The honourable member for Fannie Bay's amendment must be upheld to ensure that.

Mr TUXWORTH: I take the honourable members' points. The proposed amendment inserts a provision which was included in the original bill but subsequently deleted. The reason for doing so was because it was considered unreasonable to allow a legal practitioner to order the examination of a patient where the Chief Medical Officer may consider this to be contrary to the best interests of the patient. Again, we have this problem of balancing the legal and the medical side of things. We have the capacity in the legislation to refer back to the magistrate who can order that there be a revision of a person's position. As the clause is drafted at the moment, the legal representative of a patient in custody has the right to seek review of that patient's case at any time by a court or a magistrate and this gives adequate protection to the rights of all concerned.

The proposal by the honourable member for Fannie Bay would give the right of requesting a review to a legal practitioner. We are saying that that is not indeed proper because the legal practitioner cannot make an objective decision about a patient's condition and what he is requesting may not be in a patient's interest. However, that legal practitioner or the representative still has the capacity to appear before a magistrate who may order a review.

Mrs LAWRIE: Without requesting the permission of the sponsor of this amendment, I ask the minister if he would accept the amendment with a deletion of paragraph (a) which would mean that a legal practitioner may inspect the records of the Chief Medical Officer relating to a person whom the legal practitioner is representing. That proposition would do away with any distress being caused to the patient by his being subjected to a physical examination which the CMO may believe not to be in his best interests. I still think that it is imperative that the legal representative, who is bound by his code of ethics to act in the patient's best interest, must be able to require an examination of the CMO's record and, on the basis of that, prepare his case.

I do not know the legal implications of this. I propose to the honourable member that we look at it between now and February and insert it in February if necessary. I seek leave of the committee to postpone clause 31 while I seek advice on this.

Further consideration of clause 31 postponed.

Clauses 32 to 35 agreed to.

Clause 36:

Mrs O'NEIL: I move amendment 126.7.

Most honourable members will probably be aware that the inclusion of clause 37, relating to research on patients, caused concern to various sectors of the community. It is a fairly horrifying thought to think that research may be carried out on mentally-ill people against their will and not necessarily in their best interests at all. In the case of ordinary treatment, there is a provision in clause 36 and other clauses which will ensure that there are fairly tight restrictions on the time and type of treatment for a patient. However, these same restrictions will not apply in the case of research. Clause 36 says that the person in charge of the hospital shall not allow treatments, operations or procedures to be carried out on a patient unless that patient is

capable of managing himself or unless the Chief Medical Officer is satisfied, having sighted the reports of 2 medical practitioners, that it is not detrimental to the patient's best interests.

In clause 37, there is no involvement of the Chief Medical Officer at all and it is simply up to the person in charge of the hospital to decide that research may be detrimental to the patient's best interests. It seems to me that, in the case of something as unusual as research, we should at least have that extra protection of ensuring that the Chief Medical Officer determined, after sighting the reports of 2 medical practitioners, that it was necessary.

Mrs LAWRIE: As the honourable member for Fannie Bay said, in the case of the most normal procedure, the treatment of a patient in the absence of other consent, the Chief Medical Officer must obtain the reports of 2 medical practitioners acting independently of each other to ensure that the method of treatment will be in the patient's best interest. It is much more important then to have the same safeguards applying to research which is a step further than treatment. We all agree that treatment has to be a patient's best interests; it is self-evident. Research will not have the same safeguards vis a vis the independent appraisal. It simply says that the person in charge of the hospital is satisfied that the experimentation or research will not be detrimental to the best interests of the patient. I find this most incongruous and I believe it could only have been a drafting error that normal standard medical treatment will require 2 independent assessments whereas experimentation and research will not have the same safeguards.

Mr TUXWORTH: This proposed amendment is related to the defeat of clause 37 and would have the effect of preventing any patient being subject to experimentation or research. It could well be that an experimental form of treatment may be in the best interests of a particular patient and there is of course a continued need for research into various aspects of mental illness. It is not then a question of whether experimentation and research should take place but a matter of providing safeguards for the individuals concerned. These safeguards, we believe, are provided for in clause 37.

I guess we have a situation where we disagree. Clause 37 states: "The person in charge of a hospital shall not allow experimentation or research to be carried out using a patient, whether or not he is a voluntary patient, who is in that hospital for observation, care, treatment or control as a mentally-ill person unless that person in charge of the hospital is satisifed that the experimentation or research will not be detrimental to the best interests of that patient".

Mrs Lawrie: There is only one person making that judgment.

Mr TUXWORTH: Right, but in other clauses in the bill we have a protection whereby treatment - and the treatment must be specified when a person is committed to a magistrate - must be approved by a magistrate and, where there is a variation to the treatment, the person must be re-committed to the magistrate.

Mrs LAWRIE: Mr Chairman, I urge the sponsor of this bill to reconsider his attitude. According to clause 36, the person in charge of a hospital shall not allow a particular treatment to be given to, an operation to be performed, or the procedure to be carried out in respect of, or the methods of control to be exercised over a patient whether or not he is a voluntary patient unless certain procedures have been followed including that the Chief Medical Officer is satisfied, after sighting the reports of 2 medical practitioners who

have examined the person psychiatrically while acting independently of each other, that that treatment, operation or method of control is in the best interests of the patient. That is the case for normal treatment. Should not experimentation and research have the same safeguard?

The honourable sponsor has been ill-advised if he believes that accepting the amendment of the honourable member for Fannie Bay will preclude experimentation and research; it will not. Her amendment says "experimentation or research to be carried out". It is allowing it to be carried out provided that the same criteria are met regarding an independent assessment for the safeguards of the parient's interest as are met for all ordinary treatment. I earnestly believe that the honourable sponsor of the bill has been ill-advised. If ordinary treatment needs that independent assessment, why should not experimentation and research receive the same safeguard? We are not saying that we disapprove of experimentation and research - no one is suggesting that- but it can only be undertaken in the event of the same safeguards applying as those for standard treatment.

Mr TUXWORTH: Mr Chairman, I thought that, in going through clause 37, I might have convinced the honourable member that the safeguards that she is looking for are there. There is a provision for the patient to be brought before the magistrate at the time that the assessment is made. For there to be a variation in that treatment duing the course of a patient's hospitalisation, the doctors must re-submit to the magistrate.

Mrs Lawrie: That's a tortuous way of doing business - another court hearing.

Mr TUXWORTH: We are trying to give the patient what the honourable member wants and she calls it a tortuous procedure. I am finding it very hard to walk this tight rope Mr Chairman. I appreciate the honourable member's concern. As far as I can see, and the legal advisers behind me concur, the protection that the honourable member is looking for is there.

Mrs O'NEIL: With respect, I cannot understand the argument of the Minister for Health. Certainly, there is a provision whereby a magistrate may authorise certain treatments and operations and the Chief Medical Officer may allow those treatments. That is referred to in clause 36. In relation to research as it exists in clause 37, it is not left to the Chief Medical Officer but to the person in charge of the hospital. It is not subject to the recommendation of 2 medical practitioners acting independently and there is no provision, as far as I can see, for it to be referred back to the magistrate at all except at the 6-monthly review whereas, in other cases of changes of treatment, it does get back to the magistrate.

Mr TUXWORTH: This is one of those clauses where we must agree to disagree. I do not follow the logic of the honourable members and they do not seem to be able to follow mine.

Amendment negatived.

Clause 36 agreed to.

Clause 37 agreed to.

Clause 38:

Mrs LAWRIE: I move amendment 135.1.

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This is to omit "Chief Medical Officer" wherever occurring and to substitute "Minister". Honourable members will be aware that this is the guardianship clause. In the event of no other person being a guardian, the Chief Medical Officer is the guardian.

I have spoken at length with the minister and other members of this House regarding the desirability of a person other than the Chief Medical Officer being the guardian because of the other powers he will exercise and also because magistrates, during the 6-monthly reviews, can only make a determination on the basis of the evidence presented. If the Chief Medical Officer is the guardian, it is likely that only one set of evidence will be presented.

The honourable sponsor of the bill has circulated an amendment to amend clause 38 which basically has my approval. There is one difference between his amendment and mine. If my amendment is accepted, in all circumstances a person other than the Chief Medical Officer will exercise guardianship rights. In the amendment which has been circulated by the sponsor of the bill, there is no assurance that, at all times, a person other than the Chief Medical Officer shall be guardian.

I substituted "Minister" for "Chief Medical Officer" wherever occurring - I would have inserted Director of Social Welfare or Director of Child Welfare - because it was put to me that departments change from time to time. That would be unwieldy; we would have to come back and amend the legislation as orders changed. By giving that power to the minister, and he can delegate the power, it would ensure that we would not have to continually amend the principal act and that the guardianship of the person would be adequately catered for at all times. I believe that my amendment, in its absolute simplicity, is preferable to the one proposed by the minister.

Mr TUXWORTH: I will be seeking defeat of the honourable member's proposal because we have circulated amendment 148.4 which covers the issue satisfactorily.

Amendment negatived.

Mr TUXWORTH: I move amendment 148.4.

When closing the second-reading debate, I advised that an amendment would be drafted to allow a magistrate to appoint a guardian other than the Chief Medical Officer where the magistrate deems such action to be necessary. This was done in response to the representations made by the honourable members for Fannie Bay and Nightcliff. Upon looking into the mechanics of drafting such an amendment, it became evident that this was not as simple as it appeared on the surface. I have therefore adopted an alternative course; that is, to continue with the proposal that the Chief Medical Officer assume the responsibilities of a guardian where necessary but to add further restrictions on the already very limited powers of the Chief Medical Officer under this clause.

This particular amendment to subclause (1) specified that the Chief Medical Officer's powers will not relate to the property of a patient and, in effect, reinforces clause 16 which already indicates the intention that property matters be dealt with under the Aged and Infirmed Persons Property Act. The other proposal is covered by amendment 148.5.

Mrs LAWRIE: I have only one problem with this amendment. I appreciate the property clause and support it. What this clause has done is a little different from that outlined in the reply to the second-reading debate by the mini-

ster. He is certainly saying that the Chief Medical Officer shall not exercise the power of a guardian under that subclause in relation to a patient unless a court or magistrate has approved his exercise of the power. What he has not done is to allow a court to appoint another person as guardian of a patient other than for property if the magistrate deems it necessary. Everything else has been attended to, and I appreciate that, but one vital point has been missed out. I ask the honourable sponsor why it is not possible to insert a simple clause stating that a court of summary jurisdiction or a magistrate has power to appoint another person as guardian of a patient if the court deems it either necessary or desirable.

Mr TUXWORTH: My understanding is that it is possible for the magistrate to do that under the Aged and Infirmed Persons Property Act. Just to follow the honourable member's point to a conclusion, I took her point to the legal people and they assured me that the patient's right is protected. If it is necessary for the magistrate to appoint a guardian, he has that capacity.

Amendment agreed to.

Mr TUXWORTH: I move amendment 148.5.

This further amendment has the effect of requiring the Chief Medical Officer to seek specific approval from a court to exercise any power of a guardian except in an emergency or where there is a matter of a trivial nature.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clauses 39 to 42 agreed to.

Clause 31 (on recommittal):

Mr TUXWORTH: In view of the advice tendered by the legal people, I still seek the defeat of the proposal. It will be possible for a legal practitioner or a guardian or any other person to approach a magistrate for the review that the honourable member is seeking, as of right, in this particular amendment. It is not an accepted practice for anybody to have a right to the hospital records. The advisers say that the right is there for the guardian or legal representative to the magistrate to obtain an order for the documents if he thinks there is a just cause. The legal representative should establish his case to the magistrate; he should not have the right to walk into the hospital and take the records.

Mrs LAWRIE: I accept that the amendment of the honourable member for Fannie Bay will be defeated. However, I think that the argument put forward by the honourable sponsor - I mention it now for consideration in February - is completely turned around. For the person representing the patient to make an order to the court for a variation of the procedure being carried out requires evidence as to why that procedure should be varied or discontinued. The evidence is best presented by an examination of the medical record. Without that medical evidence being available to the person specifically appointed to represent the patient, such an argument to the court will lose much of its validity. The reason for disallowing the proposed amendment as amended is the precise reason why it should be agreed to.

Mr TUXWORTH: The honourable member is pulling my leg. I accept that, for the magistrate to make a decision, he must have the evidence placed before him.

We are arguing that, for the legal representative to obtain access to the records, he should seek leave from a magistrate. No one is denying that the records should not be available. We are saying that, if the legal representative wants that information, he should get it with the consent of the person and, if that is not available, through the magistrate.

Amendment negatived.

Clause 31 agreed to.

Schedule agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mrs O'NEIL: The bill has been passed without any amendments apart from those of the honourable minister. I believe that there are still grave defects. The minister has conceded from time to time that some aspects of it may require examination as time progresses. In fact, he made reference to doing some things in February. I ask the minister to give an undertaking that the act will be reviewed, particularly in the light of the reservations which various members have indicated. While it is a vast improvement on the law under which we have laboured for so long, it still has defects and can be improved.

Mr TUXWORTH: I take the point of the honourable member. I reiterate that the proposals put forward by honourable members were not rejected out of hand or with cussedness. A great deal of thought and deliberation was given to them before any decision was made not to accept them. I would say again that I believe this particular legislation is somewhat like the Liquor Act. It is a departure from the old act. It is quite likely that it has some practical deficiencies and we will only find those out in the course of time. I will be happy to consider any defects that become apparent as soon as they become apparent and bring them before the House at the earliest opportunity.

Bill read a third time.

FIREARMS BILL
(Serial 336)

Continued from 21 November 1979.

In committee:

Clause 9 agreed to.

Clause 10:

Mr EVERINGHAM: I move amendments 149.8 and 149.9.

These amendments and the defeat of clause 11 will enable the Commissioner of Police to keep records in a computerised fashion.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 negatived.

Clauses 12 to 14:

Mrs LAWRIE: I only ask the sponsor why there are 2 classes of penalties for owning, possessing or discharging an unregistered firearm: $1,000 for class A or B and $2,000 or 6 months for other classes. It was put to me that a shotgun is equally as dangerous if discharged unlawfully, if not more dangerous, than a pistol.

Mr EVERINGHAM: It is obviously a matter of opinion whether a pistol is more dangerous than a shotgun. If it will satisfy her, we will amend it to provide for a general penalty of $2,000 for the lot. It will be up to the court to exercise its discretion.

Mr ROBERTSON: There are tens of thousandsof .22 rifles in the Territory and there is a vast difference between the purpose and the nature of a firearm of that order and a .308 magnum. We are really talking about 2 different things altogether. In the electorate of the honourable member for MacDonnell, goodness knows how many unregistered .22s there are. If you start to talk about those sorts of penalties in legislation that we are now introducing, I would just like the sponsor to be aware what he is likely to do to thousands of citizens of the Northern Territory.

Mr EVERINGHAM: Whilst I do not like to disagree with the honourable Minister for Education, I believe the courts have the discretion and the $2,000 is an absolute maximum.

Clauses 12 to 14 agreed to.

Clause 15.

Mr EVERINGHAM: I move amendment 149.10.

This inserts the words "if the firearm is not a collector's piece" in order to exclude from the provisions of clause 15(2)(a) a collector's piece which is not safe and fit for use. The clause presently provides that the commissioner shall not grant a certificate of registration in respect of a firearm unless he is satisfied that it is safe and fit for use.

Mrs LAWRIE: The sponsor has not replied to my question regarding clause 15(3). It was sought to have a time limit placed on the time that the commissioner may hold a firearm for the purposes of inspecting it. This point was pushed very strongly by dealers, collectors and gun club members who felt that a time limit of 7 or 14 days would not be unreasonable. The commissioner, who is deemed to be an expert, should need no longer than that to make a determination.

Mr EVERINGHAM: I do not consider a time limit is necessary. It is unlikely that the commissioner would hold the firearm for an unreasonable length of time. However, certain circumstances may arise where 7 or 14 days would not be long enough. If a collector believes that he is being unreasonably treated, he can always try to obtain an order to get the gun back from the commissioner.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 18:

Mrs LAWRIE: Relating to clause 18, I made the point that the penalty attaching to a simple neglect of notifying a change of address should be a lesser penalty than that attaching to selling or otherwise disposing of or not reporting the loss of a firearm. I also asked him what he will do with clause 102 which appears to be in conflict with this.

Mr EVERINGHAM: I do not propose to amend the penalty provisions in clause 18. The entitlement to hold a registered firearm should be under an onus to notify the change of address within a certain time. The penalty is a maximum penalty and I think that we must give the court some discretion.

Clauses 16 to 18 agreed to.

Clause 19:

Mr EVERINGHAM: I move amendment 149.11.

This amendment omits the word "sell". The question of sale of firearms is covered in division 2 of part IV. The removal of the word will allow the private individual to dispose of his firearm by sale, if he does so in accordance with the act, without having to have a dealer's licence.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 149.12 and 149.13.

The first amendment replaces the word "or" with "and" between those 2 subclauses so that it is a defence to a charge of an offence for carriage, possession or storage of a firearm, when not authorised by the act, if the defendant is not ordinarily a Territory resident and he entered the Territory for the first time within the previous 7 days. I hope the reason for that amendment is obvious. The second amendment replaces the word "and" with "or" in the defence provision for interstate firearms so that it now reads: "the firearm is registered in, or the defendant is authorised by, or under a law in force in the other state or territory". This is because in some states it is not necessary to register a firearm or be a licensed shooter.

Amendments agreed to.

Clause 19, as amended, agreed to.

Clauses 20 and 21 agreed to.

Clause 22:

Mr OLIVER: The honourable Chief Minister in his second-reading speech made reference to the recommended fee for firearm dealers. He said: "For example, a fee of $200 for a dealer's licence was recommended because it was thought desirable to discourage backyard dealers. However, a closer examination of the situation reveals that many dealers are operating on a low or almost non-profit basis to service these specific and real needs of clubs of which they are members".

This is certainly so with the pistol club in Alice Springs where they have 2 or 3 members holding dealer's licences purely to serve the needs of the clubs. Apparently the commercial dealers in the town find that this is completely unprofitable. They are expensive guns with a low turnover. I think that a fee like that would be very disadvantageous to almost any pistol club.

The honourable Chief Minister went on to say: "These people sell so few firearms that they would need to load prices to recover the fee. This may be undesirable and these factors will be taken into account when determining the fees to be prescribed".

I would like an assurance from the honourable the Chief Minister that this will be looked at and possibly dealt with in the regulations even to the extent perhaps of having 2 fees: a commercial fee for a dealer and a separate fee for somebody who services a club on a virtually non-profit basis.

Mr EVERINGHAM: I have said it and it shall be so.

Clause 22 agreed to.

Clauses 23 to 25 agreed to.

Clause 26:

Mr EVERINGHAM: I move amendment 149.14.

This is a minor drafting amendment.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clauses 27 to 29 agreed to.

Clause 30:

Mr EVERINGHAM: I move amendment 149.15.

This omits subclause (2) from clause 30. The omission will mean that, under clause 30(1), the dealer must merely record prescribed particulars because he is already required under clause 29(2) to keep a register.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Mr EVERINGHAM: I move amendment 149.16.

Clause 31 provides for dealers' returns to be in the prescribed form. The amendment substitutes the approved form which will do away with the need for prescription by regulation which will be important because the return forms will have to be suitable for computerised operations.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.17.

This is a drafting amendment to make sense of the period that a licensed dealer must include in his quarterly returns under this clause.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clauses 32 to 39 agreed to.

Clause 40:

Mr EVERINGHAM: I move amendments 149.18 and 149.19.

These are drafting amendments to make sense of the quarterly return provisions required from armourers.

Amendments agreed to.

Clause 40, as amended, agreed to.

Clause 41:

Mr EVERINGHAM: I move amendment 149.20.

The effect of this amendment is that the commissioner may certify, in any circumstances, that a specified firearm is a collector's piece without the necessity to actually serve a notice to that effect on the owner of a firearm. This will allow the commissioner to certify a piece that a collector wishes to acquire.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clauses 42 to 44 agreed to.

Clause 45:

Mr EVERINGHAM: I move amendment 149.21.

With the addition of these words, the amendment will mean that, on the one hand, the clause recognises that the usual way for a collector to acquire a piece is by purchase but, on the other hand, it will require him to satisfy the requirements of ability and knowledge by obtaining a shooter's licence in respect of pieces that are not collectors' pieces.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clause 46 agreed to.

Clause 47:

Mr EVERINGHAM: I move amendment 149.22.

This amendment is proposed because paragraph (a) is unnecessary since clause 18 requires details of the disposal of any firearm. Collectors' pieces are registered firearms and are therefore covered by clause 18.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clause 48 agreed to.

Clause 49:

Mr EVERINGHAM: I invite defeat of clause 49.

This clause is not now considered necessary. It had a requirement for a licensed collector to submit annual returns of pieces held by him. This information will already be on the computer records.

Clause 49 negatived.

Clauses 50 to 51 agreed to.

Clause 52:

Mr OLIVER: I move amendment 146.1.

This adds a new subclause after subclause 52(2) and formally states that being a member of a pistol club is sufficient reason to possess, carry and discharge a firearm. I understand that the honourable the Chief Minister is not opposing the amendment and I thank him for his support.

Mr EVERINGHAM: The government supports the amendment.

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 to 56 agreed to.

New clause 56A:

Mr EVERINGHAM: I move amendment 149.23.

The new clause spells out just what rights a shooter's licence entitles the licensee to in relation to firearms. It is subject of course to the requirements of registration, purchase permits and the other provisions of the bill.

New clause 56A agreed to.

Clause 57:

Mr EVERINGHAM: I move amendment 149.24.

The amendment to clause 57 substitutes the word "discharge" for "use" to make it clear that a child under instruction from his licensed parent or guardian, or a person under the supervision of an instructor, may actually discharge a firearm even though he is not licensed.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.25.

This amendment omits the words "a gun, rifle, pistol or club" from clause 57 and substitutes "a rifle club or an approved gun or pistol club". The amendment makes it clear that the clubs will be approved clubs. The adjective "approved" is not applied to rifle clubs which gain their sanction from regulations under the Defence Act of the Commonwealth.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58:

Mr EVERINGHAM: I move amendment 149.26.

This amends clause 58(1), which provides that a person may not acquire ownership of a firearm class C or D unless he holds a purchase permit for that firearm, to exclude licensed dealers. This allows the licensed dealer to purchase stock-in-trade.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clause 59:

Mr EVERINGHAM: I move amendment 149.27.

This amendment will provide that a licensed collector may apply for a purchase permit in respect of a firearm class C or D and this will thus allow collectors to acquire pieces which are classed as pistols or military weapons.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clause 60:

Mr EVERINGHAM: I move amendment 149.28.

This is consequential upon the last amendment.

Mrs LAWRIE: Mr Chairman, I ask the sponsor of the bill to bear in mind my comments during the second reading relating to the possibility of introducing an amendment in the February sittings which shall permit particulars of a shooter's or collector's licence to be forwarded with an application for a purchase permit - particularly if they are computerised and have some keying mechanism - because a shooter in the field should have his licence with him and, in submitting an application to purchase, should not have to physically surrender that licence.

Mr EVERINGHAM: Mr Chairman, I am pretty sure that this legislation will not turn out to be perfect. I would hope that, after it has been in operation for 6 or 12 months, we can thoroughly review how it works in practice. I am sure that the Commissioner of Police, as Registrar of Firearms, will ensure that any amendments which prove to be necessary will come forward in short order.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 68 agreed to.

New clause 68A:

Mr EVERINGHAM: I move amendment 149.29.

This is to insert the new clause 68A which spells out the rights attaching to a temporary permit.

New clause 68A agreed to.

Clauses 69 to 71 agreed to.

Clause 72:

Mr EVERINGHAM: I move amendment 149.30.

This is a small but important amendment and the effect of it is that there may be an appeal from a decision of the commissioner under division 6 of part IV to refuse the grant of a purchase permit.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 83 agreed to.

Clause 84:

Mr EVERINGHAM: I move amendment 149.31.

This is to substitute "discharge" for "use".

It is a drafting amendment bringing the clause into line with other clauses in the bill.

Amendment agreed to.

Clause 84, as amended, agreed to.

Clauses 85 and 86 agreed to.

Clause 87:

Mr EVERINGHAM: I invite defeat of clause 87.

It provided for the offence of shortening the barrel of a firearm except a pistol but is an unnecessary provision since clause 85 already makes that an offence.

Clause 87 negatived.

Clauses 88 and 89 agreed to.

Clause 90:

Mr EVERINGHAM: I move amendment 149.32.

The amendment provides a defence if the defendant did not know and could not reasonably have known that a firearm was unsafe.

Mrs LAWRIE: Mr Chairman, I support this amendment and only draw to the

attention of the sponsor that it is exactly the kind of amendment which would have been preferable in the noise bill.

Amendment agreed to.

Clause 90, as amended, agreed to.

Clause 91 agreed to.

Clause 92:

Mr EVERINGHAM: I move amendment 149.33.

Clause 92 makes it an offence to possess a machine gun amongst other things. I cannot imagine why anyone would want to possess a machine gun and the amendment inserts defence provisions.

Amendment agreed to.

Clause 92, as amended, agreed to.

Clauses 93 to 101 agreed to.

Clause 102:

Mr EVERINGHAM: I move amendment 149.34.

The honourable member for Nightcliff has worn me down.

Amendment agreed to.

Clause 102, as amended, agreed to.

Clauses 103 and 104 agreed to.

Clause 105:

Mr EVERINGHAM: I move amendment 149.35.

This amendment to clause 105(2) will mean that the 48 hours grace to produce licences and so on demanded by a member of the police force of a person in actual possession of a firearm will only apply to firearms class A and B.

Amendment agreed to.

Clause 105, as amended, agreed to.

Clause 106:

Mr EVERINGHAM: I move amendment 149.36.

This will provide that searches must be carried out by police officers of the same sex as the persons being searched.

Amendment agreed to.

Clause 106, as amended, agreed to.

Clause 107 agreed to.

Clause 108:

Mr EVERINGHAM: I move amendment 149.37.

This removes subparagraph (b) from the averment provision. The matter is covered by subparagraph (f).

Amendment agreed to.

Mr EVERINGHAM: I move amendment 149.38.

The amendment to include the words "class or kind" in paragraph (c) will allow for the averment that a firearm is of a particular class; for example, class A or B.

Amendment agreed to.

Clause 108, as amended, agreed to.

Clauses 109 to 111 agreed to.

Postponed clause 5:

Mr EVERINGHAM: The honourable member for Nightcliff suggested that the definition for "antique firearms" be amended to include flintlock or black-powder firearms. The present definition means a firearm manufactured before 1900 for which no cartridge ammunition is commercially available. The government would oppose any amendment as the modern replicas, referred to by the honourable member for Nightcliff, are now being manufactured and ammunition is commercially available. In proficient hands, they are very accurate weapons of considerable range and should be classified under the legislation in the same way as other sporting firearms.

Clause 5, as amended, agreed to.

Schedule agreed to.

Title agreed to.

Bill passed remaining stages without debate.

REAL PROPERTY (SPECIAL PROVISIONS) BILL (Serial 390)

Continued from 21 November 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, there is no dispute that this bill is urgent. It requires the registration of certain parcels of land which the Commonwealth wishes to use as a matter of urgency. Certainly, the honourable the Chief Minister has the cooperation of the opposition in affording this accommodation to the Commonwealth government.

However, I would like to take this opportunity to draw to the attention of members of the House a matter in which the Commonwealth has not been so cooperative with residents of the Territory. I do not think that there is any member in this House who can effect the changes necessary and that is no fault of any

of the ministers opposite. It is a matter in which the Commonwealth could assist and in which nothing has been done. I refer to the inability of certain Territorians to purchase their houses in the Northern Territory because of the lack of title. It would be very nice if the Commonwealth could reciprocate our gesture in this House today by taking some expedient action to afford some relief to these persons.

Honourable members may be aware that the sale of government houses scheme for Australian public servants is currently in suspension. This inadvertently came about because, with self-government, all land in the Territory was vested in the Crown in right of the Northern Territory. It was not realised that there were certain land requirements which the Commonwealth had which should not have been transferred to the Northern Territory. In addition to the parcels of land for which we are now legislating, the Commonwealth also wished to retain all those housing allotments which were occupied or required by Australian Public Service residents in the Territory centres. All this land was transferred from the Commonwealth to the Northern Territory.

The Commonwealth government took one step towards rectifying the problem but I fear that the follow-up has been slower than those people who want to buy their houses would wish. On 19 December last year, the Commonwealth re-acquired a large number of parcels of land - mainly lands required for the housing of Australian public servants. This action was notified in the government gazette of that date. Since the re-acquisition, which was the first step towards obtaining separate registration and therefore titles of these parcels, there has been quite a delay in tidying up those actions that would allow these parcels to be registered and ultimately would allow the occupants of these houses to buy the houses. I made representations in March this year to the Minister for Administrative Services asking him to take expedient action on behalf of these people. A large number of them are constituents of mine but they are scattered in all Territory centres and I gather that both our senators have also made representations in the federal parliament.

The officers who would have been concerned in this informed me that it really amounted to a question of staffing. If there had been sufficient staff to undertake this task, all these lots could have been registered and the sale of government houses to Australian public servants could have been put in train again. My letter of 22 March to the honourable Minister for Administrative Services asked him to give urgent priority to the completion of actions which would enable the housing sales scheme to become operative again. I received a reply to my letter. The minister was quite courteous and hoped that all these actions would be completed by December this year and that thereafter people could apply to buy their houses because all these parcels would be registered and the titles would be capable of transfer. We are now almost at December. However, a couple of weeks ago, I saw in the press that the same matter was raised by Senator Kilgariff on behalf of Australian public servants. It does appear that that time-scale will not be met.

I make this protest in the House knowing full well that no member of this Assembly can affect the outcome. It is clearly a matter of the Commonwealth government supplying sufficient staff to enable these actions to be completed which would give satisfaction to those Australian public servants who want to buy their houses in the Territory. I make this statement in the hope that the Commonwealth will reciprocate our cooperative gesture by taking action to enable the sale of houses scheme to become operative again.

The opposition will cooperate with the Chief Minister in permitting this bill to pass through all stages today.

Mr EVERINGHAM (Chief Minister); Mr Speaker, I am not quite certain whether any of the honourable member for Sanderson's contribution to the debate was relevant to the bill. However, since she mentioned the Commonwealth home sales scheme, I think it is correct to say that all honourable members believe that the Commonwealth government should permit its servants in the Territory to purchase their homes and that it should expedite action to enable this to happen. I know that Senator Kilgariff has pressured the Minister for Administrative Services to this end. It is on record that I publicly criticised the Commonwealth for this delay.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

SESSIONAL COMMITTEE ON NEW PARLIAMENT HOUSE SITE

Continued from Wednesday 21 November.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the motion be amended by adding after the word "noted" the words "and that the committee be directed to proceed to the preparation of a brief upon which a cost advice may be sought for the development of the present site of the Legislative Assembly as a site for the proposed parliament house".

I believe that it is necessary for us to have something substantial to vote on. There were various opinions expressed yesterday by honourable members. Unfortunately, I was called away on urgent business during the course of the debate and I did not hear everything that was said. I would have preferred to have spoken whilst the memory of the words of other honourable members was fresh in my mind. However, there was one particular matter that lingered with me overnight and even today still stinks freshly in my nostrils as humbug. This was a theory enunciated by several honourable members - and I think it was expressed by the honourable member for Esley in his contribution - that the executive should be seen to be well separated from the parliament and that the public service buildings should be miles from the parliament. Perhaps it was the honourable Leader of the Opposition who said that the executive should not be separated from the parliament simply by the width of a road.

Mr Speaker, may I explain to honourable members why I consider this statement to be hogwash of the first order. The parliament is supreme. The executive is answerable to the parliament and the public service is also answerable to the parliament through the executive. If the lion is afraid to be amongst the deer, then I think parliament should pack up and go out of business. Quite frankly, the parliament cannot separate itself from the executive. The executive is under the control and discipline of the parliament. To say that the parliament should isolate itself from where government business which the parliament is supposed to control and be responsible for takes place is quite an unreal averment. It is the type of statement that makes me wonder whether parliament is conscious of its importance and its real role in the community.

If we looked at some other historical precedent, we might find that this sort of statement lacks foundation in practice. All the Australian state parliaments, except the one in South Australia, are situated in close proximity to their government offices. The Tasmanian and Victorian parliaments are almost surrounded by government offices. In New South Wales, government offices are in the same street. In Brisbane, which has the finest Australian parliament house, the government offices are all the way down George Street. In Canberra, the federal parliament is surrounded by departmental buildings. In Perth, the executive building is across the road. I am not merely arguing

this point for the sake of convenience although convenience and efficiency are considerations which should be borne in mind. If one imagines that one will be working public servants efficiently by locating the parliament house at East Point or Myilly Point, then I believe that one is dreaming.

The situation with this site is that the Department of Law is reasonably close to hand as are most of the departments in one way or another. Officials connected with the business of the House can attend and not spend too much of their time travelling or waiting unnecessarily for matters to come on. This site could become the site of a magnificent and stately parliament if that is the wish of this House.

I have indicated the reasons why I believe that East Point, which apparently is no longer considered by most people, is unsatisfactory. I do not believe Myilly Point is a satisfactory site for reasons that I have already expressed. It is cut off by the present Darwin Hospital buildings and I am dubious of claims that the main Darwin hospital block is likely to be pulled down. Therefore, there would be no direct access to the new parliament house. To do the job properly, it would be necessary to demolish the various houses which are located there.

The Darwin oval site is apparently unsuitable because of its limited area although the papers from the committee must relate only to that area of the oval between the bitumen access road because I would have thought that the total area there is much more than one hectare. In any event, there is quite a long perspective along the Esplanade which would have added to the dignity of a parliament house.

I believe that the Northern Territory parliament should be functional rather than grandiose. The Victorian parliament buildings reflect the vulgarity of an age of bumptious affluence. The South Australians hastened to copy the Victorians in an effort to appear as wealthy. The New South Welshmen still carry on their unholy business, on many occasions, in what was intended to be a church. The Tasmanian parliament is quite a dignified building although not overly large. Western Australia has a rather hideous buidling which has had a false front added to it. If anything, that building is in worse taste than the Victorian Parliament building, but that is only my view. I will be sorry to see the House of Parliament in Canberra go because it has a certain dignity although it is obviously inadequate. The Queensland Parliament House, both architecturally and aesthetically, gives by far the best impression.

After analysing those parliaments, I think we should aim for a functional building rather than a grandiose one. It should still be reasonably dignified. If possible, it should have sufficient space around it to enable people to appreciate it. Based on common sense, it would be possible to demolish the Nelson building almost contemporaneously with the construction of a parliament on this site. At the present time, the Nelson building has magistrates' courts on the bottom floor. The upper floor will be used for parliamentary suites for office holders such as the honourable Leader of the Opposition. These suites will be provided in the new parliament building and the magistrates will be provided for in a new lower courts building which will be erected in the vicinity of the Port Authority building. The lower courts building will be completed by the time the parliament is completed so there will be no further need for the Nelson building. It could be demolished in the dying stages of the construction of the parliament building.

I think it would be possible to plan for the front entrance of the new parliament building to face the Supreme Court and for there to be an access

way with grass and trees between the new parliament building and the Supreme Court. I believe that the Supreme Court building itself will have to be demolished in the not too distant future. It may appear to be an impressive building from the outside but its roof leaks badly, its air-conditioning does not work and it is overcrowded. It has never really recovered from the cyclone. At the very outside, there would be another 10 years of life left in it. As the Territory grows, we will need more accommodation for the judiciary and the various administrative arms attached to the Supreme Court. I believe we will have to look for an appropriate site for a new Supreme Court, possibly the old Darwin oval. If the Supreme Court was demolished, the new parliament building could have quite a magnificent aspect with nothing between the Hotel Darwin and the front entrance.

At present, the Department of Law is housed in the Wells building. In due course, it will have to be demolished. I certainly undertake, as would other honourable members, to see that these buildings are demolished at their life's end as a condition for siting the parliament house on this site. Even without those provisos, the site is of a sufficient size to accommodate a building without ostentation. Quite frankly, I am not in favour of a pillared front. I believe that we should have a solid building which depicts the style of our times with dignity. I cannot picture it in my mind but I know that I do not want to see the types of construction which are in South Australia and Victoria.

I certainly support the motion that the report be noted and I especially commend the amendment to honourable members.

Mr OLIVER (Alice Springs): I move that the amendment be amended by deleting all words after "Assembly" and inserting the following: "and the Myilly Point site as a possible site for the proposed parliament house".

I do this because I feel quite certain that the site here is too small. Even before the building is under construction, the honourable the Chief Minister is plucking existing buildings out of the area to make room for expansion. These buildings might have to be demolished in time but other buildings will still have to go up. If we are to have a very large complex for the parliament house here, then where will we put those other buildings?

Myilly Point is a picturesque site and would set off a parliament house. There has been mention of the constraints by the hospital and the residences in that area. With the growth of the town and the effluxion of time, those constraints will naturally disappear. As I said yesterday, we are not looking 10 or 15 years ahead; we are looking for up to 50 or 100 years ahead. We have to bear in mind, when considering a parliament house site, how the town will grow over the years. At the moment, access to Myilly Point is possibly a little restricted but that could be rectified without too much expense. At least that site would afford the room to erect a parliament house and still have enough space for landscaping and additional buildings.

Mr PERRON (Treasurer): Mr Speaker, I would like to speak against the amendment to the amendment as moved by the honourable member for Alice Springs. In doing so, I foreshadow an amendment of my own. As the Chief Minister said, the time has come for a decision to narrow the choice to a single site. The whole affair has waffled on far too long. The honourable member for Alice Springs wishes to reduce the choice from 1 of 4 sites to 1 of 2 sites. That will not bring us as close to the decision as it should; we should be narrowing it down to a single site.

Mr Speaker, I foreshadow an amendment of my own to the Chief Minister's amendment, which would expand the area of the existing site by incorporating the words similar to "and adjacent roads and Crown land" so that further delib-

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erations by the committee are not restricted solely to the existing Assembly site. This would allow the committee to look at those areas on all 4 sides of the site.

Mrs LAWRIE (Nightcliff); I rise as a member of the parliament house site committee to speak to the amendment proposed by the honourable member for Alice Springs.

Yesterday, honourable members were given the benefit of the views of the members of the committee. All members of the House have the relative information on all the sites. It is quite clear that members of the House are divided on their opinions as to a suitable site and 4 were suggested: East Point, the Esplanade oval, the existing site and Myilly Point. Of the people who spoke, those in favour of the existing site were in the minority. It is somewhat surprising to see an amendment to a motion moved by the Chief Minister to choose a minority point of view.

Mr Robertson: That was only from part of the debate.

Mrs LAWRIE: Mr Speaker, the honourable Manager of Government Business cut short the debate yesterday in order that further debate should continue today so it is no good his sitting there bleating about all points of view not having been heard. Those points of view which were put forward clearly favoured Myilly Point and not the existing site. I am also in favour of Myilly Point but I am even more in favour of real democracy so let us have an open vote and not a pre-empted decision based on a minority point of view.

The honourable the Treasurer certainly favoured the existing site and he is a member of the committee. You Sir, the chairman of the site committee favoured an entirely different site: East Point. The honourable member for Port Darwin favoured the existing site. The honourable member for Alice Springs: Myilly Point. The honourable Leader of the Opposition: Myilly Point. The honourable the Minister for Community Development who is also on the site committee: the Esplanade. The honourable member for Sanderson favoured Myilly Point. I favour Myilly Point. It certainly seems that, of the people who spoke, Myilly Point is in the ascendancy and I take some umbrage to an attempt to push a minority point of view.

Mr Speaker, if one looks at the proposals considered by the site committee, it is quite clear that the access restriction on the Myilly Point site is most ephemeral. It is interesting to see that the question of access is held up by some honourable members as a reason for not favouring Myilly Point and yet they intend, in one fell swoop, to do away with 2 large office blocks and the Supreme Court building which do not appear to have much substance. I would think that the few houses around Myilly Point would fall down of their own accord long before these office buildings and the Supreme Court so, if that is a consideration, it is rather an unusual one.

Myilly Point has certain advantages over this site and it is very interesting that, in the deliberations of the committee - which was chaired by the Speaker who is above mere political considerations...

Mr Tuxworth: What! Because he agrees with you?

Mr SPEAKER: Order! I ask the honourable member to withdraw that remark.

Mr Tuxworth: I withdraw.

Mrs LAWRIE: ...had 2 members of the Country Liberal Party, 1 member of

the Australian Labor Party and 1 independent member - there were 4 different opinions on where the new site should be. Quite properly, we have referred the whole matter back to the Assembly. The committee did not consider it in any sense in political terms and it would be a pity if it degenerated into a matter of political expediency from now on.

I did say that this site has less advantages than the Myilly Point site. One is size; the simple area. The Myilly Point site is also visually magnificently prominent. Not all honourable members availed themselves of the opportunity to visit that site in the bus and not all honourable members, having got that far in the bus, availed themselves of the opportunity to get out and have a look.

From the opinions that I have heard expressed, it is quite clear that a majority of members of this House favour the Myilly Point site. There is a variety of opinions amongst those left as to whether it should be East Point, the existing site or the Darwin oval. I support the proposed amendment to the amendment.

Mr TUXWORTH (Mines and Energy): Mr Speaker, before any honourable members categorise me as being in favour of any particular site, I would like to make my views known. I have a strong feeling about where the site should be. I am of the view that it should be on this particular site.

Mr Collins: Surprise, surprise!

Mr TUXWORTH: Well, surprise, surprise! For the benefit of the honourable member for Arnhem, I was on the site committee in the last Assembly. My views were formulated then and they have not changed and nobody has given me any good reason to change them. I put a lot of work into investigating the site; hopping out of the bus on various tours.

Mrs Lawrie: Well done.

Mr TUXWORTH: I am glad that the honourable member appreciates it. Planning for a parliament house is like buying a car: it reflects your personality. I was very interested to hear that honourable members have such great visions of the parliament house hanging over the cliffs, tree-lined drives, beautiful gardens and the whole bit. I think the most important thing is that the parliament house is practical and that it relates to the people. One thing is certain, if it is sited at Myilly Point or East Point, there is no way that it will be seen to relate to the people any more than the parliament house in Canberra does. The Parliament House in Canberra is like a tourist attraction.

Mr Collins: It is magnificent.

Mr TUXWORTH: It may be magnificent in its appearance but I do not think that the operation of the thing is all that magnificent. I do not think the people of this country regard it as the House of the people. It is rather like something that you pay a dollar to walk through and you get your money's worth when you come out the other end.

I think it is important that the economics, in terms of manpower, are seriously considered. I think several honourable members have spoken about the inconvenience and the cost of having public servants and others commuting between the parliament house, the executive offices and the public service offices. If Canberra is any indication of what could happen in the Northern Territory by having a parliament house a couple of miles away or perhaps 20 minutes driving time from the offices, I am quite happy to support any proposal that will see parliament house built on this site.

Mrs O'NEIL (Fannie Bay): I thought that the honourable Minister for Health was going to advocate siting the new parliament at Tennant Creek or at least in the Darwin northern suburbs where the people really are. This legislature has been on this site for a long time. How many members of the public relate to this site? It is perfectly clear that they do not relate to this site at all. Any argument on that point is hogwash.

The Chief Minister said: "The executive is under the control of the parliament". We will see whether that is true today by the way people vote. I am firmly of the belief that the majority of members, if they were given a truly free vote, would vote for the Myilly Point site. A number of members on the other side do not support this site. Even a majority of members on the sessional committee, having examined the matter most carefully and realising the constraints of this site, do not support it. The amendment of the Chief Minister is an attempt by an executive to control the parliament's decision on where the future parliament should be. That is not amusing; it is not laughable. It is important that the parliament, which represents the Northern Territory community, should be able to make that decision itself and not be bullied into it by the executive. If they are still in government when the building is completed, and that is highly unlikely, they think it will be easy to skip across the road from the executive building.

This is most regrettable. I believe that the amendment of the member for Alice Springs is a reasonable attempt at compromise. He does not eliminate this site because the executive and the Chief Minister obviously feel strongly about it. He has given the committee 2 options: this site and Myilly Point. I believe that that is reasonable. He has not eliminated Myilly Point because clearly he feels strongly about it. After listening to the debate yesterday and speaking to other members, he believes that a large number of members like the idea of Myilly Point. On the other hand, he has not completely eliminated this site. The option is there and I think it is a very reasonable option. I urge members, in a free vote and in all conscience, to support his amendment because it most closely reflects the will of the members of the parliament at this stage.

Mr DONDAS (Community Development): In brief, I cannot support the amendment. At no stage in yesterday's debate nor at any committee meetings have I indicated that I would like to see the parliament house built at Myilly Point.

Ms D'ROZARIO (Sanderson): I really did support the Myilly Point site when I spoke yesterday so I think that there is no necessity for me to go over the argument. However, we realise now why the honourable Manager of Government Business sought to have this debate adjourned. He gave some indication yesterday when he moved the motion for the adjournment because it was quite clear that, on this side of the House, there was some sort of consensus between members. The other side, however, was all over the place. The Minister for Community Development favoured the Esplanade site and other members favoured this site etc. The Manager of Government Business was highly embarrassed that there had been no discussion as to what their view should be. He decided that the Chief Minister should propose this amendment and beat them all over the head with a big stick. That is the only reason why the Manager of Government Business did not allow the debate to proceed yesterday and thereby resolve the matter. We are all speaking twice to what is essentially the same question.

The Minister for Health said that the type of site members want reflects their personalities. How true! From the minister's speech, I have concluded that he is pedestrian, boring and completely lacking in imagination.

Mr EVERINGHAM: A point of order, Mr Speaker! Those words were unparliamentary in that they were a reflection on the character of the honourable

Minister for Health.

Mr SPEAKER: Would the honourable member withdraw those words?

Ms D'ROZARIO: If I may speak to the point of order, the honourable Minister for Health reflected upon the characters and personalities of other members. Since he had that liberty, I thought it only fair to reply.

Mr SPEAKER: I request the honourable member for Sanderson to withdraw the words.

Ms D'ROZARIO: Mr Speaker, I do not think there was anything unparliamentary about those adjectives.

Mr SPEAKER: The honourable member for Sanderson.

Ms D'ROZARIO: I was just concluding by saying that the honourable member for Alice Springs' amendment is a very worthy one and he has offered a compromise. The honourable Minister for Lands and Housing sought to insult the member by saying that he thought he had cut off the option for the present site. I wrote down what the honourable member for Alice Springs said. In fact, his amendment to the amendment is now to the effect that, whilst the cost advice is to be sought for this site, the Myilly Point site is still to be investigated.

Mr COLLINS (Arnhem): This debate has turned very serious all of a sudden because there is not the slightest doubt that the vote that will be taken this afternoon will determine where the new parliament house is to be sited. I think the manner in which this is being debated is disgraceful.

I have spoken to many members of this Legislative Assembly outside of this House as to where the new parliament house should be sited but I will not embarrass the honourable members by naming them this afternoon in the House. I am particularly interested in where this parliament house should be sited because it will be a legacy for the Territory for the next 100 years. Some of the arguments that have been launched in this debate from the other side of the House were ridiculous. The honourable Minister for Mines and Energy, as he usually does, delivered something that was totally illogical. I will have a look at that in just a minute.

The one thing that I do know is that, although there is a division of opinion on where the parliament house should go, there is certainly a great majority opinion in this House, and one that is felt very deeply, about where it should not go. From speaking to members inside and outside the House, there is a clear majority opinion in this House that, wherever the parliament is sited, it should not be sited on this site. If this debate this afternoon to commit the building of a parliament house for the Territory which will be a focal point for the political life of the Territory for the next 100 years is to be decided finally on party lines, it will be contemptible.

I can assure all honourable members of this House that this matter of a parliament house has never been discussed at an ALP caucus meeting. In fact, the only time it was ever discussed outside of caucus, it was decided that all members of the parliamentary Labor Party would have a totally free vote on the subject. As far as the opinions that have been canvassed with honourable members on this side of the House are concerned, opinion was divided between Myilly Point and East Point. I personally favoured the East Point site but I have been persuaded by the arguments of honourable members during this debate and outside the House yesterday that East Point is no longer an option. I know

there would certainly be a huge public outcry because East Point is an area which I visit frequently. I often take visitors to Darwin out there to show them the museum. It is an area which is frequented at weekends by many people. You see people walking their dogs and families sitting having lunch under the trees. There would be a great deal of objection to a parliament house being sited in that area because it would be inevitable that the parliament house would attract action around it. The parliament house would have an effect on the reserve generally. I accept the argument that, despite the excellent aesthetic reasons for having it out there, it cannot go there.

As an option, I believe Myilly Point is the only site to be chosen. I believe that the honourable Minister for Community Development and the honourable member for Elsey, despite their divergence, feel as strongly that it should not be here as any member of this House. If this is to be resolved on party lines, it will be contemptible.

The honourable Chief Minister spoke at length about the way in which the executive does not control the parliament. We had a classic demonstration this afternoon that the control that the Chief Minister seeks to exercise over this parliament is no less than the kind of control that the honourable Premier of Queensland exerts over his parliament. It will be a most interesting division this afternoon to see, despite the stated philosophy of the Chief Minister, just what his true style of government really is. I will be most interested to talk again to those same members of parliament outside this House, depending on the way in which they vote this afternoon, because it will certainly sort out the sheep from the goats. If the debate on this most serious matter is to be decided on party lines this afternoon, it will reflect no credit on members of the House who, I know, feel very strongly about other sites. I hope that honourable members opposite will not prove themselves to be mere tools of the executive of this government and that they will consider the long-term ramifications of this decision for the people of the Northern Territory. Those decisions and ramifications go far beyond the whims of the present government in 1979.

We heard talk from the honourable Minister for Mines and Energy about the nonsense of locating a parliament 20 minutes away from offices. Could I point out to him the obvious fact that the parliament on this site is already 20 minutes away from the office of the Leader of the Opposition. To sum up the argument of the honourable Minister for Mines and Energy, he was really saying that the parliament should not be 20 minutes away from his offices.

The honourable the Chief Minister felt that the parliament should be where the people are. I have heard nobody suggest that the parliament should be in the northern suburbs where the people are. They will be 20 or 30 minutes away from the parliament house if it is here or at Myilly Point. That argument is clearly nonsensical. If you are to build a parliament house where the people are, it should be out in the northern suburbs.

To listen to the arguments of both the Chief Minister and the Treasurer, you would think that they were Wheelan the Wrecker. They will knock down blocks 2, 3 and 8 and even the court house. It is ridiculous. Yesterday, the debate was adjourned just as I was about to get to my feet. It was adjourned for reasons that were obvious to every single member on this side ot the House. There was a considerable divergence from the point of view of the Chief Minister and his Cabinet. It was obvious that they had not got their act together to the satisfaction of the Chief Minister and he wanted to fix that. The front bench of this government obviously have got their act together and seek to impose their will on other members of the Country Liberal Party government who do

not feel the same way. Today we are presented with this disgusting piece of paper. I am looking at many members on that side of the House who feel very strongly that there is no logical reason for choosing this restricted site. It will be a most interesting vote this afternoon. I say again that, if this division ends up being resolved on party lines, it will be a contemptible blot on this government.

Mr DOOLAN (Victoria River): Mr Speaker, I will be very brief. My own particular choice is Myilly Point. Mr Speaker, you indicated very clearly that you were in favour of East Point and the Minister for Community Development indicated very strongly that his choice was the Esplanade. I will name no names but 2 other members on the opposite side have told me that their personal choice was Myilly Point. If this was fair dinkum instead of being along party lines, that would automatically scrub 4 members off the other side. It will be decided on party lines and that is entirely wrong. I deplore the attitude of the government which is continually laughing and acting as though this is a very minor matter rather than a serious one.

Mr ROBERTSON (Education): Mr Speaker, I really do not think I have ever heard such humbug and hypocrisy in all my life. We heard the sanctimonious people on the other side of the House criticising this side of the House because they seem to have come to a conclusion that we happen to have a united view. What is wrong with the party vote according to the other side of the House? The honourable member for Arnhem has assured us that the matter was not even mentioned in caucus other than the fact that it was to be a free vote. Thus, we have every single member of the Australian Labor Party opposition coming to an absolutely indentical conclusion quite independently of each other. Not only do they come to the conclusion that the ideal site is Myilly Point but so connected are these people mentally with each other that, by some brilliant telepathic process, they even come to that conclusion for identical reasons. What utter humbug to accuse us of party-line voting! I do not accept for one second that they have not discussed it in detail and are now attacking us for having what they think is a party-line vote.

I realised yesterday that there had been a gang up on the other side of this Assembly. Every single member has come to the same conclusion for absolutely the same reasons. What an extraordinary coincidence! They must believe that the public are fools. There was a diversity of views on this side of the House but not one member spoke in favour of Myilly Point.

Mr Collins: They have to me outside.

Mr ROBERTSON: We are talking about in here. Not one person has spoken in favour of Myilly Point. With their telepathic process, they are able to read the minds of members on this side of the House and say that there is an overwhelming majority on this side of the House which thinks like them. Let me assure you that the people on this side of the House are far too sensible to think like the people on the other side.

Let us turn to some of the issues that have been discussed about why this site is unsatisfactory. My choice is this site for completely logical reasons. I have not denied that this matter has been discussed by the parliamentary wing of the Country Liberal Party because it has. What annoys me is the hypocrisy of the other side. We reached the conclusion that there was a gang up on the other side of the House for a site which the majority on this side of the House thought was inappropriate. By far the majority of CLP members have indicated in the party room that they definitely do not want the parliament sited at Myilly Point. What would happen if we did not come to a logical conclusion? If we had a number of people on this side talking about the East Point site

and about the Esplanade site, that would be a splitting of the vote. However, the majority of the parliament do not want to see it on Myilly Point. There is only one way to overcome that sort of condition.

Mr Collins: A secret ballot.

Mr ROBERTSON: I would be happy to have a secret ballot. Of course, that is not the way we normally go about things here.

Mr SPEAKER: There is no provision for it in Standing Orders either.

Mr ROBERTSON: Exactly, Mr Speaker.

This site is quite adequate for the type of parliament house that the Northern Territory needs. In the foreseeable future, we can envisage a parliament of about 35 members. The executive officers themselves are to be separated physically from the proposed parliament. When we were looking at the original plans envisaged for the proposed new building, I personally said that the executive should not require offices within the precincts. That means that the space will be available for backbench members instead of luxurious suites for the ministers which I think is unnecessary.

We come now to the crazy argument that the executive must be separated from the house of parliament. That means that our colleagues in New Zealand are the greatest heretics of all time. Their beehive structure is built directly over both houses of parliament. The entire executive operation is in the same building yet we are saying that connecting the two is a travesty of the Westminster system. That is absolute nonsense. There is no question that this site is adequate for what the people of the Northern Territory expect the parliament of the Northern Territory to be - not the Taj Mahal or the House of Commons in London. It is just not meant to be that way at all.

Having seen a gang up on the other side of the House, we considered the position and we took a vote. There would be no doubt whatsoever in the mind of any reasonable person that all of those people could not possibly come to the same conclusion for parallel reasons unless they had discussed it.

The Assembly divided:

Ayes	Noes
Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Ms D'Rozario	Mr Everingham
Mr Isaacs	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mr Oliver	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Perkins	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Amendment to the amendment negatived.

Mr PERRON (Treasurer): I move that the amendment be amended by inserting the words "and adjacent roads and Crown land" after the words "Legislative Assembly".

The purpose of moving this amendment is to avoid the situation occurring which occurred when the existing site was first referred to the committee. We found that we were bound to look solely at the boundaries of the existing Legislative Assembly site. That area quite clearly is fairly small. The adjacent areas are all on Crown land. There would be no private acquisition involved. I move the amendment so that the committee may get on with the job of looking at the area realistically and so that a parliament house can be programmed as soon as possible.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Motion, as amended, agreed to.

LOCAL GOVERNMENT BILL
(Serial 337)

Continued from 14 November 1979.

Bill passed remaining stages without debate.

HOUSE COMMITTEE REPORT

Mr SPEAKER: Honourable members, I lay on the table a report from the House Committee.

Mr DONDAS (Community Development): Mr Speaker, I move that the report be adopted.

Speaking very briefly in support of the report, I think that the proposal of the House Committee to provide bench seating in the Chamber will certainly do much to assist moving around in the Chamber. I also think that the bench seating will add a bit of lustre to the Chamber although I have no objections to the large desks that we have. Most of the members have a copy of the report and I am anxious to hear what other members have to say about it.

Mr PERRON (Treasurer): I speak against the report being adopted because I notice that the House would be required to implement the recommendations if it is adopted. I have seen the layout proposed by the House Committee and I do not think it is acceptable at all. There was an attempt in the last parliament to change arrangements in this House and that was resoundly defeated. Seemingly, someone is quite persistent in his desire to have us all sit on benches.

The proposal is that ministers should go forward to the dispatch boxes each time they speak. If one used prolific amounts of paperwork, I do not know that there would be enough room on a dispatch box. I could see it as a severe disadvantage to me. I think the layout proposed by the House Committee is unnecessarily restrictive. I do not see that there are particular disadvantages to the existing layout. It has been argued that we could carry the new furniture into the new parliament house. That would be a bit much to expect. We have a brand new set of chairs which have many years left in them. I do not see any reason why we should pay $11,500 to put all members in benches or $7,500 to put the front bench in benches. I do not really understand why this proposal arises from time to time. I will have to narrow it down and find the source of the trouble. I could perhaps have a word in his ear if he is on our side. As far as the opposition side is concerned, I would rather not speak to them outside the House anyway even though the honourable member for Arnhem is very keen on talking to other members outside the House.

Mr Collins: That is a charming statement.

Mr PERRON: I oppose the motion.

Mrs LAWRIE: Mr Speaker, fate makes strange bedfellows. I agree with the honourable Treasurer that this recommendation should be rejected. If the ministers and shadow ministers feel that it is a desirable practice to speak from the dispatch boxes, there is nothing in the present arrangement which would preclude them from doing so. Secondly, the cost of option number 1 is estimated to be $11,500. Honourable members are aware that there is a limited life in this Chamber. The chairs have been provided only recently at considerable cost. I think it would be a waste of taxpayers' money to further alter the Chamber.

It would not be a significant alteration; nothing would be gained and credibility would be lost.

Debate adjourned.

TRAFFIC BILL
(Serial 366)

Continued from 15 November 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, whilst the opposition is in agreement that when the random breath-testing legislation comes into effect it ought to do what this legislation intended it to do, we wonder why the minister has chosen this particular method of doing it. We have a provision which says, in effect, that a person should not frustrate the intention of the legislation by consuming alcohol between the time of the accident or being apprehended and the time of being tested. Certainly, there is a necessity for some such provision. I am reminded of the story of 2 cars which collided with each other. The driver of one vehicle was a physician and the driver of the other was a lawyer. After the collision, the lawyer dashed out of his car and, drawing his hip-flask from his rear pocket, he offered the physician a drink to calm his nerves. The physician accepted this so-called hospitality and had rather a large one. The lawyer pressed upon him further drinks. Suddenly, the physician woke up and said "Hey, aren't you going to have a drink with me?" The lawyer said, "No, not until the highway patrol gets here".

It is quite clear that the honourable minister is seeking to prevent this sort of occurrence which would give either a wrong reading or provide the person with an escape hatch whereby he could say that he consumed the liquor after the accident and was not intoxicated at the time of the accident. What we have done here is to say that there will be people who will be apprehended after an accident and they may well not have been intoxicated at the time of the accident. What we are saying is that, notwithstanding that, evidence of a certain level of alcohol in the blood will be taken in evidence against them.

Clearly, the minister is aiming at those people who deliberately set out to alter the readings and thereby to provide themselves with a means of escaping prosecution. From that point of view, the offence really should be for consuming alcohol after the occurrence of an accident. I would have thought that that would be a fairly simple amendment. What we have here simply will not do the job. It will result in people who are genuinely not intoxicated at the time of an accident being prosecuted for having a certain level of alcohol in their blood. From that point of view, the minister has not chosen the best means of coping with this particular situation. Whilst we can see what the Minister is trying to do, the opposition cannot unreservedly support the method in which it is supposed to be done.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ABORIGINAL LAND BILL
(Serial 355)

FISH AND FISHERIES BILL
(Serial 313)

Continued from 13 November 1979.

Mr STEELE (Transport and Works): Since its introduction on 20 September 1979, the bill, together with the second-reading speech, has been widely circulated amongst members of the fishing industry and other interested groups. A number of comments have been received together with suggested amendments, a number of which will be introduced during the committee stage of this bill. The bill was drafted to take account of the rapid development of the Northern Territory fishing industry since self-government and to provide a flexible framework of legislation on which to base the continuation and consolidation of this development.

Several members have made reference to the apparent complexity of the licensing provisions, in particular those laid down in the tables specifying the class of licence that may be issued. Several amendments are proposed that will make these provisions considerably more understandable. For example, an amendment will be proposed to issue class A1 licences only for the taking of fish for sale both by normal operational methods and the use of fish traps. It also will be necessary to introduce a separate registration on boats to effect this change.

Similarly, it will be proposed that class B licences be amended to provide for the licensing of only 2 types of activity: the processing and selling of fish.

As several members have pointed out that this bill has wide regulation-making powers, I would indicate to the Assembly the general direction that these regulations will take. The provision of this flexible framework in which to provide regulations is one of the most significent aspects of this bill. Such flexibility is necessary to keep pace with the changing demands of the industry so that, on the one hand, the commercial sector can go about its business with a minimum of government intervention whilst, on the other hand, we ensure the orderly development and management of our very considerable fishery resources situated in and adjacent to the Northern Territory. Basically, new regulations will only be introduced when their need has been demonstrated but there is a need to introduce regulations without delay so that the management measures already in force can be maintained.

Honourable members are aware that the industry is divided into specific fisheries and, while it is possible for fishermen to engage in more than one fishery, each has its own characteristics requiring distinct management measures and regulations. For example, we have at the present time the prawn fishery, barramundi fishery, spanish mackerel fishery and the mud crab fishery etc for which regulations will be formulated immediately. By these means, all the regulations for each fishery will be drawn together on a separate document thus ensuring ease of understanding of the provisions by those participating in that fishery. For example, the commercial barramundi fishery will be controlled by a separate regulation incorporating the management measures currently in force in that fishery. These will include the present restrictions of mesh

size, net length and the current closures of rivers and seasons. It is proposed to discuss any new regulations with the industry and any appropriate interest groups before they are brought into force. The Fisheries Division will also prepare layman's guides to the regulations.

Some members made reference to the need of an annual report on activities controlled by this bill. However, as there is a requirement for each Northern Territory government department to produce annual reports to the House, I would envisage that matters pertaining to the operations of this legislation would be put in those documents.

The member for Victoria River made several comments regarding the recent restrictions on the barramundi fishery . I do not propose to reply to these in detail except to say that these restrictions were entirely warranted on the evidence available and that huge sums were not spent on the fisheries report prepared by Messrs Grey and Griffin of the Fisheries Division. It was prepared in the course of their normal duties. The honourable member would appear to be confused regarding regulations under the existing act and those that will be promulgated under the present bill when it is passed.

The member queried the evidentiary provisions under clause 71, particularly 71(b). These provisions have been included in the bill to overcome deficiencies in the existing Fisheries Act. It has been experienced over a number of years that a poacher, who is astute enough to study the Fisheries Act, can use its deficiencies to his own advantage. I envisage the new provisions of the bill being used only in those instances where the officer is completely satisfied in his own mind than an offence has been committed. Normally, administrative procedures would provide a further check on any abuse of these evidentiary provisions. In the normal course of events, prosecutions are not launched until after the Law Department has examined the brief of evidence and formed an opinion on the matter.

The member also commented on clause 85 which requires that only a fisheries officer can institute a prosecution. This is a safety provision to ensure that reported breaches are adequately investigated and, where appropriate, to temper legal proceedings with common sense. By this, I mean that a fisheries officer does not need to actually apprehend the offenders but he should also receive a statement from any member of the public who wishes to report offences. After further investigation, he can institute proceedings if such are indicated. In fact, a number of successful prosecutions of offenders have already been obtained in this way.

The incorporation of a provision in the bill to cover the working in pairs of fisheries inspectors would not appear to be appropriate. However, I will undertake that administrative procedures will be continued to ensure that, when inspectors are working in remote areas, they are always accompanied by another enforcement officer. In the past, fisheries inspectors have been sent out alone only to areas where they can obtain assistance from the local police. In all these instances, police agreement to participate in the investigation had been obtained beforehand.

I refer now to the drafting of fisheries regulations. This matter was raised by both the member for Victoria River and the member for Nightcliff. The member for Nightcliff also suggested that, prior to their promulgation, the regulations be submitted to the Subordinate Legislation Committee of this Assembly for examination. I have no onjection to this and will undertake to see that it is in fact done. As pointed out earlier, the Fisheries Division will be revising and consolidating the regulations for the Northern Territory Fisheries. The first step in this work is to maintain the management measures

currently in existence.

The honourable member for Nightcliff raised some doubts on clause 9 which confers on fisheries officers the powers and protection of a member of the Police Force of the Northern Territory with the rank of constable. There has been some confusion concerning the reading of subclause (2). Some people have misread the subclause as meaning that a fisheries officer has the powers of a police officer for all purposes. In fact, a fisheries officer only has the powers of a constable while he is exercising his powers under the act. These powers allow for arrest and require persons to give their names and address etc.

The honourable member for Nightcliff raised questions on the clause relating to licensing. I commented on these provisions earlier. The member also queried the discrepancy between the penalties for importing and releasing exotic fish into the Northern Territory. Before an exotic fish can be released, it would need to be imported. It was on this basis that a fine of $10,000 was placed on the importation and a $2,000 fine on the release of exotic fish. Anyone importing and releasing prohibited exotic fish would be liable to both fines as well as the possibility of costs for searching and destroying the fish illegally released. However, I accept the honourable member's concern on this matter and I have instructed that the penalty for the release of exotic fish be extended from $2,000 to $10,000.

The member for Nightcliff made several references to the wide powers of the Director of Fisheries. As she rightly pointed out, he is the proper person to exercise such powers. As a protection against an abuse of these powers, clause 6 has placed the director under the direction of the minister in the exercise of his powers and in the performance of his functions.

With regard to clauses 64(3) and 64(4) where the member questions the adequacy of a fine of $1,000 for allowing a harmful substance to enter the water over a lease or trespassing on a lease, I draw her attention to 64(5) where a provision is made for a court to award damages in respect to a trespass. Although the fine is $1,000 and 6 months imprisonment, the total penalty could be considerably greater if damages were awarded.

I agree with the honourable member that clauses 81 and 83 appear to be somewhat convoluted. However, these clauses are necessary to ensure that the rightful owner's seized propery is returned to him. Cases have arisen where gear or vehicles have been seized from persons who are not the owners and there has been some difficulty in establishing the true ownership. This is especially the case when the things seized are under hire-purchase agreements.

I now wish to discuss some of the points made by the member for Tiwi. She commented that the definition of "boat" is inconsistent with that in the Territory Parks and Wildlife Commission Conservation Act. Firstly, I would point out that this bill has included in the definition "all craft that could be used for fishing" in order to simplify subsequent clauses. Secondly, as the wildlife legislation is to be revised in the near future, its definition could be made consistent with the fish and fisheries legislation. In the definition of "trans-shipping", the strict meaning of the word has been defined so that there will be no confusion with the word as defined in the dictionary.

With regard to the qualifications and training necessary for fisheries officers, I wish to inform this Assembly that, before a person is appointed as a fisheries officer, his qualifications, aptitude and experience are carefully checked by the Fisheries Division. I do not see any need for such a requirement in these matters.

The member for Tiwi is somewhat concerned about the legal position of teenage children working after school for parents who are holders of class A1 licences and whether such children would require class A2 licences. As stated in clause 23 of the bill, such children would strictly be required to hold class A2 licences. Obviously, discretion would be exercised by the Fisheries Division in such matters.

The honourable member referred to the Fishing Industry Research and Development Trust Fund. I would like to point out that the Northern Territory is the last of the Australian states to establish such a fund for the fishing industry.

In division 3 of part IV relating to forfeiture, the member raised the point that, in addition to gear being forfeited, a person may be required to pay the cost of storage and perhaps the cost of maintenance. Amendments are being drafted to cover the member's points.

I commend to you this complex and far-reaching piece of legislation because I am confident that it will allow the fishing industry to continue its development on a solid basis.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr STEELE: I move amendment 150.1 to clause 5.

As the definition stands, it would include such animals as water-rats, frogs etc. The amendment is designed to ensure that amphibians and mammals that are not marine mammals are excluded.

Amendment agreed to.

Mr STEELE: I move amendment 150.2.

The definition of "indigenous" is inserted to preclude the possibility that an introduced species, for example, guppies, could come within the ambit of the dictionary definition of the word which includes "the progeny of introduced species established in the wild".

Amendment agreed to.

Mr STEELE: I move amendment 150.3.

The definition of "lessee" is inserted to correct an oversight in the original draft. "Licensee" is defined also.

Amendment agreed to.

Mr STEELE: I move amendment 150.4.

"Owner" is defined and inserted because it is the intention to require owners to register their boats. In the original draft, it was not intended that boats be registered but that the licence be linked to a particular boat.

This is not practical as it conflicts with the current practice of exchanging and replacing skippers on fleets of company boats. A number of amendments are proposed which will enable a licensee to use any registered fishing boat.

Amendment agreed to.

Mr STEELE: I move amendment 150.5.

"Registered" is defined and inserted for reasons similar to those above. It is part of the legislative framework necessary to provide for the registration of fishing boats.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 8 agreed to.

Clause 9:

Mr STEELE: I move amendment 150.6.

There has been some confusion concerning the wording of clause 9(2). The amendment does not alter the meaning of the subclause but it does make it simpler. Some people have misread the subclause as meaning that a fisheries officer had the powers of a police officer for all purposes whereas the intention is that he has the powers of a police officer only while taking action under the Fisheries Act.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Division heading and new clauses 10A and 10B:

Mr STEELE: I move amendment 150.7.

New clause 10A provides for the registration of boats as previously mentioned. The intention is to permit a licensed fisherman to use any boat that he wishes provided that it is registered and the boat's registration is endorsed for the purpose the fisherman wishes to use it. Clause 10A would permit the endorsement on the certificate of registration of a limitation of the purposes for which a boat may be used. The person who applies for registration must be the owner of the boat. The word "owner" is defined to mean any person who has a right to possession of the boat other than by reason only that he is the skipper of the boat. The owner would therefore include a person who has a boat under hire or some other agreement.

Clause 10B is basically the existing clause 14. Clause 14 is expressed in terms of licensing. The intention is that clause 14 will be defeated and replaced by clause 10B.

Division heading and new clauses 10A and 10B agreed to.

Clause 11:

Mr STEELE: I move amendments 150.8 to 150.12.

As clause 11 presently stands, a class A2 licence must be applied for by a class A1 licensee. The class A2 licensee would be tied to the class A1 licence. He would not be permitted to fish for any person other than that class A1 licensee. The intention of the amendment is to permit a person to apply himself for a class A2 licence. The class A2 licence would permit him, subject to the licence, to assist any class A1 licensee in fishing. To achieve this result, there are a number of amendments. First, there is an amendment to subclause (1)(c) to omit the reference to a class A2 licence. Because subclause (2) is omitted, it is necessary to make reference to a class A1 licence in subclause (3) to permit a tourist operator to obtain a commercial fishing licence. There is a further reason for amending clause 11; namely, to permit the issue of a temporary licence other than in an emergency. An example would be the issue of a temporary licence to a tourist. Clause 11(4) at present permits the issue of a temporary licence only when circumstances so justify. Subclause (4) is amended in 2 places to permit the regulations to make provisions relating to the issue of temporary licences.

Amendments agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Mr STEELE: I move amendment 150.13.

This clause is no longer necessary as clause 10A provides for the registration of fishing boats.

Amendment agreed to.

Mr STEELE: I move amendment 150.14.

Omission of the word 'named' will break the nexus between the A2 and A1 licensees and permit the A2 licensee to work for whomever he pleases without the need to reapply for a licence each time he changes employers.

Amendment agreed to.

Mr STEELE: I move amendment 150.15.

In the bill as printed, trans-shipping is an activity which is licensed. The proposal is that a boat will be registered as a trans-shipping boat. A complementary amendment will be made to clause 24 to provide that a fisherman can only trans-ship to a boat that is registered for trans-shipping rather than to a person who holds a class C licence.

Amendment agreed to.

Mr STEELE: I move amendment 150.16.

The amendment removes the requirement for fish to be landed before they can be bought for resale by the class C licensee. Although most fish are bought after they have been landed, the requirement that they must be landed prior to purchase is unnecessarily restrictive and not in the best interests of the development of Northern Territory fishery resources.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr STEELE: I invite defeat of clause 14.

Clause 14 negatived.

Clause 15 agreed to.

Clause 16:

Mr STEELE: I move amendment 150.17.

The amendment breaks the nexus between A1 and A2 licensees originally proposed in the bill and complements the amendment under clause 14.

Amendment agreed to.

Mr STEELE: I move amendment 150.18.

It is a consequential amendment.

Amendment agreed to.

Clause 16, as amended, agreed to.

Re-positioning of division.

Mr STEELE: I move amendment 150.19.

The normal method of drafting is to locate provisions relating to the grant of a licence after the provision relating to the application for the licence. When this bill was being drafted, it was decided to vary that normal method of drafting by placing provisions relating to offences immediately after provisions relating to applications for licences and not to place provisions relating to the granting of licences until some considerable time later. This did not achieve the desired intention of simplifying the bill and a number of people have found that it would be easier if the normal procedure had been followed. The proposed amendment will locate the provisions relating to granting where one normally expects to find them, namely, immediately after the provisions relating to applications.

Amendment agreed to.

Division heading:

Mr STEELE: I move amendment 150.20.

The amendment is required to update the division heading to include certificates of registration.

Amendment agreed to.

Division 6 of part III inserted.

Consideration of clauses 17 to 47 postponed.

Clause 48 agreed to with amendment.

Clause 49:

Mr STEELE: I move amendment 150.23.

This amendment is in relation to the fact that provision has now been made for registration as well as for licensing.

Amendment agreed to.

Mr STEELE: I move amendment 150.24.

This amendment allows the Director of Fisheries to have regard to whether an applicant already has a Commonwealth licence as distinct from whether he has been refused a Commonwealth licence.

Amendment agreed to.

Mr STEELE: I move amendment 150.25.

This amendment relates to the fact that there is now provision for the registration of fishing boats. Thus, the application may be for registration rather than for a licence. The amendment is a necessary consequence of this fact.

Amendment agreed to.

Mr STEELE: I move amendment 150.26.

This amendment permits the Director of Fisheries to have regard to the interests of registered owners as well as to the interests of licensees.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clause 50:

Mr STEELE: I move amendment 150.27 and 150.28.

Both amendments are related to the fact that there is now provision for registration of fishing boats.

Amendments agreed to.

Clause 50, as amended, agreed to.

Clause 51:

Mr STEELE: I move amendments 150.29, 150.30 and 150.31.

All 3 amendments are engendered by the inclusion of registration of fishing boats.

Amendments agreed to.

Mr STEELE: I move amendment 150.32.

This amendment relates to the registration of fishing boats.

Amendment agreed to.

Mr STEELE: I move amendment 150.33.

This amendment corrects a grammatical error.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clause 52:

Mr STEELE: I move amendments 150.34 to 150.37.

The amendments relate to the registration of fishing boats.

Amendments agreed to.

Clause 52, as amended, agreed to.

Clause 53:

Mr STEELE: I move amendment 150.38.

The amendment relates to the registration of fishing boats.

Amendment agreed to.

Clause 53, as amended, agreed to.

Clause 54:

Mr STEELE: I move amendment 150.39.

The amendment relates to the registration of fishing boats.

Amendment agreed to.

Clause 54, as amended, agreed to.

Clause 55:

Mr STEELE: I move amendments 150.40 to 150.44.

The amendments are all related to the registration of fishing boats.

Amendments agreed to.

Clause 55, as amended, agreed to.

Clause 56:

Mr STEELE: I invite defeat of clause 56.

Clause 56 negatived.

New clause 56:

Mr STEELE: I move amendment 150.45.

The proposed new clause 56 distinguishes between a licence ceasing to have effect and a licence expiring. The amendment will ensure that a licence does

not expire for the purposes of renewal until 6 months after it ceases to have effect for all other purposes.

New clause 56 inserted.

Clause 17:

Mr STEELE: I move amendment 150.46.

The proposed amendment remedies the defect that it provides. Clause 17(2)(a) provides that an amateur fisherman shall not use an item of fishing gear other than an item that is prescribed for the purpose of that paragraph. This means that every item of fishing gear that an amateur may use must be prescribed. The intention is to prescribe handlines, scoop-nets, cast-nets, hand-spears, spear-guns, beach seines and crab-pots. Clause 17(2)(b) provides that an amateur shall not take a prescribed fish in a prescribed area except in accordance with a class C licence. The intention is to prescribe barramundi as the fish and all the Northern Territory waters as the area.

Mrs LAWRIE: This deserves some comment. It gets back to the points I made during the second-reading speech. We are now talking about amateur fishermen who are not expected to be as conversant with this act and subordinate regulations as people engaged in the industry and I again ask the honourable the minister to make sure that, upon the passage of this act, a handbook is made available to amateur fishermen when they are requiring a licence because it will be very difficult for them to understand our legislative process.

Mr STEELE: In the best interests of good fishing in the election year, I think I would be bound to subscribe to such a policy.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 18:

Mr STEELE: I move amendment 150.47

The provision in clause 18(2) that prevents a person, other than a class B licensee, from buying fish from a class A licensee for the purposes of resale is quite inadequate to control the sale of fish both from the industry's viewpoint and for the purpose of the act. Clause 18(2)(b) is unnecessary.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mr STEELE: I move amendment 150.48.

It removes a grammatical error.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20:

Mr STEELE: I move amendments 150.49 and 150.50.

The first amendment is consequential upon the second amendment. The second amendment proposes to insert further subclauses. The first would permit a fisherman to take a bona fide passenger with him on a fishing trip without being required to apply for an A2 licence for such a person. The second amendment would permit one licensed fisherman to assist a second fisherman in the situation where each fisherman has a class A1 licence. In that circumstance, it would not be necessary for one to apply for a class A2 licence.

Amendments agreed to.

Clause 20, as amended, agreed to.

New clause 20A:

Mr STEELE: I move amendment 150.51.

The breaking of the nexus between the A1 and A2 licensees could lead to a problem of enforcement of the act in that it might be difficult at times to establish clearly who was working for whom. A proposed new clause 20A requires a class A1 licensee who is being assisted by a class A2 licensee to keep a log book recording the names of the A2 licensees who assist him.

New clause 20A inserted.

Clause 21:

Mr STEELE: I move amendment 150.52.

The effect of the amendment is to require a licensee to use only a registered boat. The need for the amendment stems from the breaking of the linkage which tied A1 licencees to a particular boat.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22:

Mr STEELE: I move amendments 150.53 and 150.54.

The amendments relate to the fact that we now have registration of boats instead of licensing of persons in respect of boats.

Amendments agreed to.

Clause 22, as amended, agreed to.

New clause 22A:

Mr STEELE: I move amendment 150.55.

The bill has no provisions to require marking fishing gear which is essential to facilitate enforcement operations. The amendment will remedy this defect.

Mrs LAWRIE: I only point out that, in this new clause, you will have to watch in drafting the regulations that all items of prescribed gear do not

include those items that amateur fishermen are able to use.

New clause 22A inserted.

Clause 23:

Mr STEELE: I move amendments 150.56 and 150.57.

Clause 23(2)(a) is deleted because it does not take into account the practical realities of net fishing. Fishermen do not remain in attendance on set nets but return to them from time to time to clear the catch.

Amendments agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mr STEELE: I move amendment 150.58.

It is now intended that the registration certificate be endorsed for trans-shipping.

Amendment agreed to.

Mr STEELE: I move amendment 150.59.

The bill is drafted "licensed as persons to engage in trans-shipping". That is a class B licence. It does not accord with current practice in the industry or with any other fisheries legislation.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 27 agreed to.

Clause 28:

Mr STEELE: I move amendments 150.60 and 150.61.

Both amendments are related to the registration of fishing boats.

Amendments agreed to.

Clause 28, as amended, agreed to.

Clause 29:

Mr STEELE: I move amendments 150.62 and 150.63.

We now have registration as well as licensing. The second amendment inserts a subclause (1) into the clause. The first amendment simplifies the language of subclause (1) to make it consistent with a proposed new subclause (2).

Amendments agreed to.

Clause 29, as amended, agreed to.

Clause 30:

Mr STEELE: I move amendment 150.64.

The amendment is related to the fact that we now have registration as well as licensing.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Mr STEELE: I move amendment 150.65.

This merely makes it easier to understand what the clause intends.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clauses 32 to 34 agreed to.

Clauses 35 and 36 negatived.

New clause 35:

Mr STEELE: I move amendment 150.66.

The major effect of the change is to make subclauses (4) and (5) of the existing clause 35 apply also in respect of the existing clause 36. Another effect is to simplify existing subclauses (1) and (2) of clause 35. The distinction between subclauses (1) and (2) is basically that subclause (1) relates to fish that are not indigenous and subclause (2) relates to fish that are indigenous. As amended, the policy is not changed but the drafting is simplified. In part, this is achieved by amending clause 40 to add a new subclause (5) to provide that the Director of Fisheries shall not grant a permit to bring a fish into the Northern Territory unless he is satisfied that the fish is indigenous or the fish is prescribed for the purposes of that subclause. As amended, clause 35 also covers a loophole in clause 35 as printed in the bill. Clause 35 as printed will allow a fisheries officer to search for and destroy fish but not to take measures to ameliorate the damage caused by the release of fish or to limit the consequences of the release of the fish.

New clause 35 inserted.

Clause 37 agreed to.

Clause 38:

Mr STEELE: I move amendment 150.67.

This is consequential upon the amendment to clause 35. Clause 38 provides that a class D licensee may not sell fish unless they are indigenous to the Northern Territory or prescribed. There are 2 classes which will be prescribed: non-indigenous fish that may be imported into the Northern Territory and non-indigenous fish that are already in the Northern Territory. It is too late to prevent these fish from entering the Northern Territory but

it may be desirable to prevent the sale of these fish or their further importation.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39:

Mr STEELE: I move amendment 150.68.

This is consequential upon the simplification of clause 35. It simplifies clause 39 and leaves clause 40(5) to make the distinction between indigenous fish and non-indigenous fish.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40:

Mr STEELE: I move amendments 150.69 and 150.70.

The first amendment is consequential upon the second. The second amendment proposes to add a subclause (5). As mentioned previously in amendment 68, this is consequential upon the simplification of clause 35 and makes the distinction between indigenous and non-indigenous fish. If a person applied for a permit to import a fish, the director then either grants the permit or refuses to grant the permit. In determining whether to grant the permit or not, he looks to the question of whether or not he is satisfied that the fish is indigenous. As the bill is presently printed, it is the applicant for the permit who would have to determine whether the fish was indigenous.

Amendments agreed to.

Clause 40, as amended, agreed to.

Clause 41 agreed to.

Clause 42:

Mr STEELE: I move amendment 150.71.

This is consequential upon the renumbering involved in simplifying clause 35.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clauses 43 to 45 agreed to.

Clause 46 negatived.

New clause 46:

Mr STEELE: I move amendment 150.72.

As clause 46 is printed in the bill, it gives the Fisheries Division power

to declare parks. This power is more properly vested in the Wildlife Commission. Clause 46 has therefore been narrowed to provide that the Fisheries Division may take further measures for the care, control and management of the area concerned but in other respects it leaves the control of parks to the Wildlife Commission.

Mrs LAWRIE: I think the honourable member's briefing notes are a bit deficient here. We are on 150.72. It is a very interesting clause: "The Administrator may, by notice in the Gazette, declare that an area is reserved in certain circumstances and, where that declaration is made under subclause (1), the Administrator may, by notice in the same or a subsequent Gazette, name the area". I certainly hope he does so because the whole thing is irrelevant unless the area is named and I am a bit taken aback by the way in which that amendment is drafted. Subclause (2) says that, after the declaration is made under subclause (1), the Administrator may name the area. What is the use of declaring the area if it is not named?

Further consideration of new clause 46 postponed.

Clause 47 agreed to.

New clause 56A.

Mr STEELE: I move amendment 150.73.

Proposed new clause 56A defines "Minister" for the purposes of division 7 of part III to mean the minister administering the Crown Lands Act. The intention is that the lease will be recommended by the minister administering this act but granted by the Minister for Lands and Housing.

Mrs LAWRIE: I would like to register a protest at this stage of the proceedings about the way in which this act is being handled. In the middle of the Fish and Fisheries Act, which is the responsibility of the Minister for Industrial Development, we have a whole division where another minister is named; that is, the Minister for Lands and Housing.

Whilst it is quite clear that amendments are not going to be put forward at this stage to alter it, I draw the attention of the committee as a whole to this most undesirable method of drafting legislation. I believe quite strongly that the minister who should be responsible for the granting of agricultural leases and the registering of these leases primarily should be the minister in charge of this bill and that, having gone through that procedure, it should then be referred for some other purpose to the Minister for Lands and Housing. It is quite incongruous to have, in the middle of the bill for which one minister is responsible, reference to another minister and for that minister to take over certain procedures under this bill.

Mr TUXWORTH: Mr Chairman, I take the honourable member for Nightcliff's point. It is possibly undesirable but it is not uncommon and I would refer the honourable member to the Aboriginal Land Rights Act which, in fact, has 2 federal ministers and a Northern Territory minister involved in issuing leases to people in the Territory. In administrative terms, it is the greatest schemozzle that you could ever come across. However, it is a reality and, even though it may cause confusion, it does work. The honourable Minister for Industrial Development may not have had any alternative. We do not have an alternative to the arrangement under the Aboriginal Land Right Act.

Mr PERRON: Mr Chairman, I was certainly part of the move to have this clause amended and it was not a matter of trying to retain any more functions for me or my department - I am busy now- but I believe it would be wrong for another area of government to have to compile records and files of existing

land tenures. There are many complexities involved in the determination of the status of a particular piece of land in the Northern Territory. We have a whole range of tenures. We have to be careful to not overlap forms of tenure because of conflicting rights. Considering the fact that not many of these are handled in a year, I think it reasonable for the 2 areas of government to simply liaise. All that is required in this situation is the issuing of the lease. The transfer of such a lease is in the hands of the Minister for Lands and Housing and that is appropriate because it is in fact a lands matter.

New clause 56A inserted.

Clause 57 agreed to.

Clause 58:

Mr STEELE: I move amendments 150.74, 150.75 and 150.76.

The amendments all relate to the fact that leases will be granted by the Minister for Lands and Housing.

Amendments agreed to.

Clause 58, as amended, agreed to.

Clause 59:

Mr STEELE: I move amendment 150.77.

This amendment is related to the proposed new clause 56A.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clause 60:

Mr STEELE: I move amendment 150.78.

This also is related to the proposed new clause 56A.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clause 61:

Mr STEELE: I move amendment 150.79.

The same explanation applies.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64:

Mr STEELE: I move amendment 150.80.

This amendment provides that it is not an offence to trespass where there is an emergency other than stress of weather. This would cover such things as mechanical breakdown.

Amendment agreed to.

Clause 64, as amended, agreed to.

Clauses 65 to 68 agreed to.

Clause 69:

Mr STEELE: I move amendment 150.81.

The amendment omits certain words which are not necessary because there is a definition of "Director of Fisheries" in clause 5.

Amendment agreed to.

Clause 69, as amended, agreed to.

Clauses 70 to 72 agreed to.

Clause 73:

Mr STEELE: I move amendments 150.82 and 150.83.

Both amendments are related to the fact that a class A2 licensee is no longer required to be tied to a particular class A1 licensee.

Amendment agreed to.

Clause 73, as amended, agreed to.

Clauses 74 and 75 agreed to.

New clause 75A:

Mrs LAWRIE: I move amendment 151.1.

Clause 75 enables fisheries officers to have certain powers including entry to premises and vehicles, breaking open and searching powers, seizing, taking, detaining and moving and securing powers. It is necessary for these officers to have these powers if we want a regulated Fisheries Act. I believe it is reasonable for fisheries officers, as soon as practicable after exerting such powers, to report in writing to the minister in such form as the minister may determine. I point out to honourable members that this in no way prejudices any prosecution for an offence.

Mr STEELE: The government is quite happy to accept the amendment.

New clause 75A inserted.

Clause 76:

Mr STEELE: I move amendment 150.84.

The word "unlicensed" is not necessary and its inclusion has led to some confusion in interpretation. The object of clause 76(1)(a) is to require the admission of a fisheries officer to any place where fish are processed whether that place is licensed or not.

Amendment agreed to.

Clause 76, as amended, agreed to.

Clause 77 agreed to.

Clause 78:

Mr STEELE: I move amendment 150.85.

This remedies a drafting error. As printed, the bill provides a wider power than is intended. The intention of clause 78 is to back up the normal power of inspection. As printed, the bill would enable a fisheries officer to require a person to assist him in boarding a vessel, for instance, even where he had no power to inspect the vessel.

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79:

Mr STEELE: I move amendment 150.86.

This amendment inserts the word "maintaining" in subclause (5). This will make provision for the situation where expenses are incurred in maintaining a boat which has been seized.

Amendment agreed to.

Clause 79, as amended, agreed to.

Clauses 80 to 87 agreed to.

New clauses 87A and 87B:

Mr STEELE: I move amendment 150.87.

The efficient management of the Northern Territory's fishery resources depends to a very great extent upon the accuracy of catch data submitted by the fishermen themselves and they are generally loath to submit comprehensive records of their operations unless the strict confidentiality of such information can be guaranteed. The amendment is designed to achieve such a measure of confidentiality.

New clauses 87A and 87B inserted.

Clause 88 agreed to.

Clause 89:

Mr STEELE: I move amendment 150.88.

This is proposed to take account of the fact that we now have a registration of boats as well as licensing.

Amendment agreed to.

Clause 89, as amended, agreed to.

Postponed new clause 46:

Mr STEELE: The explanation I have in front of me is that the park is unable to be named. Subclause (2) allows naming without reference to the Place Names Committee.

New clause 46 agreed to.

Schedule agreed to.

Title agreed to.

ABORIGINAL LAND BILL
(Serial 355)

In committee:

Bill taken as a whole and agreed to.

In Assembly:

Bills reported; report adopted.

Mrs LAWRIE (Nightcliff): I rise to congratulate the minister in having got through this most important piece of legislation with the close attention of all members of the House. As a guide to simplicity and clarity in legislation, I read new section 20A: "Subject to the regulations, the person who is in command of a registered boat shall, unless he is not being assisted within the meaning of section 20 or is being so assisted only by a class A1 licensee, maintain a record showing the name of each person who is so assisting him and, if that person holds a licence, the licence number".

Bills read a third time.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that the Assembly, at its rising, do adjourn until Tuesday 12 February 1980 or until such other time and date as the Speaker may advise in writing to honourable members.

Motion agreed to.

INDUSTRIES TRAINING BILL
(Serial 352)

Continued from 20 November 1979.

Mr ROBERTSON (Education): Mr Speaker, I think I will deal almost exclusively with those points raised by the honourable member for Arnhem in his capacity as spokesman for the opposition on education. The first point he raised was one that I found rather interesting coming from him. It related to his observations on the complexity of the administrative and advisory system in the Northern Territory. He pointed out, quite rightly, that most of the system is an inheritance from elsewhere with the exception of the 2 education advisory councils for which this parliament is responsible. I think he was expressing a concern that this legislation now refers to 1 of those 2 councils. I agree that there is a danger that we could overdo the complexity of the system. The words he has used will be of interest to the government in its consideration of the working party report on the Northern Territory teach-

ing service.

I am as conscious as he of the difficulties which we have in using a system designed for states of 3 or 4 million people when we have a population of 120,000 with a very small student population. The main thing that concerns me is that there should be no in-fighting. We are far too small an organisation for petty jealousies or empire building. It will be my endeavour to stamp out any of that sort of thing the first time it rears its head. Indeed, I have already found myself having to do some stamping.

The other thing which does not appear in any of the amendments is his proposal that we should enshrine in a law that the Director of Technical and Further Education be a member of the Industries Training Commission. I have always had the attitude that the only time you ever cite a person or an office holder in law is when that person is a statutory officer such as the Solicitor-General, the Secretary of the Department of Education, the Director of Welfare, the Director of Child Welfare etc. On my advice, there is no such animal at law as the director of TAFE. He is merely a person who holds that position and is designated as such by the Secretary of the Department of Education. It would be unwise to enshrine in law positions for people who really do not exist at law. A similar explanation of that has not appeared.

Most of the other procedural and suggested amendments which arose out of the second-reading debate are incorporated in the government's amendments with the exception of a very important point raised by the honourable member for Arnhem. He believed that certain powers and controls should be vested in the minister. I found that rather interesting because one of the most difficult things I faced right throughout the discussions on the Education Act was the accusation that I was power-grabbing and that all these references to the power of the minister were quite undesirable in law. I remember the honourable member for Arnhem and his colleagues making quite a considerable point of this fiendish "Julius Hitler" Robertson trying to take over all the functions of education. When I want a statutory commission to carry out the responsibilities that a statutory commission ought to carry out, they say that it ought to be the province of the minister.

I have discussed this issue with the opposition spokesman for education and I understand that he is satisfied that, given a firm overview of responsible ministerial control, there should not be any difficulties. As a consequence, I want to see the commission have the opportunity to exercise its mind in as unfettered a manner as possible. Certainly I will maintain a very active overview to ensure that things go in the general direction that government policy wants them to go.

Another point relates to clause 29(1)(b)(i). The honourable member for Arnhem said that we are risking an overkill in vocational training. I think he is quite right. Right throughout Australia a type of knee-jerk reaction has taken place in response to lack of skills within or available to industry. We all vividly recall the way we reacted in the early 1960s when there was clearly a requirement for many additional teachers. We reacted to that so sharply and poured such intense efforts into training teachers that we now have thousands of them unemployed. The same could apply to general practitioners, lawyers and many others. We do not want an overkill. We must be careful not to sacrifice other streams of education and overdo the vocational side. Nevertheless, there is a clear demand for vocational education as was pointed out by the Leader of the Opposition in another debate this morning.

Nearly all of the other queries raised by the opposition and other members have been picked up by the government in the latest schedule of amendments. It

is with satisfaction that I indicate to the House the level of helpful cooperation which I have been given by the honourable member for Arnhem. This is the second major exercise that we have been through together. I think that augurs well for education. I recommend that sort of philosophy and system to others around Australia. Education is not to be seen as a party-political football. If both sides of the House can cooperate, then education will benefit from a stronger and more balanced piece of law. I commend the bill to honourable members.

Motion agreed to; bill read a second time.

In committee:

Mr COLLINS: Mr Chairman, I wish to advise the committee that, after discussions with the Minister for Education, I will not be proceeding with any of the amendments on schedule 142 with the exception of the final 3 which deal with amendments to clause 72 of the bill.

Clauses 1 to 3 agreed to.

Clause 4:

Mr ROBERTSON: I move amendment 152.1.

This is a drafting amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr ROBERTSON: I move amendment 152.2.

The purpose of the amendment is to make it clear that it is the indentures which are assigned.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.3.

The operative word in this amendment clearly is "employer". It is to clarify the reference to the employer.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.4.

This is the first time the committee will notice the word "probationer". The provision of a probationary period and a definition of "probationer" was quite clearly the will of the present Apprentices Board. This will give flexibility to employment and protection of employment.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.5.

This is necessary because of the inclusion of a probationer.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 18 agreed to.

Clause 19:

Mr ROBERTSON: I move amendment 152.6.

The purpose of this amendment is to bring the penalties for disclosure by officers of the commission in line with the Public Service Act. It would be inconsistent if we did not.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clauses 20 to 22 agreed to.

Clause 23:

Mr ROBERTSON: I move amendments 152.7 and 152.8.

The purpose of the amendments is to bring the provisions of this bill in line with the recently passed Remuneration of Statutory Bodies Act.

Amendments agreed to.

Clause 23, as amended, agreed to.

Clauses 24 and 25 agreed to.

Clause 26:

Mr ROBERTSON: I move amendment 152.9.

This was mentioned by the honourable member for Arnhem and by the MBA. It is accepted by the government that the commission should set the rules rather than the chairman.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.10.

We are referring now to committees of the commission. While it is reasonable to set a quorum requirement for the commission itself which has a fixed number of members, it would be quite impossible to set a quorum requirement in respect of committees.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27 agreed to.

Clause 28 negatived.

Clause 29:

ROBERTSON: I move amendment 152.11.

The 2 words which I am seeking to withdraw are unnecessary and, if anything, in poor taste in the legislation.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clause 30 agreed to.

Clause 31:

Mr ROBERTSON: I move amendment 152.12.

This is a drafting provision to avoid ambiguity between function and power.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.13.

Quite obviously, public servants will be involved in the commission. This will correct that drafting oversight.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clauses 32 to 38 agreed to.

Clause 39:

Mr ROBERTSON: I move amendment 152.14.

This amendment will not alter the spirit of the clause at all. It will make it a little clearer and more precise.

I draw the attention of the committee to subclause (2) which provides power for the commission to exclude individuals or groups of people from these provisions. We do not want the position where the only work available to young people is in trade training areas. A person will still be able to register as an applicant for an apprenticeship and still be able to earn money in an apprentice trade with the permission of the commission. It is not meant as a closed-shop to prevent young people from earning money; it is merely there for their protection where necessary.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40 agreed to.

Clause 41:

Mr ROBERTSON: I move amendment 152.15.

This is consequential upon the amendments which I have just outlined and to make this clause consistent with them in that it will allow the employment of miners in trade training areas subject to the approval of the commission.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42:

Mr ROBERTSON: I move amendment 152.16.

The reasons were outlined previously.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.17.

The reasons are the same.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clause 43:

Mr ROBERTSON: I move amendment 152.18.

This is a technical error. It omits "registered applicant for apprenticeship" and substitutes "probationer".

Amendment agreed to.

Clause 43, as amended, agreed to.

Clause 44:

Mr ROBERTSON: I move amendment 152.19

This is for obvious reasons.

Amendment agreed to.

Clause 44, as amended, agreed to.

Clause 45 agreed to.

New clause 45A:

Mr ROBERTSON: This uncirculated amendment comes about as a result of the second-reading speech statements of the honourable member for Arnhem that there ought to be a provision in the act to protect apprentices who are otherwise not covered by awards for loss of earnings which could result from power failures. The wording of this has been agreed to by the opposition spokesman and myself. Nonetheless, I will read it:

45A. (1) Subject to sub-section (2), where the employer of an apprentice or probationer is unable, by reason of the shortage or failure of electric power, to keep the apprentice or probationer fully employed during the normal working hours of a day, the employer may deduct from the wages due to that apprentice or probationer an amount equal to the wages for that part of the day in excess of 20 minutes during which the apprentice or probationer cannot be fully employed.

(2) An apprentice or probationer -

(a) who is required to attend for work on a day but for reason

of the shortage or failure of electric power cannot be fully employed shall be entitled to pay for 2 hours work; or

(b) who commences work on a day but by reason of shortage or failure of electric power cannot be fully employed shall be entitled to pay for -

(i) 4 hours work; or

(ii) the number of hours actually worked, whichever is the greater

New clause 45A agreed to.

Clauses 46 and 47 agreed to.

Clause 48:

Mr ROBERTSON: I move amendment 152.20.

It is obvious to the committee why reference to a registered applicant for apprenticeship is being withdrawn but one would have expected that the word "probationer" would be substituted. This is to ensure that the Industries Training Commission can keep an accurate record of trade requirements and the movement of tradesmen and trainees in order that they might properly go about their statutory task of manpower training. If you run a program to identify what jobs are likely to be needed in what industry and all of a sudden there is a large movement of young people from down south then obviously you would want to know about it.

Mr Isaacs: I do not know whether we have defined "apprenticeship trade".

Mr ROBERTSON: I might have a quick think about that.

Mr ISAACS: Mr Chairman, I might just direct the minister to the definition in clause 5. "Apprenticeship trade" means a trade declared under section 38 to be an apprenticeship trade. Now my guess is that a fully-qualified carpenter is a person employed in an apprenticeship trade and, if that is the case, I am not too sure that we want all that information. I think we are just covering apprentices; we are not covering tradesmen etc.

Further consideration of clause 48 postponed.

Clauses 49 to 51 agreed to.

Clause 52:

Mr ROBERTSON: I move amendment 152.21.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.22.

This is clearly a typographical error.

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 to 56 agreed to.

Clause 57:

Mr ROBERTSON: I move amendment 152.23.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.24.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.25.

This is as a result of a point made jointly by both the honourable member for Arnhem and the Darwin Community College.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58:

Mr ROBERTSON: I move amendment 152.26.

It is for consistency with the rest of the bill.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.27.

This is for the same reason. There are an additional 2 words required after the word "applicant" in the second line: "wherever occurring".

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.28.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clause 59:

Mr ROBERTSON: I move amendment 152.29.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.30.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clauses 60 and 61 agreed to.

Clause 62:

Mr ROBERTSON: I move amendment 152.31.

This is to allow the parent or guardian to be involved in questions of assignment of apprentices' indentures.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clauses 63 to 67 agreed to.

Clause 68:

Mr ROBERTSON: I move amendment 152.32.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clause 69:

Mr ROBERTSON: I move amendment 152.33.

This is for consistency.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.34.

This is for clarity of expression.

Amendment agreed to.

Mr ROBERTSON: I move amendment 152.35.

This again relates to the matter of apprentices as opposed to probationers.

Amendment agreed to.

Mr ROBERTSON: I move amendments 152.36 and 152.37.

These are for identical reasons and are in the same clause.

Amendments agreed to.

Clause 69, as amended, agreed to.

Clause 70:

Mr ROBERTSON: I move amendments 152.38 and 152.39.

The first amendment is for consistency and the second is to include the probationer.

Amendments greed to.

Clause 70, as amended, agreed to.

Clause 71 agreed to.

Clause 72:

Mr ROBERTSON: I move amendment 152.40.

This is for consistency.

Amendment agreed to.

Mr COLLINS: I move amendment 142.14.

This is to omit the word "and".

Amendment agreed to.

Mr COLLINS: I move amendment 142.15.

In this amendment, the words "a registered applicant for apprenticeship" will have to be removed and the word "probationer" inserted to make it consistent with the other amendments in this bill.

Some people asked me about the wording in paragraph (iii). It refers to the ability of the inspector to examine people who have just completed their apprenticeships or have had their indentures cancelled or suspended.

Mr ROBERTSON: Mr Chairman, the government is happy with the amendment.

Amendment agreed to.

Mr COLLINS: I move amendment 142.16.

Mr ROBERTSON: Mr Chairman, the government is happy with that amendment.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 75 agreed to.

Clause 76:

Mr ROBERTSON: I move amendment 152.41.

This is for reasons previously stated.

Amendment agreed to.

Clause 76, as amended, agreed to.

Clauses 77 to 81 agreed to.

Clause 82:

Mr ROBERTSON: I move amendment 152.42.

Amendment agreed to.

Clause 82, as amended, agreed to.

Clauses 83 to 85 agreed to.

Postponed clause 48:

Mr ROBERTSON: Mr Chairman, in relation to amendment 152.20, I ask the committee what it thinks of the value of the commission holding a register of all tradesmen as opposed to the bureaucratic nightmare that I think would occur.

The honourable Leader of the Opposition said that everyone would go mad and I am inclined to agree. I move an amendment to the amendment which will achieve the objective: omit the words "a registered applicant for apprentices" and substitute "an apprentice or probationer". In other words, remove the words "another person in an apprentice trade" and insert "an apprentice or probationer".

Amendment to the amendment agreed to.

Mr ROBERTSON: Mr Chairman, because the Apprentices Board strongly recommended this, I will undertake to carry out a survey of employers to see what the implications are.

Amendment, as amended, agreed to.

Clause 48, as amended, agreed to.

Schedule agreed to.

Title agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

Mr STEELE (Transport and Works): Mr Speaker, I move that the Assembly do now adjourn.

Mrs LAWRIE (Nightcliff): Mr Speaker, I wish to read into the record an article which appeared in tonight's Northern Territory News. The article is headed, "The UN says Timor should go solo":

> *The General Assembly today reaffirmed the right of the people of East Timor to self-determination and independence and declared that they must be free to determine their own future under United Nations auspices. The vote was 62 to 31 with 45 abstentions. The former Portuguese territory was invaded by Indonesia in July 1976 and Indonesia maintains the UN has no right to interfere in what it regards as its internal affairs.*
>
> *The resolution, called up from the assembly's decolonisation committee, also expressed deepest concern at the suffering of the people of East Timor where a famine has been reported. It called on all parties concerned to facilitate the entry of international relief aid and requested the UN Children's Fund (UNICEF) and the office of the UN High Commissioner for Refugees to render all possible assistance, particularly to children and those seeking to leave for another country for the purpose of family reunion.*

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would just like to say a few words in the adjournment debate on a paper that was presented in America by the rehabilitation officer for Nabalco, Dieter Hinz and also the late Dr Doettling. They presented the paper at the 108th American Institute of Mining Engineers annual conference in New Orleans, Louisiana, in February of this year. It relates to the rehabilitation of the mined out bauxite areas and the red mud pond surfaces at Gove. The mining area is quite vast and there has been a tremendous amount of work done on the rehabilitation.

In the early days, the Mining Ordinance required revegetation to control erosion. It also required that there be no pollution to the underground water supply or any siltation and that the stability of the land be maintained. The

matter was discussed with the Aboriginal people and they were offered an economically viable species. However, they requested that the vegetation should be natural. There was a great deal of experimental work carried out by Mr Hinz. It was necessary to look at the types of soil, trees and natural bush in that area. The top soil was removed and stored during the mining and then replaced and left to revegetate to its natural state. Only then did they discover that the acacias and wattles were the only trees that would grow. Many native trees did not come up at all. There were no eucalypts or other trees and shrubs.

Despite the advice that it was not possible to revegetate that soil, seeds were collected from around the bush and broadcast with great success. They are quite prolific even without water. In the early stages, they put fertiliser with some of the grasses. Since that time, they found that there was no necessity to water during the dry season. Many of the plants died off during the dry but revived when the rains came. The tests showed that the acacias were suppliers of nitrogen and other nutrients.

The actual method of spreading the soil was by ripping to promote drainage. This has been very successful. The rehabilitation officer and Nabalco are now considered to be authorities on revegetation. This has been remarked upon by visitors from the federal government and others. People involved in uranium projects come to see the work that has now been done there. As I said once before, I invite any honourable member here to come to Gove to look at the work that has been done in that area. Those who fly over the mined-out area will see the work that has been done over the last 4 years. There is no maintenance of the revegetation yet there is maximum coverage from the grasses, trees and native shrubs. It is dominated by the acacias but the eucalypts are now steadily increasing in size and number in that area.

Another big problem was the red mud area. The red mud area is a residue left over from the alumina plant. It is a mixture of iron, titanium, silica. There is also some alumina which has come through the process, some caustic which is not retained when they reclaim it through the plant and a certain amount of salt which results from the use of salt water in the slurry. At that stage, there was a government requirement to revegetate those areas. They thought it was impossible because the pH of the material was greater than 10. Also, there was a high level of sodium chloride and a complete absence of nutrients. There was little top soil available in that severe climate.

Dieter Hinz set to work with pot trials. He tried the red mud with various nutrients. He also used straw, acacia leaves and other things. He added the lateritic soil which is found in that vicinity. It was thought uneconomical to use all these nutrients. However, they eventually found that, although there was a high saline content in the soil, some of the species started to grow. When they tried the main areas up near the Nabalco plant itself, they had to spead 4 inches of top soil and fertilise the first planting. The grasses, acacia, eucalypts and legumes were very successful. Even though the roots penetrated only 60 centimetres into the red mud, the plants still survived in that environment.

These 2 men were warmly welcomed in America. I have a copy of their report for anyone who wishes to borrow it. It makes very interesting reading and shows that it can be done. There will be considerable mining in future in the Territory, particularly in the Ranger area. Vast amounts of earth will be removed and a great deal of rehabilitation work will need to be done. This report proves that it can be done.

Another matter which I would like to raise relates to immigration. I do not know whether other members have had similar problems. People have come to

my office with problems relating to sponsoring parents or other relatives. I have had a few successes but there are such are variety of problems in this matter of bringing families out from other countries.

A chap came to my office and was emphatic that the government said his family were coming out. I had to tell him that I did not think it was true but he had it implanted in his mind that they were coming. He thought that all he had to tell the government was that he had accommodation for his family and they would be accepted. I told him that that was only part of the checking process. However, he became so impatient that he went to his homeland to find out what was happening. When he got there, they grabbed him and put him in gaol. They did not take any notice of the fact that he was an Australian citizen and had been for a number of years. After spending a few days in gaol, he had to bribe his way out. He went to the airport with virtually no clothing other than what he was wearing. Luckily, he had his passport and other papers and some money. He finally got back to Europe and from there back to Gove. The whole trip cost him in the order of $9,000.

In some of these cases, the ethnic people have difficulties particularly because of the language barrier. I feel that much more can be done to help these people understand the problems. The Good Neighbour Council has a number of interpreters on their list in Gove. However, I found that most of the problems stemmed from misunderstandings. Recently, a gentleman wanted to bring out his daughter. Because he had an elder son in his home country, the daughter was not eligible. The eligibility would go to the older son who was married and did not want to come out to Australia. The authorities still would not allow his daughter to come.

I have written to the minister. I talk about the immigration people in Darwin with great respect because they are really a wonderful group. They help you whenever they can. I told them recently that I was not happy with some of the decisions. I wrote to the minister and told him some of the problems, particularly the one relating to this particular girl. She is a nurse in her homeland and she could perhaps find a job at Gove.

The main reason why I am talking about this is that I feel that, in centres like Gove and other smaller areas in the Territory, there is room for a few migrants. I am sure they can be absorbed. They can get accommodation from their families. They are very attached people and seem to be able to help one another a great deal. I do not know what the other members think of this but I think we can assimilate quite a few of these people into these areas. Unfortunately, the criterion is such that it does not allow that. Where a person has a sister or a brother who could come out here, accommodation is available and they even have a job guaranteed.

Trained nurses would probably have very little trouble obtaining work at Gove Hospital. We had a situation at Gove where the hospital had to take on a lot of married women as nurses because they could not get the single nurses to live in the area for any length of time. They stay there for 12 months or 2 years then move on. It makes it very difficult. I have written to the minister to ask if there is some way that the criteria can be altered to help people into some of these areas in the Territory which can absorb 2 or 3 or 4 people a year. Bringing these people to the major centres is a problem because of the quota which is allowed to come to Darwin or Melbourne or Sydney. They seem to say "Oh yes, that family can come" and "He can't come; she can't come". The criterion is so varied it is very hard to understand. Every time it looks like someone will make it to Australia they get him on another point. They judge it on a point-scoring basis that demands certain qualifications and standards. They check backgrounds and put people through a points test. I

often think that most people might miss out by just one point. I do not know how the points are scored but I should imagine that a lot of people are disadvantaged by not having their families come out because they missed out by one point.

I do not know what the other members think of that. We could express concern to the minister that we can absorb 2 or 3 migrants into some of the Territory centres because a lot of the migrants are getting a little bit sick of hearing "no" when a lot of boat people are allowed in. Some people classify them as queue jumpers. Certainly, these people are also in distress but some of these other people are separated from their families and they want to get together.

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

Mr DOOLAN (Victoria River): Mr Speaker, I rise in this debate to speak on a matter which is of some concern to local people. I believe that, if given the facts, it should also be a matter of great concern to all taxpayers in Australia. The matter to which I refer is the 140 Taiwanese fishing boats working off our coast.

The first point I make is that Australian taxpayers are subsidising the Taiwanese and Japanese fisheries operations off Australia through the cost of surveillance, licensing, health checks and inspections. The Taiwanese received a huge $44m World Bank loan to boost their fishing operations and yet Taiwan and Japan are only going to part with $3.4m for the fishing rights in our waters.

Territory commercial fishermen have to pay high rates of interest for boat finance and I believe that areas of the Nothern Territory coast should have been reserved from fishing to allow for future NT fishing ventures and development. The point is that, in 5, 10 and 20 years, young fishermen might be in a position to finance large boats and venture into new areas. However, by that time the areas will have been fished out by the Taiwanese and Japanese. Areas which could have been closed off to all fishing are off the Wessel Islands, for instance, in the Joseph Bonaparte Gulf, which are reportedly excellent mackerel fishing grounds. The Northern Territory will receive virtually nothing from the Taiwanese fishing operations.

An interesting point is that, although the Australian government has not recognised the Taiwan regime, it has managed to get Mr Kailis, an Australian citizen, as a front for the large-scale Taiwanese fishing operations in our waters.

The other matter which I would like to mention briefly concerns the matter I spoke of in the adjournment last Tuesday night: the removal of the historical mining equipment from the old mining sites in the Brocks Creek area. It appears that this equipment has been illegally removed because my advice is that it was the property of the Mines Branch. In any case, the matter is now in the hands of the Commissioner of Police who has assured me that it is being investigated.

It appears also that, whilst I was checking out the name and address of the fellow on the side of his truck, somebody else was checking out the marks on the machinery. He rang me last night and was very concerned. He advised me that this enormous wheel, which I spoke of, bore marks which indicate that it was made by Union Foundry, Adelaide, South Australia in 1888. It was probably from the old Zappopan mine. Mr Peter Forrest, the Director of the National Trust, confirmed this as fact and advised me that it was probably the

best preserved piece of equipment in the whole area. I think all honourable members will agree that it would be a tragedy if this irreplaceable and historical equipment is not returned to the Territory.

Mr COLLINS (Arnhem): Mr Speaker, firstly, I would appreciate it if the honourable member for Nhulunbuy, as he offered, sent me a copy of that Nabalco report.

Secondly, I noticed something today which concerned me greatly. Somebody has obviously taken notice of the honourable member for Port Darwin's objection to coffee bush because it has been removed from along the harbour frontage - perhaps by the city council. The area that they removed it from is directly above an almost vertical slope down to the harbour and it looks as though it has been ploughed. The first heavy fall of rain will wash all of that part of the verge of the road into the harbour. With all the disadvantages of coffee bush, I would suggest that bare, disturbed ground on the top of a slope at the beginning of the wet season will be much more disadvantageous and I would like to see something done about it.

As these are the dying moments of the parliamentary year, I would like to finish the year on a friendly note. I will do that by dropping another bucket on the honourable Minister for Mines and Energy.

Over the last 2 weeks, I asked a number of questions concerning the tangled affairs of the Collia tin min. Over the last week, I studied at length the affairs of that mine and the transcript of the judgment of the Mining Warden. It certainly is a very tangled affair. The more one goes into it, the more complicated it becomes. The answers I received to those questions were most unsatisfactory.

Honourable members may recall that I asked the honourable Minister for Mines and Energy if he was aware that $375,000 of tin had been illegally mined from Collia. The honourable minister's reply was that he did not know if it was true, which rather amazed me because everybody else seemed to know that it was true. The Northern Territory police knew that it was true, the Western Australian police knew that it was true, the Crown Law Department knew that it was true, the Department of Mines and Energy knew that it was true but the honourable minister did not know.

To the question of who gave permission, the only information that I received from the honourable minister was that it would be referred back to the Mining Warden's Court. Subsequently, I asked whether the honourable minister was aware that 7 senior officers of his branch, all of E4 or E5 status, had resigned since July 1 and, to my amazement, the honourable minister once again said that he did not know anything about that. It appears that the honourable Minister for Mines and Energy knows as much about the affairs of the Mines Branch as he does about the affairs of the Health Department.

I subsequently asked if the honourable minister knew under which section of the Mining Act that this would be referred back to the Mining Warden and when. He did not have a very clear idea about that either and quoted the wrong section of the act - I had to correct him. It is in fact section 180 of the act. To the question of when this was going to happen, I received no answer.

I would simply like to point out the following. Over the weekend, I studied the Mining Act and particularly section 180 because I had been advised that any referral would come under that section. Section 180 and 2 other sections of the act under which possible action might take place are mentioned in the judgment of the learned Mining Warden.

I have since obtained legal opinions from 2 solicitors, both independently of the other, because I have cultivated some interest in the law and I was intrigued, from my interpretation of section 180, as to how this readjudication would take place. Both these gentlemen are at a complete loss to understand how this can be referred back to the Warden's Court under section 180 of the Mining Act. Along with the Mining Warden, they feel that, under present circumstances, this is impossible. Certainly, some redress at the hand of the injured parties would be available in a normal court of law but these 3 people appear to be at a loss to understand how it can be referred back to the Mining Warden. That leaves a number of quite serious questions unanswered and I would like to put them again to the honourable minister during the adjournment as this is the last opportunity I will have this year.

One of the things that everyone absolutely concurs on is that, no matter what else Mr Ken Day had or did not have, he certainly did not have permission to mine. Kay almost had that permission but all he had were exploration licences and not mining leases. In fact, no one had any right to dig up the tin at Collia at all. The question of who gave permission remains unanswered, certainly in this House.

The basis for a readjudication by the Warden's Court is difficult to understand. I am at a loss to understand how it can be done. Perhaps time will tell. The opinion of the legal people is that it is simply not possible because not one of the alleged partners of Mr Kay held or holds an authority from the minister to explore for minerals. This can be confirmed by reading the judgment of the Mining Warden: "The instruments granting permission to prospect are not available for the Mining Warden to decide whether they are legitimate or otherwise. Therefore, he cannot adjudicate". It is very difficult to adjudicate between whether this is a table or a chair if there is neither a table or a chair available. I am most interested to see how this can be done. I would not like to think that the honourable minister's answer was simply a way of dodging the question of who gave permission for this mining to take place.

There are a number of unanswered questions which I would like to ask the honourable minister. How in fact can the Mining Warden give a ruling under section 180? Why was tin taken from the mine without permission from any of the authorities governing mining in the Northern Territory? There is certainly no doubt that the tin was taken out of the mine. I have been advised that the investigating officer in the Northern Territory Police Force recommended that a prosecution should take place for illegal mining. Not only did the police department recommend prosecution but so did Crown Law. Despite the fact that both the police and Crown Law recommended to the minister that one of the options available to him was a prosecution under the Mining Act, no such prosecution in fact took place. I would like to know why that option was not used.

To move on to something else, the entire operations of the Mines and Energy Department have been of considerable concern to everyone in the Northern Territory over the last week or so. I have been advised this afternoon that it has a new director and I am pleased to hear that. The director is Mr Meiklejohn. However, the operations of the branch appear to leave a lot to be desired. Certainly, the honourable minister's lack of knowledge about the branch leaves a lot to be desired. If I were minister and 7 senior officers, all at E4 and E5 level, had resigned since my taking responsibility for the portfolio - almost the entire upper echelon - I would know about it. It seems that the honourable minister does not. He does now because I told him the other day. I can supply him with the names of the gentlemen if he would like to know that too.

One of the other problems which I have become aware of quite recently - and if the honourable minister feels able to give me an answer this afternoon, I would appreciate it - is that the drilling section has been quite substantially downgraded over the last 6 months. In fact, I think the word "decimated" would not be too strong. As far as the personnel in that section are concerned, it has been quite considerably downgraded. Nevertheless, the Department of Mines and Energy intends to go ahead with the purchase of an extremely expensive Warman International drilling rig. Warman International is a subsidiary of Peko-Wallsend. Considering the fact that the drilling section has been decimated perhaps as a result of a policy for this sort of work to be carried out by private contractors, why is the department proceeding to buy a drilling rig which will cost somewhere between $0.25m and $0.5m? I am also advised by mining people whom I have contacted in New South Wales that this type of rig is totally unsuitable for the Northern Territory. The person I spoke to said: "What does the Mines Branch intend to do? Drill for oil?"

Mr Vale: I hope so.

Mr COLLINS: In response to the honourable member for Stuart, I find it difficult to understand that interjection because he told us just 48 hours ago that he was very much against governments entering into such a highly-speculative business as oil exploration.

Does the Department of Mines and Energy intend to drill for oil? If not, why is it purchasing a Warman International drilling rig which, I am advised, is totally unsuitable for Territory conditions at a cost between $0.25m and $0.5m? Considering the decimation of the drilling section, who is going to man it if the purchase is made?

Mr VALE (Stuart): Most members would realise that communications generally are of vital importance. However, there are 2 members of this House who do not realise that: the Leader of the Opposition and his deputy. When I say "communications", I do not necessarily mean only the supply of newspapers and radio services but also the supply of accurate and honest information - something which both the Leader of the Opposition and his deputy have decided to ignore in recent weeks. They have set out to disrupt and divide bush communities generally with a supply of inaccurate, unreliable and dishonest information.

At a recent meeting in Central Australia at the Utopia cattle station, the Leader of the Opposition and his deputy attempted to take the Northern Territory government's issue of a writ against Judge Toohey and to convert that in order to show that the Northern Territory government was attempting to take or, as they said, steal the land from the Utopia people. It was completely dishonest and unfair to supply that type of inaccurate information to anyone in the bush. The Northern Territory government's objection to the land claim is not an attempt to take the land away. The issue is far more complex than that and I do not intend to go over all the details tonight but I say that the credibility of both the Leader of the Opposition and his deputy stands in tatters because of their recent action and the inaccurate information they supplied in relation to the pastoral leases. However, I compliment the honourable member for Arnhem. At least he has not bought into this issue; he has been notoriously silent. He has probably taken a responsible stand on this issue.

The Leader of the Opposition left the meeting at Utopia and he was fairly hoarse. He was heckled, shouted at and laughed at. If tapes were taken of the meeting they would have been quite interesting to listen too. His deputy was asked to translate but refused. He was unable to translate and, in that case, he was unwilling. Also, the Opposition Leader played some tapes of the Chief Minister which were out of context, disjointed and presented a completely different picture of what the Chief Minister said than if the tapes had been

played in toto.

Mr Speaker, last week I brought 2 letters to Darwin which I was asked to deliver to the Chief Minister and I would just like to read both of those out tonight. The first one is addressed to the Chief Minister:

Dear Mr Everingham,

We the Aboriginal people of Utopia Station in Central Australia would like to be the same as the white people in the Centre in the way we run our station. We want to keep our station as a pastoral lease and would like any assistance your government people can give us to do this...

Ms D'ROZARIO (Sanderson): A point of order, Mr Deputy Speaker! I believe it is a convention in this place that matters that are currently the subject of court action are not to be discussed here. I ask the honourable member for Stuart to speak about something else.

Mr DEPUTY SPEAKER: There is no point of order.

Mr VALE: The rest of this letter said:

We want our people to be free of trouble.

It was signed by about 30 Aboriginal residents of Utopia.

The second letter from Ti-Tree Station reads:

Dear Mr Everingham,

We the people of Ti-Tree cattle station would like to tell you that we think this place should be kept and run as a cattle station for only us Aboriginal people. That is why the government bought it for us. We now have a good manager and this is helping us to sell our cattle and get good prices for them. Now that the liquor laws have been changed, stopping a lot of take-aways from roadhouses, we won't have as much trouble as before and now we don't want anybody causing worry with our people about taking this country away from us.

That letter was signed by over 150 residents of Ti-Tree station. I would emphasise 2 sentences in both those letters: "We want our people to be free of trouble" and "We want to keep this as a cattle station". The Ti-Tree letter says, "We don't want anybody causing worry with our people". That means, as I understand it from my conversation with those bush people, they don't want the ALP out there - they are much smarter than the ALP give them credit for - stirring up issues and spreading false and malicious lies.

There are only 4 cattle stations in Central Australia which are owned by Aboriginal people and all of them are in the Stuart electorate. All of them were bought under a Liberal Country Party Government. Willowra in 1972 and Ti-Tree, Mt Allan and Utopia in 1976. The ALP, who mouth freely their concern for the well-being of Aboriginal people, have never purchased any cattle stations during any federal Labor government's term of office. The Deputy Leader of the Opposition is notoriously silent on this issue. I do not remember him ever speaking about purchasing cattle stations. I was involved in the purchase of at least one of those cattle stations and helped with some of the others. The Leader of the Opposition and his deputy should be damned for their actions and damned for their attitudes. Their credibility in Central Australia with black people and white people in the bush is in tatters.

I speak for my voters and it is interesting to note that the Deputy Leader of the Opposition is spending a lot of time in the Stuart electorate. I just wonder whether the CLP candidate in MacDonnell has the hell scared out of him and he is running as though he was being chased by the Kadaitcha man.

Mr Deputy Speaker, on behalf of the Chief Minister, his ministers and the other members of this government, I would like to take this opportunity to wish all the Assembly staff the best wishes for Christmas and the coming year.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, only a matter of grave importance would drag me to my feet at this time of night. The matter of grave importance is that the people of Katherine are short of land. They will be holding a meeting on 5 December to decide whether to formulate a policy on building houses on flood-prone land. I have with me a report entitled "The Katherine Town Investigation of Flooding from the Katherine River". This report was prepared by the Water Resources Section in response to a request from the Northern Territory Town Planning Board and is dated 10 December 1979.

Floods occur up here. Six people drowned at the Dorisvale Homestead only a couple of years ago. Apparently there was a cyclonic depression in the headwaters of what they call the Donkey Pocket and a 30-foot-high wall of water raced down and tore that homestead from its roots and drowned those people. Heavy articles were found in the branches of trees. Floods do happen, they have happened and they will happen again. However, we do not know much about them. It is my earnest desire that, before this meeting in Katherine on 5 December, people have something on which to make a judgment.

Next week in Katherine, there will be a film from the Emergency Services entitled: "The water has got to go somewhere". It will be shown through the week to anyone interested. The service clubs are interested and I hope that the school children and others are too. This government has a responsibility to the people not only of Katherine but to other flood-prone towns to inform them as fully as it can of what the consequences might be if various things happen.

I hope I am not boring the Assembly and I do not care if I am. The town of Katherine is located on the flood plain of the Katherine River. The highest parts of the town are the left bank natural levee, which is about 4 feet higher than the areas around the post office and about 6 to 8 feet above the lower part of the bank slope. Floods above a critical level overtop the natural levee further upstream and cause flooding on the lower parts of the bank slope area. At higher flood levels, the levee itself would be overtopped at the town. The catchment above the Katherine town gauge is 3,340 square miles which is quite an area. The rapid expansion of Katherine and the development of light industry have made extensions of the town outside the presently occupied area necessary.

This report originated from a request by the Katherine Town Planning Board dated 10 December 1969. In this, the areas flooded and levels corresponding to flood frequencies of 10 years and 20 years were requested. There is a lot of detail in this report which is of concern to us: "The 10-year return period flood would be confined within the river banks except for some minor flooding on the right bank. The 20-year return period flood would give flooding similar to that experienced in 1957". People who were around in those days would remember that flood. "The 50-year return period flood would leave only small islands of high ground".

An examination of the potential of the river for major rare-event floods

has been made. This leads to the conclusion that one can expect from a rare-event flood of the order of half a million cusecs corresponding to a reduced level of 360 at the bridge. This would be 4 feet above the highest part of the levee and about 8 feet at the post office. It would be associated with a velocity of 3 to 5 feet per second - 2 to 3 miles per hour - which could be quite destructive. A flood of this magnitude would be above the 1957 flood level for about 3 days and well above it for 2 days.

In the 1957 flood, there was not very much rain in the catchment area which is about 3,500 square miles. What people are concerned about is that, if a cyclonic depression was centred in the catchment area - apparently the highest rainfall recorded in the Territory was 21 inches at Roper Valley in 1963 and the same cyclonic depression caused 29 inches of rain at Moroak - the result would be a flood of catastrophic proportions. This is something that the people of Katherine must know about. It could happen this year or next year.

We have been lulled into a false sense of security. What I am concerned about is that people realise that these floods happen. More than anything else, I hope that the govement realises that floods do happen, can happen and will happen and that they build a dam above the gorge. This dam will cost about $20m. It would be twice as big as the dam at the Darwin River, about 2 kilometres long and between 60 and 80 metres high. It would impound a vast quantity of water - about half the size of the Ord River Dam - and, apart from flood mitigation, it would provide a hydro-electric scheme capable of supplying electricity to Katherine for many years. It would also provide water for irrigation and domestic use. The water could be used to replenish the Mount Nancar Dam on the Daly River. It would allow tourism at the gorge to be operated for 365 days of the year and, all in all, it would be a wonderful asset to the Northern Territory. Above all, the first purpose of the dam would be for flood control. That dam could hold the water from 2 of the biggest wets and it could then be half-drained through the dry to meet these other demands.

I recommend to this government that it does something on 5 December to ensure the people of Katherine, particularly the people who have not been there long and who possibly have an axe to grind, do not rush into this in a foolhardy fashion but realise the dangers and, above all, realise that a dam would be a wonderful asset to them and the Northern Territory.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, it is no trivial matter that would bring me to my feet having regard to the lateness of the hour and also to the fact that we are all invited to enjoy the Speaker's hospitality at this time.

I do want to say briefly that I was most pleased to hear the honourable member for Elsey speak in this adjournment. I would like to take up a question that I raised yesterday with the honourable Minister for Lands and Housing. His response was quite amazing. I wished to emphasise to him yesterday, but apparently he missed the point, that a flood-control and a flood-plain management policy is of extreme importance to many settlements in the Territory. Katherine is only one of them; we have had catastrophic floods in the last few years affecting Daly River and there is always the likelihood that places like Adelaide River could be devastated by flooding. That was the reason why I spoke yesterday: to ask the honourable minister to extend the time that he has allowed for the submission of comments in relation to the proposed flood management policy that his department has published.

What I received from the honourable minister was a statement that I wanted to put people into flood-prone lands in Katherine. He said that there

were many people in Katherine who simply wanted the flood-prone lands to be defined and for them to be sold with the understanding that they were indeed prone to flooding. Somehow or other, he managed to attribute this notion to me and said that, as a planner, I should know better. I do know better. Not only do I know better, I should know better. I have no credibility problem with professional colleagues and I have also contributed a paper on this question of natural hazards management. If the minister would care to pay out $9, he may purchase this book in which he will find my paper and my professional views therein.

Quite apart from my wanting to push people into flood-prone lands for residential purposes, which is so far from my real professional attitude towards this that it is quite impossible for me to comprehend how the minister came to that conclusion, he also said that many people in Katherine were not prepared to look at the policy for even 5 minutes. He said that they simply wanted to go ahead and get hold of the land. Since the minister made that statement, I have been contacted by a Katherine resident and told that this is not the view of many residents. There are, no doubt, some residents who take that view. Like the member for Elsey, I know that memories are indeed short and people do tend to forget the type of damage that can be caused by these natural hazards. They tend to forget the property damage and the danger to life that is involved in many of these events. One only has to ask how many people worry about cyclones in the Darwin area any more to see what I mean by that statement.

I simply want to make again my request that the closing date for submissions, which is 15 December according to the leaflet, be extended. I can assure the minister that there are people in Katherine who are interested in responding to this draft. Quite apart from that, there are other towns in the Territory which also could be affected quite disastrously by flooding and those people too would like the opportunity to respond whether or not there is a small group in Katherine who do not give a damn about flood management and simply want to get hold of the land.

Mr SPEAKER: Honourable members, I wish you and all the Assembly staff the compliments of the season. I hope you all return here bright and fresh next year with tempers in a better condition.

Motion agreed to; the Assembly adjourned.

ADJOURNMENT

BILLS