NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

First Assembly

Parliamentary Record

Tuesday 14 October 1975
Wednesday 15 October 1975
Thursday 16 October 1975

Tuesday 21 October 1975
Wednesday 22 October 1975
Thursday 23 October 1975

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

F. D. ATKINSON, Government Printer, Darwin

PART I

THE DEBATES

Tuesday 14 October 1975

PETITION

Aboriginal Land Claims

Mr STEELE: I present a petition from certain members of my electorate concerning claims being made to the Interim Aboriginal Land Commission.

I move that the petition be received and read.

This petition has been submitted by the West Ludmilla Residents Action Group. A similar petition is being despatched to the Federal Parliament and further reaction can be expected when the Aboriginal land legislation is introduced in Federal Parliament.

Motion agreed to.

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

This humble petition of interested citizens of the Northern Territory respectfully sheweth that there is widespread public concern relating to indiscriminate Aboriginal land claims being put to the Interim Aboriginal Land Commission.

Your petitioners therefore humbly pray:

1. That land claims should not be allowed to be put to the Commission in relation to established residential and business areas set up by the present and past governments and whereby established residents may be displaced.

2. That such claims, because of their protracted nature, are causing emotional stress and strain upon residents in such areas and are causing a feeling of uncertainty in their future.

3. That such claims result in loss of time and money to residents in the claimed areas in attending and being legally represented at such Land Commissions.

4. That the areas recommended by the Aboriginal Land Commission to be passed into Aboriginal ownership be subject to discussion and vote in the Legislative Assembly as to the passing over of legal title in such land as such matters will materially affect the heritage of all Australians whatever their racial origins.

And your petitioners as in duty bound will ever pray.

MOTION

Petition to the Australian Parliament

Dr LETTS: I lay on the Table a document entitled "The Petition of the Legislative Assembly for the Northern Territory to the Houses of the Australian Parliament".

I seek leave to move without notice a motion relating to the proposed petition.

Leave granted.

THE PETITION

Of the Legislative Assembly for the Northern Territory to the Honourable, the President and Members of the Senate; and the Honourable the Speaker and Members of the House of Representatives in Parliament assembled.

The petition of the Legislative Assembly respectfully showeth that the avowed intention of the Australian Parliament to further the interests of democracy and parliamentary government in the Territory is being frustrated by the executive and administrative arms of government.

In particular the will of the Australian Parliament is being hindered by the extended delay in considering the reports from the Joint Committee on the Northern Territory.

It is 12 months since the Legislative Assembly for the Northern Territory was elected. Without provision for executive authority this was a very limited constitutional advance.

It is over 2 years since the Joint Committee was appointed. Eleven months have passed since the main report was tabled. Nearly 5 months have elapsed since the supplementary report was presented.

Despite the firm recommendations of the Joint Committee relating to the transfer of executive powers and administrative function to a Territory Executive, the Government has transferred neither powers nor functions. It has not provided a statement of attitude to the reports, nor the opportunity for debating them.

The major parties in government and opposition have espoused the cause of constitutional development for the Northern Territory in recent years. The evidence for this is in the "Outline of proposals for the transfer of a range of functions to the NT Legislature and Executive", August 1972, and the "Terms of reference of the Joint Committee on the NT" September 1973, as well as in party platforms.

The first report of the Joint Committee tabled on November 26 1974, included 25 specific recommendations and these were reaffirmed by the second report tabled on May 28 1975.

Apart from confirmation of the arrangements for election of and composition of the Assembly the recommendations dealt with

Legislative Responsibility	(4)
Executive Responsibility	(5)
Financial Arrangements	(2)
Public Service	(7)
Relationship between the National and Territory Executives	(2)
Role of the Administrator	(1).

No action has been taken in respect of any of these 21 recommendations, but certain initiatives of the Australian Government continue to cut across the spirit and terms of the report, particularly in the fields of legislation.

LEGISLATIVE RESPONSIBILITY

Recommendation 5—that the Legislative Assembly continue to have power to legislate in respect to all "state- type" matters but an over-riding power be vested in the Governor-General to make regulations. This overriding power to be used only when the Assembly has failed to pass, after consultation, in a form acceptable to the Australian Government, Australian Government sponsored legislation in respect to functions being the executive responsibility of the Australian Government.

Recommendation 6—that all "state-type" matters, the executive responsibility of the Australian Government, be introduced into the Legislative Assembly.

The Australian Government has continued to enact in respect of many "state-type" matters, without any reference or consultation with the Assembly—e.g. National Parks and Wildlife, Darwin Reconstruction, Land Price Stabilisation, Ombudsman, Aboriginal Land, Australia Police.

Recommendation 8—that the present arrangements for the withholding of assent by the Australian Government in respect to those "state-type" functions retained by the Australian Government be exercised only after the fullest consultation with the Territory Executive.

The Government has withheld assent to 8 Ordinances in the past two years, including the Cyclone Disaster Emergency Ordinance 1975, where the withholding of assent to part of a section changed the whole sense and intention of the legislation—again without reference or consultation.

In the case of the NT police force, the Government, acting on an Administrative Arrangements Order, has continued to ignore the laws of the Territory.

THE PUBLIC SERVICE

Recommendation 17—that a Northern Territory Administration be created, comprising the existing Northern Territory Public Service and those officers of the Australian Public Service engaged in the functions to be transferred to the control of the Territory Executive.

Recommendation 23—that the Australian Government co-operate fully with the Territory Executive in the provision of required services on an agency basis.

Attempts by the Legislative Assembly to function as a Westminster-style parliamentary institution have been frustrated by the failure of the Government to provide staff to enable executive members to function in an executive capacity.

The decision of the Government to remove senior officers of the Department of Northern Australia from Darwin to Canberra has reversed the trend towards local responsibility in the administration of the Territory and restored the old concept of the Territory as a colonial outpost of Canberra.

As the duly elected representatives of the people of the Northern Territory we humbly pray that the Parliament will take steps to redress our grievances and to set right the wrongs imposed on us by the Australian Government.

And your petitioners as in duty bound will ever pray.

MOTION

Dr LETTS: I move that

(a) a petition in the terms of the document tabled today be addressed to the respective Houses of the Australian Parliament;

(b) Mr Speaker transmit to the Honourable Member for the Northern Territory in the House of Representatives a copy of the aforesaid petition for presentation to the House; and

(c) Mr Speaker approach a suitable Senator and request him to present a copy of the petition to the Senate.

That the Senator introducing the petition be requested to seek an invitation from the Senate for a delegation to attend before the bar of that House to state a case in support of the petition and that the delegation comprise Mr Speaker, Dr Letts and Mr Withnall.

I seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

REPORT

Territorial Criminal Law

Mr KILGARIFF: I present the report of the Working Party on Territorial Criminal Law, and move that the Assembly take note of the report.

The report was prepared by the Attorney-General's Department, and I am grateful to the department for making copies of the report available for consideration by the Assembly. As explained in the forward to the report, it was prepared as a draft revision of the criminal law of the Australian Capital Territory. It is hoped that the working party will soon find it possible to make a similar examination and recommend proposals for a revision of Northern Territory criminal law. Although prepared for the Australian Capital Territory, the problems faced in that Territory and in the Northern Territory have many similarities; both have criminal law provisions that are in many instances outdated; both suffer from an ad hoc amendment to those provisions with changing conditions; and both have fairly similar content.

Criminal law in the Northern Territory is contained essentially in the Criminal Law Consolidation Act 1876, of South Australia, as amended from time to time by later acts until 1911 and subsequently by Territory ordinances, and in the offences provision in the Police and Police Offences Ordinance 1923, as amended by later ordinances. Amendments made to both pieces of legislation have been designed to meet immediate needs. At no time has there been a full scale review with a view to updating the whole into a single piece of current legislation to provide a modern and relevant criminal code for the Territory. I think all members will agree with me that the need exists for such action. While I hope that the working party will be able to provide a similar consideration of Northern Territory criminal law, this present report

offers an excellent opportunity and guide for a detailed consideration of Territory criminal law. Such consideration has commenced and will be continued with the present limited resources by all members. Without doubt there will be particular matters of concern and possibly disagreement. I urge all members to consider the report carefully and to provide me with any criticism, comment or recommendation they consider necessary with respect to a review of our criminal law on the lines of the report so that such comment also can be considered together with the report.

Motion agreed to; report noted.

NURSING BILL

(Serial 48)

Mr POLLOCK: I ask leave to withdraw this bill. The number of small amendments required were so great that it was decided to present a new bill instead of proceeding with this one. I have given notice of a replacement bill which is the same in principle but which contains all the amendments I have referred to. Copies of that bill will be distributed today and I hope that the Assembly will permit it to be passed through these sittings as a replacement for the bill I now seek to withdraw.

Bill withdrawn, by leave.

EXPLOSIVES BILL

(Serial 46)

Mr TUXWORTH: I rise to support this bill because it will have a very strong effect on activities conducted in the Territory by minor users of explosives and people that I feel should have controls or restraints placed on them so that both the government and other persons are aware of the activities of all persons using explosives.

This bill will have a dual benefit; it will give the people of the Northern Territory, as well as the department, an opportunity to know who the purchasers are, who their suppliers are and, following from that, what these people are doing with the explosives they have purchased. We have had on the Northern Territory books for many years legislation that requires people who use explosives to have a shot firer's licence. This inspection has been carried out by government personnel who ascertain whether the person using the explosive is qualified and experienced enough to be able to use it with safety; and, having established that, this person is then given a licence to use the material. Unfortunately because of the large areas in the Territory the poor communications and the various uses that these materials have been put to over the years, very little enforcement has been forthcoming in relation to the shot firer's licence. This legislation, which will require people who purchase explosives to have a licence, puts the onus on the vendor to establish clearly that the person who purchases the explosives has a right to purchase the explosive. This will work hand in glove with the operations conducted by the Commercial and Industrial Affairs Branch which has tried to enforce implementation of the shot firer's licence on all persons who use explosives.

Explosives in the Northern Territory are sold by private enterprise in the larger areas of population. In the smaller centres, the sales have been conducted over the years by the Mines Branch. As a person who worked in the Mines Branch many years ago and who has been responsible for receiving money from the sale of explosives, I can only confirm the fear that this bill is trying to overcome; that fear is that anybody who wanted explosives has been able to come to the counter, pay his money, pick up his box of explosives or however much he wanted. Hopefully, in future, when this sale is conducted, the person making the purchase will have to present to the vendor a licence showing that he is a shot firer or that he is employing a person licensed to be a shot firer.

Unfortunately in the Northern Territory we have very lax laws in relation to the sale and use of explosives. We are considered by some senior people in the mining industry to have the most lax laws in Australia, even the most lax laws in the world. People in the Northern Territory who are making the bulk of explosive sales are very keen to see strong controls placed on the sale and use of explosives.

We have seen in the Northern Territory in the past 10 years examples of abuse by people using explosives. We know of fishermen who put explosives in billabongs to catch fish, people who were too lazy to catch just the fish they wanted and people who had no use for the amount of fish they destroyed by placing the explosives in the billabong. In the Northern Territory in the past 10 years we have seen an increased number of mechanical ditch diggers and from time to time these machines have to be given assistance with explosives by

someone loosening the ground with a small shot before the ditch digger moves in, to facilitate the digging. Unfortunately this sort of shot firing has been carried out without due regard in some instances to the persons working in the area or the persons living in the area and there have been instances of such shot firings lifting stones to such a height that when they crash to the surface again they force a hole through the roof of a person's house.

We have also seen in the past the abuse of explosives by criminals. We have already witnessed the activity of a person who threw a fire bomb. The restriction that this legislation will impose will make it more difficult for persons who should not have explosives in their hands to get them.

Apart from the abuse by louts, vandals and burglars, we also have another misuse and one that I have witnessed myself in Tennant Creek in recent days. When I was very young, we used to play in an old mine, in the side of a hill. It was very safe and it was a venue for play that we used to go to quite often. Recently I went to this site and found that the whole thing had been blown up with explosives. The amount of explosives that were used indicated that two 4 gallon drums of ampho had been used in this area. One thing is for sure, ampho is not generally available to independent gougers; it is not generally available to members of the public engaged in small shot firing activities, and the people that used it had no idea of what they were doing with it or they would not have contemplated such a move because they could have been killed.

This legislation hopefully will enable us to know who the purchasers are so that in the event of goods being stolen such as this probably was, it will be possible for inspectors to trace where the goods were stolen from and perhaps block the leak. Not only that, it will also help us ascertain in future who purchasers were or are because we have from time to time had instances where explosives have deteriorated and become unsafe. In recent months we have had a case in the Northern Territory where a firm bought a 20 ton shipment of explosives that did become unsafe. The firm was aware of this and had the sense to send it back to the supplier. Had this material been sold through an independent outlet, without any record of who purchased it, the persons using it could have been killed and so could other people.

This bill will be a most timely aid to these inspectors working in the field of inspection and abuse of explosive materials. I know that it is supported wholeheartedly by major users in industry and I support the bill.

Debate adjourned.

LITTER BILL

(Serial 45)

Mr BALLANTYNE: I rise to support the Executive member for Education and Consumer Affairs in her amendment to the Litter Ordinance. The amendment clearly states what the intent is. The amendment will give the Litter Ordinance much wider scope, such as extending the ordinance to apply over the whole or a specified part of a municipalility or freehold land and leased land. The new provisions in section 3B gives more scope to officers in the Northern Territory Reserves board, the Northern Territory Port Authority, and Municipal Councils.

There is not much that I can say except that there is a great need for this ordinance to be enforced throughout the whole of the Territory. You have only to look around any town in the Territory to see the amount of litter in these areas. You have litter in the streets and gutters, on vacant allotments, in parks and gardens, on all the sporting ovals and other places around the town. It tends to suggest that the people in the Territory, and visitors too, have complete disregard for the cleanliness of the place. I could go on and speak about Darwin as it is today. Certainly Cyclone Tracy littered the whole town, but there is no excuse for the litter that you still see when you walk around the town or go to the outer suburbs. One just has to drive down the Stuart Highway or any of the minor streets to see the amount of cans, cartons, paper—all sorts of litter—which makes the place look generally untidy. I am sure we will have some action from the people when this ordinance is applied.

These new amendments are a major step to assist in overcoming a very serious community health problem. I commend the executive member for Education and Consumer Affairs for the work she has done in presenting the amendments and she has my full support. I have no hesitation in commending the bill.

Mr KENTISH: I rise in support of the bill. It is obvious that in the Northern Territory and in places closer to home, particularly

Darwin, something drastic will have to be done about the litter problem as well as the liquor problem. The two problems may be associated in certain areas. Early in August, for the first time in many years, I drove overland to Brisbane and I came back through Winton, Boulia, Dajarra, Mount Isa. I hadn't been through Boulia and Dajarra before but it was a great delight to me to see the cleanness of that country. Perhaps it is not regarded highly as productive country usually but at present it certainly is. The most magnificent thing about it to my mind was the freedom from dust and tins and bottles and papers and the general litter that one finds everywhere else. It is magnificent country in respect of its cleanness. Most of us who like the country that we have to live in and travel in would believe that there is no reason why all of our land should not be as clean as some of this western land that is so pleasant to behold.

From time to time we make alterations, amendments to the Litter Ordinance. It is not a very old ordinance as yet and we pay attention to it occasionally; this is another valiant attempt to try and get more mileage from it.

At Berrimah, where I live, there is a disgusting and amazing situation. In front of my home, between the water pipeline and the railway, on crown land, the tin and bottle situation would be far beyond a pickup style operation now. It would be possible to work for several days there with a front end loader, picking up tins and bottles between the railway line and the water pipline and McMillans Road and Knuckeys Lagoon turnoff road. That is one of the worst areas. Another very bad area is in front of the stores at Berrimah, on crown land; it was once private land that is now resumed. I think, therefore, it is all crown land. It amazes me that our rulers in Canberra have not seen fit to do something to prohibit camping and loitering and littering on this area between Coonawarra West and Knuckeys Lagoon, which is one of the most disgusting, discreditable areas we have in Darwin. But apparently our elders in Canberra don't see this litter; it doesn't annoy them; they don't have to live with it; they are far away and very remote, and no action is taken to prohibit camping and loitering and littering this area which is enough to disgrace any community or any government responsible for the conditions of a community. It is shocking, and I hope that when this ordinance is passed the Litter Ordinance will be enforced.

Mr KILGARIFF: I support this legislation and commend the Executive Member for Education and Consumer Services for having brought it forward. The history of the Litter Ordinance is quite extensive. It was first brought in some 3 years ago in the old Legislative Council by the honourable member for Fannie Bay in those days, Mr Joe Fisher. He introduced a Litter Ordinance which related to areas outside of municipal areas. He did this because he felt that within the municipal areas there were bylaws to cover the situation. Then it was found that it didn't cover the situation and since then there have been various amending bills to endeavour to have the Litter Ordinance apply to municipal areas, particularly where there were no bylaws. But through one fault and another and the way the ordinance was interpreted, this never came about with the result that you had local government and many authorities at their wits end as to how to start cleaning up the Territory.

The Northern Territory does need cleaning up, as honourable members have said, and it is quite time that we in the Northern Territory had more pride. It is a horrible sight these days to go into some areas, particularly to go down the Stuart Highway. You could walk down the Stuart Highway now and, if you wished, every step you took you would stand on a can, they are that numerous. The other day I drove down and I was quite appalled by the litter on our highways, by the disregard of people who seem to have no pride in the country and the towns in the area in which they live. When one looks at other countries, one feels ashamed. In Singapore, if you drop a match or a single object of litter, you will get an instant fine of a very large amount, $400, as the Executive Member for Social Affairs has indicated. One looks at New Zealand and other countries where people take pride and it is about time that we in the Northern Territory got our house in order.

I support this legislation and I hope that now it encompasses a much broader scope it will be sufficient to control that small element in the community who litter. I hope that through this legislation that small element in the community will be called to task and fined for littering. The legislation has now, I believe, covered all those errors which existed before and which local authorities have requested should be amended. The Alice Springs Municipal Council has this last year carried on quite a lot of correspondence with

people, with the executive member who introduced the bill, with myself and other people, to have the ordinance amended so that it would apply in Alice Springs. Now, upon the local authority making application, the whole of a municipal area can be gazetted and brought under this ordinance. On application by the owner, a freehold or a leasehold lot can also have the ordinance applied.

I hope that once this ordinance becomes law we will see the authorities who have been named as inspectors will carry out a very thorough job to pick up those people who continue to litter.

If this legislation, after it has been in for 2 or 3 years, is still not meeting requirements, that is cleaning up the country, then perhaps this Assembly will have a look at it and perhaps introduce instant fines as other countries have done. Instant fines would cut out a lot of administration, a lot of court work and so on, so perhaps that may be a step that will be required in the future.

Having looked at the dismal side of how people are littering our towns in the Northern Territory, I was very heartened the other day coming from Alice Springs to see the clean up campaign taking place there and which is being done by the children of the town. It is almost humorous to see the activity that is occurring there. There is nothing like making a few dollars pocket money. Comalco has made an agreement with the Youth Centre and is paying 12c a kilo for aluminium cans returned to the Youth Centre. So now in Alice Springs you see kids bustling along with bags like junior Father Christmases—up and down the Todd and around the streets—and bags and bags of these cans are being brought to the Youth Centre. This is a tremendous way of cleaning up the town. The kids are certainly adding their weight to it and while they are doing it they are getting quite a lot of pocket money for it. I hope that this scheme does come through the Territory too, and that the empty cans will be returned to the manufacturer.

I hope that there will be no time lost in assenting to this legislation and that it will be commenced at the earliest possible date. I am sure, when that is done that you will see local government responding and making application for gazettal. And I am sure that the owners of blocks, leasehold and freehold, will be applying to have their property included also.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without further debate.

LOCAL GOVERNMENT BILL
(Serial 44)

Mr PERRON: I support the bill. The bill basically gives authority to elected aldermen who are already responsible for budgeting and administering the affairs of the city. I think it is fairly straight forward that what the bill intends to do is to give them a little bit more power that they can exercise in their discretion with certain guidelines laid down. In a society like we have here in the Northern Territory and particularly in Darwin, a large proportion of the population is directly involved in sporting, cultural and other associations and many of these bodies have various types of facilities and club houses and the community benefits directly and indirectly to varying degrees. The bill gives the city councillors the discretion to vary the rates payable by these associations for their land and thereby ease some of the financial burden that these associations have.

The bill is not such that all associations holding a special purpose lease will be able to automatically apply for and receive some form of rebate on rates. There are certain guidelines laid down in the bill which the city councillors will have to take into consideration. Perhaps the most important part of the guidelines is the extent to which the public benefits from the association's activities and facilities. I have checked up on a few of the special purpose leases held by associations and I will just read out a few of them, a couple of them are perhaps just outside the current city council boundaries, but that presumably will change in time. There is the CWA, YMCA, YWCA, Spastic Centre, the SPCA animal home which is to be built in the future, Ski Club, Yacht Club, Trailer Boat Club, Sailing Club, Waratah Club—and there are other associations that fall under this heading. All of these associations are entitled to put forward an application and, with the application, they must put forward the financial aspects of their association and a case for the granting of a rebate of rates, a case based on the amount of public benefit derived from the association's activities and facilities. In principle the bill is very desirable and I commend the bill to honourable members.

Mr POLLOCK: I rise to support the concepts of the bill. The principles contained in it are very good, very valid, and the argument put forward in favour of the bill is also very good and very valid. I gather that in Darwin this concept is going to receive favourable consideration of the municipality, even though they have their problems, as do all municipalities in relation to finance. However, as far as Alice Springs is concerned, I would not speak so positively because in the last week or so we have had a classic example of the desire of the municipality there to assist sporting bodies and like associations; in fact they would rather give them a swift kick rather than help them along.

In Alice Springs, if you just want to promote a sporting activity such as a football match, they want to take 50% of what you take on the gate. Perhaps some time in the season they might consider a lesser amount, but they are getting a great rake-off wherever they can from sporting bodies there and doing as little as possible towards providing additional facilities. In fact down there they are taking any facilities they can away from sport and the community in general rather than providing extra facilities. So I am not too hopeful that the provisions of this bill will be applied too favourably to the community, to bodies in the Alice Springs municipality after some of the recent exhibitions that we have seen there by that body.

I do particularly applaud the provisions which relate to some bodies which would hold special leases and which might be running some financial enterprise on those leases and therefore be receiving some considerable financial gain from sources other than operating a sporting or cultural activity. It is just not open stab for everyone who holds a special purpose lease; they all have to come up with some argument and there are many arguments which I am sure can be put favourably. Let us hope that when the municipal bodies do get this power they exercise it with the relevant amount of discretion and favourable consideration for people who need all the support they can get.

Mrs LAWRIE: I move that the debate be adjourned, pending receipt of an answer to a question I gave without notice to the honourable member for Fannie Bay this morning asking just how many organisations would be affected by this legislation.

Motion agreed to; debate adjourned.

MOTOR VEHICLES BILL
(Serial 43)

Mr EVERINGHAM: I rise to support this bill and to foreshadow an amendment. Section 13 will now give the Registrar in the Territory the power to withhold a licence from a person who has been convicted or suspended from holding a licence in another state or part of Australia. This has been a provision which has been lacking from our ordinance for far too long. People can come to the Territory and by swearing, I believe, a false declaration obtain a licence whereas in fact in the State that they have just come from they may have had their licence suspended for quite a considerable time. The Registrar, although he occasionally picks up the false declarations and can then proceed against the person and can, I suppose, take his licence away in some way, has now got a direct method of approach. He will be informed by Main Roads and Motor Vehicles Departments in other states who issue licences, suspensions and cancellations in their areas of authority and will no doubt keep a list of names so that licences will not be granted to these people when they come to the Territory and apply for them. And, I may say, if you get a licence in the Territory, you can use it to good effect when you go elsewhere, by using it as the basis perhaps of getting a licence in Western Australia by passing from NSW where your licence was suspended, through the Territory, picking up a licence and then going to Perth and getting one there on the basis of your Territory licence.

I also support the foreshadowed amendment of the Executive Member for Transport and Secondary Industry in relation to section 58(1) of the principal ordinance. This draws to our attention—and I should like to draw it to your attention, Mr Speaker—the rather sorry state of the insurance industry in the Northern Territory where many companies have withdrawn from fire and general business. Many people have found that they cannot take out comprehensive insurance and have been experiencing difficulty. If they can't get it within the Territory, they find they can't get it outside the Territory because insurance companies around Australia have apparently been circularised by our good guardian the Department of Northern Australia the effect that they shall not insure anyone who applies to them from inside the Northern Territory for comprehensive insurance. I do not know on what authority the Department of Northern Australia did

this, but it appears to have done it. I am assured that it has done it by my colleague, the honourable member in charge of the passage of this bill, and his proposed amendment is designed to enable persons, with the approval of the Registrar, to go outside the Territory. I do not know why it is necessary to get the approval of the Registrar in a free country but these are the depths to which we seem to have to drop. This amendment at least will remove this anomaly and enable people who cannot get comprehensive insurance for their vehicles and equipment to do so.

Mr WITHNALL: At the risk of being considered the greatest reactionary in this chamber, I must rise to protest at the abandonment of the very evocative phrase "horsepower" in favour of something which I do not think conveys quite the same idea; that is the word "kilowattage". We surely have entered into an age when apparently a decision has been made that we must use all the metric terms, but surely we did not have to go so far as to abandon the horse and substitute this curious, difficult and frankly, nauseating word "kilowattage". A horsepower represents 550 foot pounds of energy. It represents a certain number of kilowatts. Surely to goodness we could have defined a horsepower as being so many kilowatts? But no, we have got to go right through the ordinance and take out the word horsepower wherever it is and substitute for it this blasted word kilowattage. What an unnecessary amendment! What a piece of bureaucratic stupidity!

The only other comment I have to make about this bill is a much more serious one. It is in relation to the proposal to amend section 102 of the ordinance, which the honourable member for Jingili has just directed attention to. This section, as it is proposed to be amended, will give the Registrar the right to cancel or suspend the licence of a person who, in the opinion of the Registrar, is unfit to hold a licence, either because that person has been convicted in the Territory or any other state of an offence which renders him unfit to own a licence, or for any other reason—"for any other reason". I suggest to the honourable member who has introduced this bill that the words "for any other reason" leaves the matter too much at large, too much in the discretion of the Registrar, and I hope that he will give the terms of this section consideration in committee so that those very large words will not remain in the section.

Mr KILGARIFF: I am standing very briefly to support the bill and make one or two comments relating to it. Like the honourable member for Port Darwin, these days with metric systems coming in, it seems a pity to me that the old terms have to go and the new ones come in. One does wonder at times whether these new terms are really necessary.

Clause 10 provides for a period of grace of 15 days. This I have been advised does occur. Insurance companies do give this period of grace with third party, so that is well enough. But the thing that concerns me on this particular aspect these days, and it is being discussed throughout the Territory at the moment, is this period of grace. Up until very recently the Registrar used to give notice to the owner of the vehicle that his registration and third party was coming to an end on a certain date, but this advice is no longer given and it is causing considerable concern. While people for many years waited for the advice from the Registrar that the time was coming up for re-registration and renewal of insurance, they do not get a warning now, and so there could be many vehicles on the roads in the Northern Territory now that have run out of registration period. At a guess, knowing the complaints that have been lodged with me and taking that as a fair portion of what is going on in the Territory, I would say that we would possibly be looking at 100 or more vehicles that are not registered. This is because the owner of the vehicle is unaware of the situation. If you follow that through, you can see that the owner of the vehicle is in a very dangerous situation because if he is involved in an accident then he is up for insurance without any third party coverage. I am rather stretching the debate in bringing up this point, but, if I had a say in the matter, I would suggest that the Registrar should make it as a part of law that in the process of re-registering a vehicle the owner of the vehicle should be given notice that the expiry date is coming up. If I may take up the point that the honourable member for Port Darwin has made, I think he has made a point that should be considered when you look at 13(b). Admittedly there is an appeal clause but one wonders whether that should be inserted for any other reason.

Mr RYAN: In closing the debate, I will speak briefly on several of the points brought up by other honourable members. The question of kilowattage as against horsepower for some of us seems a little bit unpalatable but we do have to accept that we are reverting to

metric terminology. We must remember that it really does not matter whether it is referred to as kilowatts or horsepower; it does not change the power of the vehicle, it just changes the terminology. People do tend to think that because you change the term you change the item itself. This didn't change. I am an old horsepower man myself but unfortunately we have to go along with progress. While I do agree in some way and sympathise with the member for Port Darwin, I am afraid that we are just going to have to get used to the term kilowattage when referring to what was known as horsepower.

The Executive Member for Finance and Law and the member for Jingili mentioned an appeal clause. There could possibly be an amendment here which could ease this off a little bit. I did speak to one of the draftsmen on this point and he said—and I hope I got the message right—that in a lot of cases discretion does have quite a large part to play in our laws, and with the appeal clause being in the ordinance I felt that this would be sufficient. However we may be able to look at an amendment if honourable members feel that it is more appropriate.

I will just briefly mention the renewal of registration. The Registrar of Motor Vehicles, I believe, is hoping to reintroduce notices as of the 1 January next year. It has been a problem over this year to get out notices because of the relocation of many people in Darwin. It might be said that Darwin is only part of the Northern Territory; however, licence and registration papers are filed in numerical order, which means that to take out all addresses other than Darwin one would have to go through the files one after the other and drag them out. Unfortunately they are not able to do that under the present situation. Hopefully they will be able to meet the deadline of 1 January next year and they will then be sending out renewal notices which would mean that any move to force the insurance company to put out these notices would not be necessary. I think that we do have to look closely at putting extra costs onto the insurance industry which at the moment is claiming that the cost of claims on third party insurance is already prohibitive.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 5 agreed to.

Clauses 6 to 12:

Mr RYAN: I move an amendment to clause 12, schedule number 52.

The purpose of this amendment is to remove the restrictions that exist with regard to insurance companies other than authorised insurers from undertaking comprehensive motor vehicle insurance in the Northern Territory. Under the current section, a person wishing to insure his vehicle must approach authorised insurers for his comprehensive insurance. If he is refused comprehensive insurance from all of those authorised insurers, he is in effect uninsurable because he cannot go outside the Northern Territory for insurance because companies operating outside the Northern Territory are not able by our law to insure him. There was some argument initially when this was brought up that possibly our law would not stand up outside the Northern Territory. There seemed to be some disagreement between lawyers on this point, therefore I decided to amend the ordinance to make the position quite clear. Under the amendment, any person refused insurance by all the authorised insurers in the Northern Territory will be able to approach the Registrar of Motor Vehicles for authority to go outside the Northern Territory and get his comprehensive insurance.

The reason that I felt he should approach the Registrar was that we must try to protect those companies who are prepared to set up shop in the Northern Territory and this is of course the situation with regard to authorised insurers; they are people who are operating in the Northern Territory, who have offices, who have overheads, for their operations in the Northern Territory. We therefore do not want to remove the restriction of that section of the ordinance completely because this would then enable anyone to undertake insurance in the Northern Territory. In a situation where the authorised insurers have to accept third party insurance, I felt that we could lift the restrictions sufficiently for those people who are embarrassed by not having been able to get insurance from the authorised insurers. The provision that the Registrar should give permission means that if a person does approach all the authorised insurance companies in the Northern Territory for his insurance and they all refuse him, he then can go to the Registrar who can, on this basis, give him authorisation to go interstate for his insurance. Therefore I feel that this is a most important amendment to the bill.

Amendment agreed to.

Clauses 6 to 12, as amended, agreed to.

Progress reported.

PRICES REGULATION BILL
(Serial 49)

Mr PERRON: I would like to bring to honourable members' attention some of the powers which the Price Controller has under the Prices Regulation Ordinance. The Price Controller can summon witnesses, place them under oath, and question them without their recourse to legal representation. He can overrule certain existing leases and agreements. He can enter premises at any time without being required to produce a warrant. He can demand to see accounting records, balance sheets, agreements, correspondence, invoices, telegrams, and other documents relating to the operation of a business in the Northern Territory. He may take extracts from these records or he may impound them completely, the owner being entitled to a certified copy within a reasonable period of time. These powers relate to any business in the Northern Territory, not just those which are dealing in declared items. Under the ordinance, no one in the Northern Territory conducting a business is allowed to destroy any records, correspondence or other material relating to his business until the controller has authorised such destruction. The critical part of the ordinance is section 20, the section to which the bill now before us relates. This section states that the Price Controller may fix maximum prices for all sorts of goods and services in his absolute discretion. Lastly, I find out that it is not only an offence to sell declared goods above the price determined by the Price Controller but it is also an offence to knowingly pay a price above that determined for such goods or services.

Price control appears to be intended to protect people from themselves. It is clear that people will pay prices asked rather than walk down the street and shop around a bit for a cheaper price, so the Government wants to make everyone charge the same price, hopefully a small one. It is surely possible to curtail someone's profit, if that's the intention of the public, by merely refusing to buy their products. Trading is done by consent not by compulsion and I consider it an insult that the Government tells me what price I should pay for goods or services. I refuse to believe that they can manage my money better than I can; just look at what they do with their own. When you violate the rights of one section of the economic community you must surely be violating the rights of all sections. I contend that those who support price control would scream awfully loudly if they were told that they could make a maximum of 6% per annum on the purchase price of their house when they come to sell their home. How many of these price control supporters have invested in land or shares or whatever, in the hope of doubling or tripling their money in a short period—and good luck to them.

Mrs Lawrie: Are you in favour of land speculation?

Mr PERRON: Let's not be hypocritical, we would like to make a fortune when we sell our own goods and, let's not say it serves him right if the shop keeper gets fined $300 for charging an extra cent for a can of coke.

Mrs Lawrie: Speak for yourself.

Mr PERRON: Our system of free enterprise is under a terrible threat. Throughout the world we have this leaning towards socialist policies like price control and it has been proven that it does not work effectively and it is terribly costly to administer. We stand in the midst of the greatest achievement of mankind and wonder why the world's economy is crumbling around us while we overtax and overgovern the individual to a point where incentive is stifled. The man who works hard these days is often considered a fool and if he makes a profit he is considered a parasite.

Honourable members may gather from these remarks that I oppose the concept of price control. However, I support the bill before us as it is an improvement to a most undesirable piece of legislation. The bill allows the business owner to make appeal against the Price Controller's absolute discretion. This will remove at least one major injustice, the injustice that there was no form of appeal under the ordinance. Under the present ordinance, once the Price Controller makes the determination, no one can make him change it. The Administrator can ask him to review it but he can't make him alter it in any way whatsoever if he comes forth with the same determination after the review. The Prices Review Tribunal proposed under the bill before us will have the power to confirm, vary or revoke a determination made by the Price Controller and on that basis alone I support this bill.

Debate adjourned.

CROWN LANDS BILL
(Serial 9)

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mrs LAWRIE: I move that subsection (1) be omitted from proposed new section 110A and a new subsection (1) substituted.

(See Minutes for text of new subsection)

Honourable members will recall from previous debate that I had full support for temporary residential units being placed on residential land in the area affected by Cyclone Tracy. However, I believe that the proposed 110A(1) is far too wide. Having accepted the principle of the necessity for temporary residential accommodation, I feel that in passing legislation to go on the statute books we must be most specific in saying what will or will not be allowed. My amendment, while going along with the principles inherent in the bill, specifically relates it to the Darwin Reconstruction Act in that it will apply for the same time as that act applies, it will apply in the same area as that act applies, and in fact it is limited to land which has been zoned for residential purposes. I believe the first two parts of my restriction are obvious and probably need no further amplification as they are in line with the thought of the sponsor of the bill. Speaking to the third principle, that is the restriction to residential land, I repeat what I said in the second reading debate. I would view most seriously a power being given to a body to place accommodation units on land which has not been zoned for residential purposes without the public being given the right to object. It had been my intention to introduce an amendment giving the public the right of objection such as they have under the Darwin Town Planning Ordinance. However, if my amendment is accepted in toto, that amendment is not necessary as the accommodation unit can only be placed on land which is zoned residential anyway, and I remove the need for what could be lengthy and protracted objections.

I appreciate the necessity for this piece of legislation to pass reasonable quickly. I appreciate the necessity for the Darwin Reconstruction Commission or its agents to be able to place units on residential land and, if this amendment is accepted, I indicate unreserved support of the bill.

Dr LETTS: I rise merely to say that the amendment proposed by the honourable member for Nightcliff is quite acceptable to me and I have not been given any grounds for objection from government sources, remembering that this was a government-sponsored bill in the first place, and indeed that they sought urgency and I was not willing to seek urgency at the time.

I understand too that the effect of the amendment now proposed by the honourable member for Nightcliff would be that the further amendment foreshadowed by the Executive Member for Community Development would not be required because the reference to crown land in the Darwin area as defined in the act would take care of this proposal also.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 4 and 5:

Mr WITHNALL: Clause 4 proposes to amend section 118 of the principal ordinance to make it possible to forcibly eject a person in unlawful occupation of a building or accommodation unit which was placed on the land by the Crown. First of all, I would like to ask why this amendment has been thought to be necessary because, after all, if somebody is occupying a unit on a piece of land they must be ejected from the unit before they can be ejected from the land. Is it suggested that this will enable somebody to be ejected from a building and still remain on the land? Because that seems to be the result of the amendment. They can be ejected from the land or from any building on the land. It seems to me quite absurd to propose that there should be a separate power to eject from the building apart from the power to eject from the land. It seems to me therefore that the clause is completely unnecessary. It also seems to me, having regard to my knowledge of what has been happening over the past few years, that section 118(2) is never invoked anyhow. It has not been invoked since the cyclone, despite numerous people squatting in droves on crown land and abandoned Commonwealth houses. It has never been invoked by the Crown once as far as I know. And while it was there to be invoked if they had chosen to run the city in the way that they should have been running it, they have chosen to let people squat on crown land without any action taken. So why do we want this amendment? Why do we want to be able to eject somebody from a

building but leave him on the land? Why is it not sufficient to eject somebody from the land and have him right outside the boundaries? Because it does not matter if you have a number of units on a piece of land, it does not matter if there are 15, 20 or 150 people living on a piece of land, if a person comes within the terms of the section, he can be ejected from the land. It is absurd to suggest that he can be ejected from a building only.

Dr LETTS: As I said earlier, this is not a bill of my own initiation; it comes from the government and I don't pretend to be able to give an interpretation off the cuff to every question that might be asked. In this case I have been informed that it could be a difference between the building and the land.

Mr Withnall: How?

Dr LETTS: The occasion could arise where a person has to be removed from a particular building where there are several buildings on the land, but still may be able to remain in another portion of the area in another building on the land in some other way, where he is legally occupying only part of the temporary structure.

Mr Withnall: That is absurd nicety just brought in to justify the amendment.

Dr LETTS: That may well be so. If the honourable member for Port Darwin seriously questions the section and the proposition, then I certainly would not object to having progress reported and the matter further investigated, so that people who have desire to have this legislation can provide a stronger justification to having it there or, alternatively, agree that it is not necessary.

Progress reported.

CROWN LANDS BILL
(Serial 52)

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

New clause 2A.

Mr POLLOCK: As I indicated in the second reading debate, I propose the amendment as circulated on schedule No. 53; that is, to insert a new clause 2A after clause 2. As I indicated then, the purpose of this new clause is to allow consideration to be given, in particular in the present financial climatic conditions, to the pastoral industry and the man on the land generally, and does provide an avenue for him to approach the Administrator for relaxation or dispensation for a time of covenants on leases which he may hold. I don't think there is any need to dwell on the situation; it is all well known to us, it has been spoken about in the House on many occasions. I commend the proposal.

Mr WITHNALL: I have read the proposals made by the honourable member and while I am thoroughly in line with the attitude he proposes in new section 23AA, I do suggest that the action taken by the honourable member has been taken somewhat precipitately and without giving full consideration both to the text of the amendment proposed and to the situation of the pastoralist in the Northern Territory. At the present time, of course, there are many pastoralists who simply have no income at all and they are subsisting, or will subsist at least, some of them, upon money advanced by the Commonwealth Government for the purpose of their subsistence. That money is a short term loan and the rates of interest are very generous. Nevertheless, it is a loan and the money will be repayable and when the Commonwealth Government considers that the money should be recalled, it will be payable back to the Commonwealth. We don't know at the present time how long the present meat price recession will last. It may very well last for many years. We hope, of course, that there will be an upward trend in the next year or so but when you are enacting a piece of legislation you cannot base your legislation upon the highest of your hopes; you must have regard to what you think is a reasonable probability in the situation you are facing.

The amendment proposed by the honourable member provides that the Administrator may suspend or temporarily vary the operation of a covenant. Let us have regard to covenants for pasture improvement. If those covenants are suspended or temporarily varied for this year or next year or the year after, then at the end of time, when the suspension ceases to have effect, the fellow who has been living on a government loan handout for years is then faced with the necessity for the performance of the whole of those three years' covenants immediately because they were only suspended. The proposed amendment also contains the expression "temporarily varied". I do not quite know what that means. One may vary a covenant temporarily, but to my way of thinking that only means that the variation has

effect during that period and that after that period the variation finishes. In other words, the Administrator may vary a covenant to plant 500 acres of Townsville lucerne by saying that you shall not do it this year, by saying you may have two years to do it or by saying you may have 10 years to do it. But the power to temporarily vary a covenant seems to me to be quite too vague an expression to go into the ordinance in the fashion in which it is proposed to be inserted. If the honourable member would reconsider the terms of his amendment—and I do not disagree with the principle he is proposing at all—in such a fashion as to propose that where there was a suspension or if you like a temporary variation, although I will not accept that as a sufficiently accurate statement, so that it is clear that the suspension or temporary variation does not require the pastoral lessee at the end of the suspension or the temporary variation to pick up all the covenants that were operational at the time when the suspension for variation occurred, then I will go right along with his amendment. Some more consideration should be given to this proposition than the honourable member has given it or indeed that I have given it. The situation is a very serious one and, before the law is amended in this fashion, one should seek consultation from the Commonwealth Government, with the administrative arm of the Commonwealth in the Northern Territory, with a view to finding out what sort of problems are likely to arise and with a view to obtaining some sort of solution to those problems. The proposed amendment is not good enough and the power to suspend, temporarily vary and add to that suspension from time to time is a very bad patch. We have been used in this Legislative Assembly and in the former Legislative Council to applying patches to ordinances when we have found a leak. But this is a bad patch. I agree there is a very great need for something to be done but it should not be done as hurriedly and with as little consideration as this proposed amendment obviously has received.

Mr KENTISH: I agree with the idea behind this amendment and I support the need for it in the present economic climate, there should be some relief for the landholders under covenant who are quite unable to keep up with the terms of their covenant. However, I have noted the remarks of the honourable member for Port Darwin and these landholders, if what he says is correct, would be in much the same position as people with hire purchase commitments if after a six month moratorium they found themselves faced with the proposition of paying everything accrued over that period in one lump. I wondered about that but I noticed that section 22AA(1) reads: "The lease shall be construed as if that suspension or temporary variation were written into the lease". I wondered what the mover of the amendment had in mind there, whether it would be written into the lease as a total extension of the lease or whether it would be just provided for as a partial suspension. I am not quite clear what he had in mind there, whether the temporary variations are written into the lease or whether you put a two or three or four year extension onto all terms. That would be a satisfactory way of tackling the problem. Altogether I agree with the need; relief is urgent for people who are under strain of covenants. I am not personally affected by this amendment myself.

Dr LETTS: We are getting into a difficulty here, one that I did not altogether foresee. I have not had any communications from honourable members until today although the intention of the honourable Executive Member for Social Affairs was made known back in August when we were debating this before. The problem is that the bill originally was intended to meet a defect in the ordinance relating to forfeiture and preservation of the rights of mortgagees. This matter has been held up for some time and it is important that the Assembly deal with it. I hope it will deal with it during these sittings. If our difficulties in relation to the other rather different line of thought cannot be easily resolved, then we may have to adopt a course of proceeding separately. I have had some discussion with the Executive Member for Social Affairs about this proposition of his.

In the normal course of events, the pastoral inspectors inspect properties and check on the progress of the covenants. If they find a place in default, they report back through the Administrator and the Land Board. People may seek variations of their covenants and this again is referred back to the Land Board for advice on whether the Administrator should vary the covenant or not. It is a fairly time consuming process. What has happened is that the Minister for the Northern Territory, recognising the desperate plight of the pastoral industry here, gave a verbal indication some weeks ago that he had asked the Lands

Branch in the Northern Territory to so administer the ordinance during this time of great hardship so that the letter of the law would not be carried out in relation to the conditions of being in default on covenants. That is fine; I will say this for the Minister for Northern Australia that he has a good understanding of the pastoral industry and he has sympathy for it. He wants to see it get back on its feet. This is one of his means of trying to achieve that and we all agree that any little thing that could be done should be done. Collectively, these things might help at least some people through a crisis which they might otherwise not be able to meet.

It was this kind of thought which gave rise to this amendment. Rather than leave it entirely to administrative choice and ministerial choice it was thought that, as a temporary kind of approach, some backing should be given in the Ordinance. I would agree with the honourable member for Port Darwin that there is a real need to examine the whole of the Crown Lands Ordinance and the land administration of pastoral land in particular in the Northern Territory in the light of what has happened during the past 12 months to the industry. The economic structure has so changed that many of the rules in legislation and their interpretation made 4 or 5 years ago are no longer suitable to the economic viability of this industry. There is a need for a deep review by interested people from this Assembly and by government departments concerned to see if we cannot reach an agreement on reshaping parts of the Crown Lands Ordinance to fit the situation which is likely to continue for some time.

The Crown Lands Ordinance should not be so flexible that it cannot meet these dramatic changes in the economic structure of a land based industry. I would feel that such a review and the drafting of more comprehensive legislation arising out of such a review would probably take considerable time. If the honourable member can convince me that that is the right way to approach this, then we would probably have to adopt this amendment and wait about 6 months to get something that goes a little deeper into the problem and perhaps has a more permanent corrective effect. However, I am quite happy and I am sure the honourable Executive Member for Social Affairs would be quite happy, to have further discussions with the honourable member on this point. With that in view, I would not object to the committee reporting progress.

Progress reported.

DRUNKENNESS BILLS

DRUNKENNESS BILL

(Serial 31)

POLICE AND POLICE OFFENCES BILL

(Serial 32)

Mr EVERINGHAM: I seek the leave of the Assembly to withdraw these two bills. My principal reason is that it has been indicated to myself and to the honourable the Executive Member for Finance and Law that under no circumstances would assent be given to this bill. The reasons advanced for this were allegedly philosophical but I think they have something to do with the fact that the Government is not prepared at this stage to allocate any funds in relation to the rehabilitation of alcoholics or persons suffering from drug addiction in the Northern Territory. Indications were received that assent would be forthcoming to a bill in a different form and it seemed to the Executive Member and myself that half a loaf was better than no bread at all. For that reason, these bills are now being withdrawn.

Bills withdrawn, by leave.

STATEMENT

Executive responsibility bills

Dr LETTS: These 3 bills have been on the Notice Paper for the whole of this year and honourable members have been previously advised that they were beyond power and that amendments to the Northern Territory Administration Act would be required in order to enable us to proceed with their passage and ensure their assent. The matter is being re-examined and, with the assistance of the draftsman, it has been possible to produce modified legislation which goes some way towards achieving the same effect and still remain within the power of the Northern Territory Administration Act. I foreshadow that I will be bringing before the Assembly at this sittings an alternative proposal and I will be seeking the withdrawal of the bills shown under Order of the Day No. 10.

ADJOURNMENT DEBATE

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

Mr STEELE: I would like to make a few remarks about the petition I presented this morning on behalf of the west Ludmilla residents action group. They can see a few problems for the total community in that area. I would like to draw your attention to some of the traps Darwin people have fallen into with consultants and I do not expressly refer to the consultants that people have disliked this year. Consultants are very expensive. Sometimes they perform without much local knowledge; work to the wrong terms of reference or work with inadequate background information. I refer you to the 32 square mile acquisition area where they have a massive plan but, for some reason, they could not proceed because they did not have enough information. In that area, there are a substantial number of claims yet to be paid for; anybody in a compensation or an aquisition situation may be years away from being paid.

One of the members drew to my attention a consultant problem today. I advise members here that the Executive Member for Community Development, the Majority Leader and myself have been to Timber Creek, though not all at the same time, to look at the town plan site. The local people and the consultants are having a bit of a battle. The consultants want to put the new town up on a nice little hill where there is a bottle tree. It looks nice but there are two flooded creeks between the nice bottle tree and the rest of the town during the wet season. There is no water supply and the police station is also on the other side of the river.

These are the points that I make about consultants when I am talking about at the Bagot community and the Bagot Council. It is pretty important to mention the role of consultants in relation to much of the planning that takes place. For a number of years, the permanent Aboriginal residents of Bagot, through their elected council, have pursued the idea of developing their town as a place for permanent long-term residents who wish to identify themselves with European-type ambitions in regard to employment, education, housing, etc. They have looked ahead to the day when some of the restrictions of a reserve could be removed and Bagot allowed to develop as a normal suburb of Darwin. This basic outlook has not changed as a result of the cyclone but the destruction of all the camp type accommodation for transient Aboriginals is seen as being of benefit to the community in a long term providing other suitable accommodation for transients can be found in the Darwin area.

We have recent reports submitted by the community. The community has approved of a program of building which will absorb all of the 90 available building blocks by June 1980. There is sufficient land in this reserve for other amenities such as an administration block, workshop, family centre, shop, sporting oval and possibly a church. They also have an idea of obtaining more land in addition to this area and the area they are asking for is something like 54 residential sites which would be about one quarter of the size of Bagot. Unfortunately, the majority of these blocks are in the primary surge area but for some reason the Bagot Council, under advice, still wish to press on and ask for some of these blocks. Under normal town planning situation, Bagot would have something like 200 home sites in the area. There would not be room for a church or a sporting oval although we do have the dump down the back. The total Ludmilla community has never had the benefit of a shopping centre or a sporting oval.

The problem is one of promises. The consultant is paid and he buzzes off; he does not have to wait to see what happens later on. I know who will be worse off—the people who have been promised certain things. They will be told where the money should come from but their plan itself is 90 homes by 1980. We had better fill them up.

Mr KENTISH: We have had quite a variety of very interesting things happening in our community and in the wider community of Australia since the time of our last meeting. We have noticed since our last meeting that there has been a widespread and concerted attack on all the power resources of Australia, except perhaps the power supply of the Snowy Mountain Authority which seems to be free of interruptions and corruption. We have seen that there has been a heavy assault on the development of the Bass Strait oil, bringing that project to a stand still. We have seen that the coal mines in New South Wales, Victoria and Queensland have been brought to a halt by all manner of industrial troubles. We have seen that in the Northern Territory a very substantial effort has been made by the FOES and other people to stop all prospect of uranium mining in the Northern Territory.

When one glances at the whole breadth of this, one begins to wonder about the motivation of this concerted assault on the power capability of the Australian continent and government. I just mentioned that as a matter of interest.

I have a cutting here from the Northern Territory News of 29 September, "Whitlam calls for support in his party". It says: "Mr Whitlam was appalled at the sabotage there had been over the national compensation scheme, a scheme that provided better benefits for workers at cheaper rates. He said that some lawyers and insurance companies were getting more than the victims. A great number of people in the Labor movement have a vested interest in the present scheme. Solicitors are waxing fat and some union secretaries get kick backs from lawyers. I want a bit of support for Labor's policies, he said". It is interesting to note that Mr Whitlam is worried about divisions amongst his party. When we look at the party of which he is leader, you see that it lends itself to some degree to divisions. He said that he is worried about the lack of unity and unison by the various sections involved.

What are the various sections? We have the socialist labor party, we have the old time Labor boys who belong to the Chifley, Curtin, Calwell era, we have the communist labor party and we have the anti-communist labor party. There has just been a struggle on this ground between the Tasmanian party and the federal party. Of course, an old rift is the DLP another section of the anti-communist labor party. Bearing in mind all these things, it is easy to understand that Mr Whitlam is calling for support from all his party.

I will now move on to a further subject: the efforts of the Government to bring a better understanding of the Australian law to the Aboriginal people of the Northern Territory and to impress on them the justice and efficiency of the Australian law. The Aboriginals have always had a law of their own but, in a close community where the law has been administered by themselves, often the administration of the law means taking the law into their own hands. Often, people who would take on themselves the responsibility of administering the law are not always acceptable to the people to whom it is being administered. It has that aspect of taking the law into their own hands. It is really a beneficial thing for Aboriginal communities to have an outside authority helping to administer their law which in most respects is very similar to the broad pattern of Australian law. It is also beneficial to them that they should have a representative of their own people, who understands their tribal backgrounds, taboos and customs, associated with this administering of law in their community.

However, some funny things are happening which are definitely not beneficial to this impressing of the strength and goodness of the Australian law on the Aboriginal people. I have a letter written to yourself, Mr Speaker, by the Minister for Police and Customs, Senator Cavanagh. It concerns a case arising out of the assault on a constable at Roper River. Three defendants were sentenced to three months imprisonment, suspended on entering into a bond. That is nothing so far as the Aboriginals were concerned. They were freed of any responsibility in their eyes. There is no doubt about that. Two were fined forty dollars each.

Aboriginals, in the carrying out of their own law, have in the past been far more severe than we would be on a great many matters. Capital punishment covered a fairly wide field and, for many things that upset their social balance, they had very strict and swift retributions. Here is a thing that is badly upsetting the social balance: why the policeman was there and the reason for the attack on the policeman. They have always exacted swift and fairly social retribution on people who do this. The letter said that the elders and councillors of Ngukurr Village Council did not appreciate what was described as the leniency meted out by the court. This gave rise to a tense situation where tribal customs were still strong and the gap between the older generation and the younger generation thus widened. I do not know about the gap between the old and young widening but there is a gap between law-abiding people and the people who want to run wild and ignore the law and social standards of behaviour.

I would disagree with some of the things that are put forward in this letter. It says: "In areas of Australia where Aboriginals still adhere rigidly to tribal customs difficulties will no doubt arise from time to time, as in this instance, in satisfying tribal councils that justice has been done adequately to their members in the court". I think that in any community in Australia there would be difficulty in satisfying the community that justice had

been done in a case like this, not only an Aboriginal community. I do not know the person who was on the bench at this time but I often have a feeling that people who have spent all their lives in academic surroundings are quite out of touch with the world around them. I have nothing against magistrates or judges but I really think that they would be much more efficient if sometime during their lifetime someone had stamped on their foot or knocked a front tooth out—then they would know what the whole business is about. They lack this common touch. A flattened nose could do more for a magistrate than years of academic training. The attempts to impress the Aboriginal people with the wonders of white law are badly missing the mark. In fact, they are making the white law appear a laughing stock in communities where this sort of thing happens. The people themselves are utterly frustrated by Australian law attempts to help them with the law and order enforcement in their communities.

Mr KILGARIFF: The Department of Northern Australia Motor Vehicle Registration Branch is no longer sending out renewal notices for driving licences and re-registration of vehicles. It has come to my notice in the last two weeks either by correspondence or by people approaching me that people are concerned that no notices have been sent out by the department. It is only through being pulled up by the police or by discussion that they have found that their registration and their third party insurance has lapsed. One realizes that the department has been completely disrupted by the cyclone and that some of the administrative methods and procedures have lapsed. However, the department has not given any notice to any Northern Territory community that these notices are not being sent out. It is only through police action in pulling up a vehicle that this is becoming realized and I believe that there are very many vehicles involved.

I have brought with me from Alice Springs a letter that indicates that a contractor with numerous pieces of heavy equipment has found that his vehicles are no longer registered and the third party insurance has lapsed. Just imagine what would have happened to this person if he had been involved in an accident and one of those pieces of equipment had killed or maimed a person. He would have been without any insurance. I have heard on the news that they are not sending out notices now because of the disruption in Darwin and because so many people have moved around. There are many more people in the Territory than there are in Darwin. In defence of the people beyond the Berrimah crossroads, the Department of Northern Australia registration branch must realize the serious situation that they are putting people in through not indicating to the people that this procedure no longer exists. I think it is up to the department to immediately reinstate the procedure of sending out notices of registration and renewal of licences; if, for some reason, they cannot do this, the people should be advised.

Mrs LAWRIE: I rise to discuss an industry which has not earned my favour for the last few years since I have been involved in this Assembly—the insurance industry. The one particular aspect of the insurance industry that is particularly deserving of condemnation is perhaps the result of the failure of successive legislatures to amend the Workers' Compensation Ordinance satisfactorily. It is obvious from this that I am referring to the action of insurance companies when faced with payouts under the Workers' Compensation Ordinance. That ordinance is written completely from the side of the insurer, and provides very little protection for the person who had expected to receive what could be regarded as a proper payout, especially in the case of the death of the breadwinner of the family.

I am going to cite a case without naming the insurance company but, if the rot continues much longer, I will certainly name the company in this Assembly and I will certainly call for an inquiry into the operations of companies which proceed in this manner. A Northern Territory person was injured in June 1973 and he died 4 days later. Shortly after, his widow entered into negotiations with the workers' compensation insurers. The dead man and a partner were the chief shareholders in their company but the widow also held a share and did some office work around the company. There are 3 small children of this marriage. The relevant insurance company decided in its negotiations to settle for one lump sum payout, that is, they offered the widow one complete lump sum for the death benefits payable to her pursuant to the schedule in the ordinance as well as weekly payments due to her and the children. As she was earning a sum of $60 a week in the employment of the company, the insurer stated that

she was not fully dependent upon her husband and therefore refused to pay out 100%. They refused to commence weekly payments and in fact the first of any weekly payments was not made until nearly 1 year later. That was after negotiations between the respective lawyers for the company and the widow. The insurers took the view that they did not really want to pay weekly payments and therefore did not do so until they were pressured very strongly by the widow's legal representatives. Recently, the matter went to the Workmen's Compensation Tribunal and a determination was handed down. It stated that she was eligible for 100% benefit under the ordinance and that she was entitled to a full lump sum payout for herself and to continuing benefits for the children until they reached the relevant age. A precedent was cited and this was the judgment given.

However, shortly after, the insurers instructed their solicitor to obtain counsel's opinion as to whether the action could be reopened or appealed. The crux of the matter lies here. In the workmen's compensation rules, there is no time limit for any appeal and therefore this can be done at their leisure. Meanwhile she waits and the kids wait. As a matter of fact, it would seem that an appeal could be lodged virtually at almost any time. Also pursuant to the Workmen's Compensation Ordinance, there is no provision under which the insurance company is responsible for payments because the judgment is handed down against the company employing the dead man. The only people the widow could look to was that company which folded shortly after the death of her husband as the partner could not carry on the business by himself. The only way for this widow to act now is to take action against the defunct company and obtain a judgment and for that defunct company to then sue the insurer. This will take years and will mean that the woman is either practically destitute, trying to support herself on the widow's pension, or has to accept what the company feels it will offer. There is no regard to the judgment handed down, no regard to what the ordinance states is her due having been told in a court of law that she is entitled to a 100% payout. They will consider whether an appeal can be lodged, do so at their leisure and meanwhile the woman sweats or gives in to what I regard as blackmail by the insurer and accepts what they care to offer. This is the most dreadful case that I have personally become involved in. To my horror, I have been assured by responsible members of the community that this is far from being the exception and that this is the way in which insurance companies operate and have operated for years under the loopholes existing in the Workmen's Compensation Ordinance.

I have not named the widow and I have not named the company. I have her permission to use her name and to give the date of her husband's injury, death, etc. If I proceed to that at a sittings of this Assembly, I will also name the company. I will tell them just what I think of their action and the way in which they are proceeding. I would hope that the honourable member with executive responsibility in this area has been listening because, if that member does not take steps to amend the ordinance, I certainly shall. Meanwhile, I regard it as an indictment of the insurance industry that they can carry on in this manner. It is not what is morally right or what has proven to be the woman's due, it is a matter that because of an existing loophole they can sit back and wait. In all such cases, eventually the person hoping for insurance benefit has to give in and accept just what they offer.

Following cyclone Tracy grand statements were made that it is the responsibility of citizens to insure fully and I agree with that. There have been statements that it is a breach of the law not to carry adequate workmen's compensation and I agree with that. People think that, being covered by the ordinance, they have no fear other than the tragic loss of the family member if the breadwinner dies. How wrong they are! They are still at the mercy of the insurance companies. There has been great agitation down south against the setting up of the Australian Government insurance industry. It is my contention that, if private insurance companies carry on in this morally bankrupt way, the sooner there is a government insurance scheme the better. The insurance companies, by the manner in which they are operating, are inviting government intervention into what seems to me to be a shaky, ill-run industry with no thought for the people it purports to service. I would look forward to discussing this matter in some detail privately with the responsible executive member. I can indicate to this Assembly that the widow's solicitor will verify the statement I have made. I repeat the remarks that I made at the beginning: the insurance industry overall is busy earning my disrespect and bolstering what I now believe to be a case for a full

inquiry into the operations of that industry within the Northern Territory.

Mr RYAN: I would like to make several comments on the speech made by the honourable the Executive Member for Finance and Law concerning the motor vehicle registry. At the risk of being accused of covering up for the department, I feel that their point of view should be put forward. The situation is serious for those people who do forget that they have to register their vehicles. There is a possibility that, if somebody is involved in an accident causing grievously bodily harm, there could be court action against them on the third party situation. Since the insurance on third party would have run out, they would have to bear the costs themselves and I recognise that this is a very serious matter. I would like to point out that every vehicle that is registered in the Northern Territory has a sticker on the windscreen which quite clearly shows the month for re-registration and, whilst we are used to receiving a notice of registration or licence, I do not think a licence is quite so serious as registration and third party insurance. People should be able to realise when they are getting close to registration time. Notwithstanding that, I do believe that the honourable member does have a point.

The other situation is that the registry has been criticised quite freely this year for the slow service that you get in Darwin because of the fact that they are down in numbers. This I do not see as being rectified in any great degree. I have had discussions on this very matter with the Registrar and members of the Northern Australian Branch of Transport Planning. They do intend to re-introduce these reminders as of the first of January. It is difficult for them to draw out the individual towns because the filing system is of numerical order rather than areas. I will continue to press with the department for the early reintroduction of notices.

Mr EVERINGHAM: I would like to pass a couple of brief comments on the remarks made a short time ago by the honourable member for Nightcliff. I did find it surprising that it took 18 months to 2 years to bring this matter to arbitration before the Workmen's Compensation Tribunal. I should have thought that a person diligently proceeding in that regard could have brought the arbitration proceedings before the tribunal within 3 to 4 months of the date of death and, at the very outside, 6 months. I find it remarkable that it has taken 18 months to 2 years to get there and the remedy for that delay is in the hands of one person alone and that is the person seeking the compensation.

The other matters on which I wish to pass comment are in the field of education. Recently, the person who has been acting as Director of Education in the Northern Territory since the cyclone, Mr Jim Gallacher, has stepped down and I should like to pass a few words of commendation in his direction. He came into his office immediately after the cyclone when education in Darwin in particular, and it could have been throughout the Northern Territory, was in chaos because Darwin is the hub of the Education Department in the Territory. Schools were destroyed in Darwin. His own offices were in some chaos and staff were scattered and lost. Parents were very critical in many instances and expected schools and pre-schools to be in tip top condition for the opening of the school year. I think that, with the co-operation of his hard working teachers and administrative staff, Jim Gallacher managed to overcome to the best possible extent the numerous problems that faced the Education Department at that time. He kept most parents happy because he was always prepared to speak to anyone. You could always ring him up and get him on the phone. I believe that the Northern Territory education system owes a considerable debt to a man who was apparently just a stand-in although I understand his career in education has been quite a long one.

The other topic on which I wish to speak concerns the recent execution of Basque nationalist terrorists in Spain. I do not want to make any comment on the separatist cause, but I simply comment in passing that the Basque provinces in Galicia and the Asturias were an integral part of Spain long before the English had subdued Wales. My own view of the matter is that, if people went out deliberately in Australia to shoot policemen, then I believe they should be executed as well.

Motion agreed to; the Assembly adjourned.

Wednesday 15 October 1975

DISTINGUISHED VISITOR

Mr Tony Greatorex

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of a distinguished visitor. I refer to the last President of the Legislative Council, Mr Tony Greatorex. I know that I express the will of all members when I extend to him a hearty welcome to this chamber.

PREVENTION OF CRUELTY TO ANIMALS BILL

(Serial 57)

Bill presented and read a first time.

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

Honourable members will see that this is a fairly complex bill. Every sane society likes to have a prevention of cruelty to animals act or ordinance so that they can then relax with the feeling that wanton cruelty to animals will not be allowed and the public conscience is assuaged. Although we do have an ordinance in the Northern Territory, it is completely defective. To gain a conviction under the ordinance, one would have had to practically drag an animal into the court and gouge its eyes out in front of the presiding magistrate. The Society for the Prevention of Cruelty to Animals has approached me on several occasions following court cases where people have escaped scot-free even though the society felt there was a clear case of cruelty. Accordingly, they went through the ordinance most painstakingly and came to me with a set of guidelines for tightening up the loopholes and giving the ordinance real teeth.

When honourable members read my bill in relation to the principal ordinance, they will see that indeed it has strengthened it quite considerably. They may be somewhat shocked at the powers given to inspectors but I would advise honourable members that this legislation is based on the South Australian act and brings it broadly into line with prevention of cruelty to animals acts in other states of Australia. It doesn't strike new ground; it brings us up to date with what is happening elsewhere.

Section 3 of the principal ordinance is proposed to be amended by omitting the word "cruelly" from the definition of "ill-treat". That section says "ill-treat includes (a) cruelly wound, mutilate, overdrive, override, overwork, abuse, worry, torment or torture. Knowingly overload or overcrowd or unreasonably, wantonly or maliciously neglect or beat". To have the word "cruelly" in there is rather redundant and it has been used in court as a means of wriggling out of what everyone claims should have been a proper conviction. Surely to wound, mutilate, overdrive, override etc. is sufficient in itself? I have added certain definitions to the definition section. I am tidying up the provisions of inspector under this ordinance. Policemen will become inspectors for the purposes of the ordinance and certain other people will be liable to appointment as inspectors. The Administrator is given certain guidelines on the appointment of inspectors and I can assure honourable members that unreliable, unskilled people will not be liable for appointment. A medical practitioner and a veterinary surgeon are also defined further on in the ordinance. I give them specific rights to take action in certain circumstances.

I am proposing to omit "wantonly or negligently" from paragraph (b) of section 4. The present ordinance reads: "Any person who wantonly or negligently fails to provide any animal with proper and sufficient food or water or in the case of animals other than those running at large or on a journey with shelter, etc., is guilty of an offence". This section has been used twice in court to my knowledge by people claiming ignorance. One man slowly starved two horses to death and wriggled out of a conviction in both cases. He was able to say that it was not wantonly or negligently. If one is to have the care of an animal, to fail to provide proper and sufficient food or water is of itself an offence. In the two cases of horses starving, the person was able to say he had provided plenty of food but in fact the food supplied was deficient causing the horses in both instances to starve slowly. My amendment would mean that proper food would have to be provided otherwise the person is guilty of an offence.

Dr Letts: What about droughts?

Mrs LAWRIE: If the honourable member reads the bill, he will find that rural areas are covered; there is an escape clause.

Also in section 4, I am more closely defining the proper exercise of dogs and "dogs" includes bitches. I prescribe just what exercise is considered proper—a period of not less than one hour in any period of 12 hours. The

present description is fairly loose and is not in line with that used in the rest of Australia.

New paragraphs (m) and (n) introduce the concept of cruelty to caged birds which I believe is most important and prohibits the cropping of dogs ears. It is the only place in Australia where it is legal to crop a dog's ears. It is my understanding that one veterinary surgeon was prepared to do it but it was pointed out that any dog so cropped would not be eligible to be shown and pressure was brought to bear on that veterinary surgeon who declined under those circumstances to carry out the cropping. Nowhere else in Australia is it legal to crop a dog's ears. In fact, boxers with their ears cropped overseas cannot be shown under Kennel Club rules in Australia. I also introduce the concept to abandonment of domestic animals. If one wilfully abandons an animal one will be guilty of an offence and I think that is long overdue legislation.

The bill provides a range of penalties for those offences. As you can see, the penalties increase with constant convictions. It provides $250 or imprisonment for 3 months for a first offence, $500 for a second offence and for a third or subsequent offence $1,000. At first sight that might seem unreal but it is a scale and, if people continually offend against this ordinance, I believe they deserve severe penalties. Following that, I have a saving clause: "A person shall not be guilty of an offence under that subsection if, in the opinion of the court, he had a reasonable excuse for doing the act or failing to take the action which resulted in his being charged." It would have to be fairly proved in court in each case that in fact the person committed the offence.

In clause 7, I propose that all members of the police force be given the power of inspectors under this ordinance. Inspectors are given fairly wide powers, following interstate legislation. This gives teeth to the ordinance. Honourable members may be horrified at the wide powers but each time an inspector exercises his powers under this ordinance, he must submit a full report to the Administrator as to the circumstances which warranted that exercise. I believe, because of the way the bill has been drafted, such a power will not be exercised in a frivolous manner.

Clause 10 widens the exemptions under section 21 of the principal ordinance by adding an exemption about the confining of an animal while it is being conveyed from place to place, while it is being prepared for veterinary examination and dehorning, branding, shearing, sale or slaughter. I tried to relate this bill to the keeping of domestic animals. It is not intended to be related to cattle stations throughout the Territory. I am aware that some further amendments may be necessary to ensure this but I want to make it quite clear that I am using the domestic animal situation.

Clause 11 provides that a person can be prohibited, following convictions, from owning an animal. If someone is shown to be continually liable to wilfully illtreat an animal in his care, it is only proper that the court should have power to prohibit him from owning a further animal. Again, this power should not be used frivolously by any court. For contravention of a court order made under that section there is a heavy penalty.

Clause 12 gives power to inspectors to direct people to mitigate the suffering of animals. A qualified inspector should have the power to require a person who has control of an animal to do certain things to mitigate its suffering. In many instances, this is all that will be necessary. This is what the people from the SPCA want to do. They do not want to land offenders immediately with court convictions. They want to be able to say: "You are behaving unreasonably in relation to the care and control of this animal. Take a certain course of action".

The next amendments provide control of people wishing to conduct private zoos. They are defined with some specific exclusions. The person makes an application to the Administrator for permission to conduct a private zoo and I have given certain specific guidelines as to how he should make an application. Following receipt of the application, the Administrator may issue a permit if he is satisfied the animals proposed to be kept by the applicant will be adequately cared for and that the applicant is a fit and proper person to exercise that management and control of a private zoo. He can put certain conditions upon the permission given, Private zoos have started to proliferate in the Northern Territory. They will be a continuing trend and it is time to have some control put upon them other than the simple town planning control. The Administrator, in exercising this power, will have the advice of the Administrator's Council and one would expect that, as a consequence of this legislation being passed, private zoos could operate quite successfully and in a far

better manner. I exclude specifically the fauna enclosure at the old telegraph station, a showground or a place during the conduct of a show or exhibition under the auspices of an agricultural show society and certain other things including boarding kennels and stables because I have a specific application for registration of those further in the bill. It is ridiculous to have to go into the whole application every time a local kennel club wants to conduct a little show.

The next amendment relates to the registering of boarding kennels. I think this is well overdue too. Again, the application is made to the Administrator who has specific guidelines. This is protection for the public as well as the animals. At the moment anyone can set up boarding kennels with no controls at all. The public can be duped into leaving valued pets at a boarding kennel and return to find them diseased or ill-kept. From this section, I am excluding the private zoo and stables as these are covered elsewhere. Places used by the legitimate owners of horses and cattle are also excluded.

I then go on to registered stables. Again, the application is made to the Administrator with certain guidelines–location, number of horses, facilities, staff, etc. Again, it is a protection both to the horses and to the public that such stables will be properly and reasonably conducted. However, I can see that it is necessary to make certain specific exclusions. These exclusions are a place where horses are kept principally for purposes of working cattle, a showground or other place during the conduct of a show, a place where horses are commonly or usually exhibited for sale and race courses or trotting meetings during the preparation of a race meeting. There is a further provision for an exemption for a place declared by the Administrator in Council by notice published in the Gazette to be exempted from the provisions of this section. It is impossible to foresee all the reasonable exemptions that could be sought. There is no wish on the part of the SPCA or on my part to disadvantage people who in normal conditions obtain their livelihood from working with horses. That is a fairly wide provision; the Administrator in Council may specifically exempt any reasonable person or place that I have not covered in my specific exemptions.

Proposed section 28 gives the inspector power at any reasonable time to enter and inspect any private zoo, boarding kennel or stables which have been so registered. Without reasonable inspection, the whole concept of registration loses validity.

In proposed section 30, I reinstate a regulation–making power that I had repealed earlier. One can see that the Administrator may make regulations with reference to the quantity and standard of food and drink to be supplied to the animals kept in confinement and the intervals at which it is to be applied. This will give some work to the Administrator in Council but if we are to have a Prevention of Cruelty to Animals Ordinance, it is time that certain minimum requirements were specified under that ordinance. This will allow the Administrator to make those regulations which could perhaps be tabled here; if they are unreasonable, they could be disallowed in this Chamber at any time.

The last section is the schedule of machinery amendments, mainly dealing with the meaning of the term "inspector". I have omitted specific references to members of the police force and instead I have made all members of the police force inspectors under this ordinance with a provision for certain other people under the strictest guidelines, to be appointed by the Administrator as inspectors.

This bill alters pretty radically the present Prevention of Cruelty to Animals Ordinance which is outdated and has no teeth. Convictions are almost incredibly difficult to come by. Anyone can set up a boarding kennel, stable, keep birds in cages completely insufficient for them. There is really no control. This does impose those controls and I make no bones about it. It is overdue. We can't sit back and think that because we have a prevention of cruelty to animals ordinance we are helping society in that regard. As it is so incomplete, so outdated and has no teeth, I have taken the opportunity to bring it into line with southern statutes and to tidy it up completely.

Debate adjourned.

ENVIRONMENT BILL

(Serial 75)

Bill presented and read a first time.

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

When one looks at the law relating to environment and the law of nuisance in the Northern Territory, which is a subject very much allied to the protection of the environment, one finds that the law is more deficient

here than it is perhaps in any other part of Australia. Apart from the prevention of pollution of the sea by oil, and some minor provisions in the health laws and perhaps the Noisy Trades Act of 1897, there is no provision in the statute law of the Northern Territory which deals with this subject. Consequently, when one attempts the task of controlling the environment and dealing with the law of nuisance, it is very difficult to say where one should start. I have examined all the laws in the states of Australia and I must say that I found, much to my surprise, that many of those laws were deficient and such as were not deficient were cast in such a form that the administration of the law was likely to be unwieldly and in the wrong hands. Honourable members may see in this bill however some provisions which have been taken from state laws. In particular, some of the language in the bill is taken from the laws of the state of Victoria. But although some of the language is there, the whole system and approach to the control of the environment in this bill is very different from the system and approach of the Victorian law.

One of the things that I was most concerned about when I examined the state laws was that there seemed to be too much emphasis on the protection of the public's rights; that is to say, there is protection against wholesale despoiling of the environment, and prohibition of disposal of wastes into waters and so on but there was very little concern for the right of a private person who may be just as much or in many cases more harshly affected by a breach of the rules relating to the preservation of the environment. So I thought that the better course would be in this ordinance to take the view that we should provide for the protection of a private person's rights as well as the protection of the public at large which is the only matter with which state laws are presently concerned. Consequently, members will find in this bill a section which deals with private nuisances.

Let us assume for a moment that somebody is emitting into the atmosphere a noxious smell by using machinery or by use of some trade. It may be a smell which extends over a large area or it may be perceptible within the immediate vicinity of the place from which the smell is emitted. It is unlikely that one would bring into operation any Territory-wide machinery to prevent a nuisance of that sort or a despoilation of the environment in so far as the cleanliness of the air is concerned in such a very small neighbourhood, but the fellow next door to the place where this trade is being carried on will be very seriously affected and he ought to have a right to do something about it. At present of course he does have a right. He can invoke the law of nuisance if he owns the land or is a tenant or occupies land, and he can by means of a supreme court action probably eventually secure an injunction. But a supreme court action and an injunction will take him a lot of time to obtain and it will cost him quite a deal of money. Consequently, in the chapter of this ordinance relating to private nuisances I have provided for a summary remedy and in effect any person who is concerned or affected by a private nuisance is entitled to go to the local court and have a stop order made by the local court. It is a summary remedy, a quick remedy and a cheap remedy, and it is designed to assist persons to take their own action about what I might call minor infractions of the proper conduct to be observed with respect to the environment.

Having looked at the matter in that way, it seemed to me that it was probably best thereafter to follow the general pattern which has been used in other states of dividing the concern with the environment into a concern with cleanliness of air, the pollution of waters, the pollution of soil, and the prevention of noise. These four subjects are the major subjects of concern to a person designing to protect the environment and consequently members will see that the bill has been divided up into divisions, each of those divisions dealing with one of these subjects.

The next matter for consideration, when one is designing a bill of this sort, is what sort of administration will be provided, what sort of enforcement provisions will be provided by the bill. I have taken 2 courses in this respect. In so far as the public attitude towards the protection of the environment is concerned, a number of offences are created by the bill which can be prosecuted and, by prosecution, are designed to protect the environment and to ensure that persons do not unnecessarily or to any great extent pollute that environment. But it seemed that the mere specification of offences was insufficient because there would be a number of particular cases in which the doing of something may or may not come within the very broad terms of a provision creating an offence in the ordinance. Consequently, I have adopted a scheme of the making of environmental protection orders. These

orders can relate to the control of industry, relate to the cleanliness of air, relate to the suppression of noise, to the prevention of pollution of the soil and of waters. In the first place, most of the environmental control orders can be made very generally by the Administrator in Council. The Administrator in Council can make an environmental protection order by publication of a notice in the Gazette which will have effect right throughout the Northern Territory. But in addition to that, because those environmental protection orders might be of too general a nature, I have provided also for the making by the Director of the Environment, an officer about whom I will speak shortly, an environmental protection order which applies particularly to one person or to one firm which has to be made by the Director in writing and personally served. Broadly, that is the scheme of the bill, dealing with private nuisances and giving a person who is unduly affected by a nuisance or by any pollution a right to act on his own behalf, providing for the protection of the environment generally by the creation of offences and prosecution, and also by the provision of environmental control orders.

I come now to consider the provisions of the bill and, while I do not propose to concern members by a detailed examination of the bill, nevertheless there are a number of features to which I think I should draw attention. First of all, I have described the environment of the Northern Territory in these terms: "The environment means the biosphere in so far as it is part of the Northern Territory of Australia". The biosphere is that part of the earth, be it air, water or soil in which life can exist. I have taken this definition because I think it is the most comprehensive one that one can envisage. In the general words of the ordinance, certain offences are prohibited and, while the words creating the offence are very large, I have thought it necessary to put in an escape clause because of the need for some action to be taken to prevent fungus diseases, to prevent the ravages of insects, and to prevent the spread of noxious weeds. Consequently, in the definition section, I have provided that, except by an environment protection order—that is an order that is specifically prohibiting something and describing what is prohibited—the ordinance shall prohibit or restrict the control or destruction of plants or animals which are inimical to the health, safety, comfort or welfare of human beings or tend to adversely affect or limit the production of food. The general provisions of the ordinance must be taken into account together with that general exception provision.

The administration of the ordinance is given over to the Director of the Environment, an officer who will have extremely large powers. I cannot conceive of any effective environmental control legislation which does not give very large powers to some person. I considered some of the legislation in the states which provided for commissions and other public bodies to take over this function and I came to the conclusion that the administration by such body as that would be extremely unwieldly and it was far better to give the function of administration to the Director of the Environment. That office is created by section 5 of the proposed ordinance and his duties and functions are governed by succeeding sections. One of the powers of the Director of Environment will be to make particular environmental control orders and, because of the very large power that is given to the Director, I have considered it most undesirable that the powers should be left with him without any right of appeal.

As a consequence, section 9 of the proposed ordinance provides for the creation of an Environment Protection Board. This board will be constituted by 3 persons one of whom will be a barrister of at least 5 year's standing, another of whom will be a qualified engineer and the other member of the board will not be required to have any qualifications at all. The functions of the board will be to advise the Administrator in Council on the administration of this ordinance and on the laws which might be made or particular environmental control orders which might be made but, most importantly, to hear and determine applications for the cancellation of environmental protection orders made by the Director himself.

Section 12 deals with this subject of application for cancellation of an environmental protection order. In effect, if the director delivers an environmental protection order to a person that person has within 7 days the right of appeal against that order but he must immediately comply with the order. If he is told to stop the use of machinery, he must stop that use of machinery immediately and exercise his right of appeal. Until that appeal is heard and determined, he will not be able to operate that machinery. In the case of an

order which may be cancelled at a later date, this provision may be thought to be fairly harsh. However, I have thought that, where there is delay, it should not affect the public at large or create any further despoilation of the environment. Consequently, there is to be no delay in the observance of the order until it is cancelled as a result of the application to the Environmental Protection Board.

Part 3 of the bill deals with private nuisances. Section 13(1) represents a rather harsh attempt to define what is a nuisance at common law. At common law a nuisance is something which is done by one person on his land which affects the operation of another person on his land. I have tried to express it in particular terms so far as this ordinance is concerned. The words proposed are that a private nuisance exists when a person does any act or causes or permits a state of affairs to exist on land, whether public or private, which substantially and unreasonably affects or interferes with or is likely substantially and unreasonably to affect or interfere with the enjoyment or use by another person of other land or with any right with respect to other land.

Because I had very grave doubts of my competence to completely define the law of nuisance, I have provided in section 14 of the bill: "The provisions of this ordinance do not affect the common law as to nuisance or any remedy or form of action available to punish or restrain the commission or continuance of a nuisance or to compensate a person for any injury or damage sustained by reason of the commission or continuance of the nuisance". While I have attempted this definition of what a nuisance is in common law, I have still left the common law available as an alternative remedy to the remedy provided by this statute.

Subsection (2) of section 13 goes a little further and describes a number of situations or acts or omissions which are to be considered to be private nuisances within the meaning of this ordinance. I do not propose to refer honourable members to the provisions of this subsection in any detail but I want to point out to them that these things are private nuisances and become such not necessarily because of the use of land or not only with respect to persons who occupy neighbouring or affected adjoining land. I have provided in section 13(3) that in order that an act or state of affairs should constitute a private nuisance under subsection (2), it is not necessary that the act or state of affairs should be shown to have affected or interfered with but are likely to affect or interfere with the reasonable enjoyment or use by an aggrieved person of land or with a right with respect to land but it is necessary to prove that the act or state of affairs complained of has adversely affected or interfered with or is likely to adversely affect or interfere with the reasonable enjoyment of life by an aggrieved person. The application of this section goes far wider than the common law would have gone and gives the right to a person whether he occupies the land or not to take action for the prevention of the nuisance which affects him.

I do not propose to deal with the enforcement provisions at any great length. I merely direct members' attention to sections 16, 17 and 18 which provide that an ordinary local court action is available to get an order for the abatement or prohibition of the recurrence of a nuisance and to get an order for damages if the court so considers it fit in the case and also to get an order for the payment by the defendant of a penalty not exceeding $200. Because the court is given this power to enforce its authority by penalty, I have provided that no penalty can be ordered unless the proof is of a standard beyond a reasonable doubt.

In addition to the right which a private person has to take action with respect to a private nuisance, I have given the director the right to take action with respect to all private nuisances upon the complaint to him of any person. If someone is not prepared to take his own action in local courts he can go to the director and say "So and so's roosters are keeping me awake till 4 o'clock every morning, would you please do something about it". The director has the power, if he sees fit, to take that action. The director is also given power to go upon land to abate any private nuisance which exists there and may recover the cost of his abating that private nuisance.

The provisions of part 4 relate to the control of industry and members will find no difficulty in understanding exactly how it operates. The Administrator in Council may issue general environmental control orders which prohibit the use of dangerous substances or control the use of dangerous substances in various ways. I do not propose to read this section, but it is directed towards the use of insecticides, fungicides or weed-killers or of any of the modern aids to farming or agriculture and to other dangerous substances which may for particular industrial purposes

exist in the Northern Territory. The Administrator in Council may under this section refuse or make an order prohibiting the use of DDT in the Northern Territory. It may make an order with respect to a dangerous organic phosphate providing that it can only be transported if it is carried in a particular way. It may make an order that nobody will use any insecticide or any weedicide unless he takes certain measures for the safety of persons in the vicinity or for his own safety. A particular environmental protection order of this sort can be issued by the Director of the Environment to a particular person so that particular person is under an obligation to obey it whereas the rest of the populace may not be under that obligation.

Sections 21 and 22 of the bill relate to dangerous waste and disposal areas. The provision is made generally because there are lots of wastes today which are dangerous apart from the uranium oxide or the by-products of uranium. There are many mining wastes which are dangerous to the environment and, by use of these sections, the Administrator in Council may prevent the disposal of waste in such a way as to affect the environment or may ensure that waste is disposed of in such a way that the effect on the environment will be minimal. The costs of these areas where they are on private land will be borne by the owner of the private land. Where they are on public land, the use of those areas will be upon payment of a fee to be determined by the Administrator's Council.

Part 5 of the bill deals with the pollution of air, water and soil and is in 4 divisions. I draw the attention of the honourable members to the definition of "deleterious substance" which means any substance whether solid, liquid, gaseous or of molecular form which adversely affects or is likely to adversely affect air, water or soil to the detriment of the health or welfare of human beings or the health or subsistence of animals or plants. Members may wonder why I used the expression "in molecular form". The reason for that is that odours in the atmosphere are due to molecular particles of substance in the air. It was difficult for me to decide whether that was a solid substance or a gas so I have used the expression "in molecular form" for the purpose of covering quite specifically any odours which escape into the atmosphere.

The divisions of Part 5 relate to water, air, soil and underground water and to the control of noise. Suppose water is concerned, the provisions are very general and section 25 prohibits the placing of any deleterious substance in waters or on or at a place where the deleterious substance is likely to find its way into water, or to place any deleterious substance in the dry bed of any waters or to raise the temperature of waters beyond the prescribed margin of temperature. When one has an industrial operation such as a power house in Darwin, the cooling of the engines is likely to be done with sea water or some other waters and care must be taken not to increase the temperature of the water by use of it as a cooling agent beyond a certain safe margin. Again, the Director of the Environment may by particular environmental order require a person to take the same action. Section 27 is of some importance because it provides that where a contravention or failure to comply with the provisions cause damage to the environment the director may require the person responsible to repair it, and if he does not repair it, may enter and repair it himself and recover the cost from the person responsible.

Division 2 relating to clean air prohibits the release into the atmosphere of any deleterious substance. There are particular provisions in section 28 which prohibit the discharge of odours and prohibit the use of internal combustion engines not equipped with the devices for the prevention of pollution. Again the director may take particular action himself and may require a use of machinery or of land made by an order or specify the use of machinery on land which is in contravention of the provisions and may require the person concerned to fit to the machinery or install on the premises such equipment as is specified in the ordinance for the purpose of prevention or minimising discharge or emission into the atmosphere of a deleterious substance.

I have provided for the control of the pollution of soil and underground water. The provisions relating to the pollution of soil are contained in the Victorian legislation but I have made a specific provision which I do not think is provided by any other legislation. By section 30, a person is prohibited from placing on the soil or any place where it may gain access to any soil any deleterious substance, use land or premises in such a way as to affect or be likely to affect the quality of underground water or to leave a well or bore hole in such a condition that it is likely that the quality of underground water will be affected. The following section is designed to protect the

contamination of underground water by unusable water. I would direct members' attention to section 31 which progresses to prohibit the spillover from one aquifer to another of unusable water.

With regard to the provisions relating to the control of noise, section 32 provides for the general prohibition and section 31 for environmental control orders prohibiting the use of machinery unless it is fitted with a baffler or muffler. Section 34 gives the Director of the Environment power to make specific environmental protection orders relating to the suppression of noise and I do not propose to read the section to honourable members; they will see that it covers the field in the widest possible fashion.

I have added a final part relating to the control of hoarding advertising. While the damage that is being done by the erection of hoardings in the Northern Territory is at present minimal, nevertheless the existence of such a section may be of very valuable use to prevent the erection of hoardings to the same extent that one finds them erected in other parts of Australia.

Generally, the provisions creating offences in this ordinance are very wide. I thought it necessary to provide for a particular defence. In section 36, it is proposed that it should be a defence to a prosecution of a standard relation to the emission of noise or a substance into the air or water has been prescribed and it has been observed and if it has not been prescribed, that the defendant has used the best known practicable means to prevent or minimise the noise or the pollution. This gives the Administrator in Council the power to prescribe a standard of noise beyond which no person shall create noise or a concentration above which one shall not pour waste into particular waters or to generally make particular or specific controls of any sort of pollution at any time. I have done this by way of providing this defence because it seemed to me to be the most flexible way of doing it and the most effective.

The penalties provided range from $2,000 to $5,000 and, very frequently, at the foot of the penalty provision there is a reference to a daily penalty. I direct members' attention to the provisions of section 37 which describe what a daily penalty is. It indicates that the person who is convicted of an offence against the ordinance in relation to that section is guilty of a further offence against the ordinance on each day during which the act or state of affairs continues and, if such further offence occurs, he is liable to additional penalties for each day during which the offence continues of the amount expressed in the section or the subsection as the amount of the daily penalty. A person who is discharging waste into the sea or into a river or creek will be guilty of an offence of $500 a day for every day during which he continues it after he is convicted. That is a pretty savage penalty but, in normal circumstances, it is one which is justified.

I commend the bill to honourable members and I accept that, with experimental legislation of this sort, it is by no means perfect. I expect that honourable members will have a good deal to say about it and will probably have a good many amendments to suggest. There are a number of improvements which I think still need to be done. I have a list of those but I do not propose to deal with them now because we have to have a very long look at this bill and make ourselves completely sure that the field is covered adequately. I would invite honourable members to discuss the bill with me in advance of the next meeting of this Legislative Assembly so that both their ideas can be communicated to me and I can communicate to them any further ideas which may have occurred to me as a result of further consideration.

Debate adjourned.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

(Serial 66)

Bill presented and read a first time.

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

In dealing with this bill, I do not propose to give any historical treatment to the background of the Church of England in the Northern Territory. I shall simply say that the diocese of the Anglican Church in the Northern Territory springs from the Anglican diocese of Carpentaria which formerly enfolded the Northern Territory and was separated from Carpentaria in the late 1960's. The bill is similar to enactments which have been passed in every state of Australia and to an ordinance which has been made in the ACT. The constitution of the Church of England into Australia came into effect on 1 January 1962 and I have a copy of that constitution available. It is

referred to in clause 2 of the bill where one is referred to the same act presently in force in NSW. Before that date, the Church of England in Australia had no formal constitution, each diocese and province having its own constitutional history deriving either directly or indirectly from decisions made by duly constituted authorities of the Church of England in England. This constitution was a result of long consultations and debates within the church. It contained a provision that the constitution was not to come into force until the parliaments of at least five of the states had passed acts to give it effect and this has been duly done. The diocese of the Northern Territory constituted under the constitution is that part of the Church of England in Australia of which the parishes are within the boundaries of the Northern Territory.

The synod of the diocese is an elected body with representatives from every parish and some ex-officio members. It is incorporated under the Associations Incorporation Ordinance of the Northern Territory and that synod has passed unanimously the following resolution in relation to this bill: that Diocesan Council take such steps as it deems necessary with regard to arranging for an ordinance in respect of the matters in the draft bill now tabled to be passed by the Legislative Assembly in the Northern Territory. The reasons why the synod would like the ordinance to become law are: firstly, to put the diocese of the Northern Territory on the same footing as every other Anglican diocese in Australia; secondly, to establish beyond doubt that this diocese is established under the constitution of the Church of England in Australia and is, for all purposes connected with church property, the lawfully constituted branch in the Northern Territory of the Church of England in Australia; and thirdly, to grant certain convenient powers to enable church authorities to administer oaths when required for church purposes, to enable the diocesan tribunal, which is the court of the diocese, to conduct its proceedings in accordance with the law relating to arbitration in force in the Territory, to enable the Registrar-General to make the appropriate entries in the register book of titles in respect of title to church lands and to enable the Church of England in Australia Trust Corporation to hold, if requested to do so but not otherwise, property in trust for any of the purposes of the diocese.

I do not consider the interests of any person in the community are adversely affected by the provisions of this bill. I have a copy of the constitution available for any member who wants to read it. I commend the bill to honourable members.

Debate adjourned.

STATEMENT

Relocatable offices and repairs to Assembly

Mr SPEAKER: During July this year, my predecessor in this office, Mr B. F. Kilgariff, initiated action with the Darwin Reconstruction Commission to secure demountable office buildings for members and staff of the Assembly. I regret to say that the speed with which the commission proceeded with this matter left a lot to be desired and it was not until the beginning of this month that the Department of Housing and Construction was given the go ahead. Since obtaining their brief from the DRC, the department has proceeded with commendable speed. Bearing in mind the task set for the department by the commission, I am satisfied that the program to which they are adhering is most expeditious. This program sets the first week in November for the arrival on site of the first unit and 21 November for the completion of the supply of units. The Australian Telecommunications Commission and the Electricity Supply Undertaking are co-operating with the Department of Housing and Construction in the provision of telephone services and light and power. I firmly believe that, but for the requirement to go through the Darwin Reconstruction Commission, the members and staff of the Assembly would have been adequately accommodated for some time now. The same opinion also applies to repairs to this building. The fact that this building is open to the weather, uncomfortable and likely to become dangerous is, I believe, directly attributable to the delays imposed on the Department of Housing and Construction by the Darwin Reconstruction Commission.

QUESTION WITHOUT NOTICE

Mrs LAWRIE: Given the deplorable state of this building and the deficiency in the provision of ablution and toilet facilities for members and staff, would it be possible to obtain a tarpaulin to temporarily roof the toilet facilities designated for use by female staff members and female members of this Assembly? If this is not possible, would you take out worker's compensation so that the

honourable member for Sanderson, myself and other staff members who may offer their services could temporarily roof the place ourselves? We may be small in numbers but we are very long on enterprise, ability, initiative and determination.

Mr SPEAKER: I take note of the demand of the honourable member. I do understand that there are alternative toilet and ablution arrangements available at the end of the building this way. However, I will look into that matter.

ANSWER TO QUESTION

Mr RYAN: A question was asked by the honourable member for Arnhem in relation to when the reconstruction of the Stuart Highway in the vicinity of the airport would be finished. The contractors, Thiess Brothers, anticipate that that contract will be finished in October 1976.

MOTION

Home building in primary surge zone

Mrs LAWRIE: I move that this Assembly (a) affirms that persons wishing to rebuild their homes within the primary surge zone should not be discriminated against in any way and should be eligible for the same assistance as persons rebuilding elsewhere in Darwin; and (b) requires the honourable member from Fannie Bay to actively promote this policy in his capacity as Assembly nominee on the Darwin Reconstruction Commission.

Having moved this motion, I could retake my seat and really should have no reason to continue my remarks. It has been bruited abroad in the press and elsewhere that the denial of assistance to people to rebuild in the primary surge zone is the policy of the Minister for Northern Australia, Dr Patterson. Although I have crossed swords with Dr Patterson on many occasions, I think it is only fair to point out that the Minister is accepting the advice of the Darwin Reconstruction Commission in the formulation of any such policy. It is the DRC which has effectively created a discriminatory policy in regard to rebuilding in Darwin. Honourable members will be aware that last year there was bitter debate in the old Council and in the press as to the efficacy of building homes in Rapid Creek in close proximity to the creek. A contract had been let to a large home development company and it was stated officially that homes could be built in perfect safety in what would now be regarded as more than primary surge. This was departmental policy. Following the destruction caused by cyclone Tracy, a policy decision was taken that there would be a primary surge zone and initially that no rebuilding in that zone would be allowed. This policy was adopted, actively pursued and enforced by the Darwin Reconstruction Commission, not by the Minister. Any edicts issued by him were on their advice.

After public protest, the decision was announced with a clarion call that they had abandoned that policy. This is not so. They are no longer prepared to refuse a building permit for people wishing to rehabilitate in the primary surge zone; they have simply decreed that finance will not be made available. This is done by ministerial decree again on the advice of the Darwin Reconstruction Commission and let there be no mistake about that. Commission meetings by and large are not open to the public but the press are admitted to some of the parts of the meeting. Despite frequent requests in this place, there is no advance notice of the agenda given in the press or elsewhere. The only notice given is to the press upon attendance at those meetings.

There has been considerable debate in this House primarily by people from Darwin electorates. I believe that it is the opinion of the majority of those members that the Reconstruction Commission's policy on rebuilding in the surge zone should be done away and that the policy expressed by members of this Assembly should be accepted: people living in these so called primary zones should be eligible for the same level of assistance to rehabilitate and rebuild their homes as other members of the Darwin community. However, in my correspondence with the Minister it has become clear that, despite the opinion expressed by Assembly members, the Darwin Reconstruction Commission continues to promote an alternative policy of not assisting in any way rebuilding in the primary surge area. Despite the fulminations of members here, of a disadvantaged public and of the press, there has been no change in the DRC policy. Accordingly, I think that it is time that this Assembly should reaffirm its policy that people wishing to rebuild their homes inside the primary surge zone should not be discriminated against in any way and should be eligible for the same assistance as persons rebuilding elsewhere in Darwin. In a word, that means finance—pure and simple finance.

It could be said Mr Speaker that perhaps only members whose electorates are affected should speak in this debate. I am in two minds about that because devastation of a similar scale could hit anywhere in the Territory. It could be a mining disaster or a volcanic disturbance or any other unforeseen destruction of any other Territory centre. I wonder how they would feel then if a commission was set up to tell their constituents how, where and in what manner they should rebuild and to deny their constituents permission to rebuild on land to which they hold title. I wonder too if they would feel protected by having a representative of this Assembly on any such commission.

I no longer feel that the representation of this Assembly is effective. I speak specifically now to section (b) of the motion: that this Assembly requires the honourable member of Fannie Bay to actively promote this policy in his capacity as Assembly nominee on the Darwin Reconstruction Commission. Since the honourable Majority Leader resigned and his place was taken by the member of Fannie Bay, there has been no definitive statement from the honourable member of Fannie Bay as to what actions he has taken in his capacity as a member of the DRC. At least the honourable Majority Leader paid the Assembly that courtesy. At the beginning of every session of this Assembly, he said: "I consider it proper for me to report to the Assembly as their representative." That has not happened this session. Honourable members of this Assembly have not even been advised how many times the Darwin Reconstruction Commission has sat since the Assembly last met; they have not been advised of any subject under discussion other than that which appears in the daily press. I consider that an insult to this Assembly.

I point out that the Assembly member for the DRC is precisely a representative of this Assembly as a whole. He or she does not represent his or her electorate or his or her party; he is the representative of this Assembly and should report back to this Assembly and convey the feelings and the determinations of this Assembly to the DRC at all times. It may be that this has been done. I can assure other honourable members that I have no idea just what policy our representative is pursuing with regard to the primary surge zone when it has come up for discussion in the DRC. I have noticed with interest statements by the honourable member for Ludmilla in the press where he has expressed sympathy for the people disadvantaged by this ridiculous surge line policy. There have been other statements in the same vein by members of the Country Liberal Party to the press which I have applauded.

People who were formerly living in what is now called primary surge zone, prior to the cyclone had gained some form of title to that land with government approval. It was a government policy not a party policy to allow building in the area. Following the destruction caused by cyclone Tracy, we had a variety of dictates given to those people. First: thou shalt not be allowed to rebuild. The people felt aggrieved. They got the land with government approval yet all of a sudden they were denied to a right to continue to hold title to that land. Then, there was another dictate: thou shalt not rebuild but shall be given the opportunity to obtain a swap block. When one gets to the nitty gritty of this little policy, one finds that it will be approximately 2 years before any such block is available—2 years from July 1975.

Denied finance to re-establish on their block, denied an alternative block, with no immediate government finance for acquisition of their primary block, the honourable members for Ludmilla and Port Darwin and myself have quite rightly asked: "What the hell are these people supposed to do in the meantime?" The Darwin Reconstruction Commission has said it will grant approval for temporary repairs to the tune of 5 thousand dollars. Five thousand dollars at this stage in the Territory would hardly build anything. If they can't get another block, finance is not readily available for acquisition of their block and other blocks on the open market are not readily available, they are completely and uselessly stuck. These are Northern Territory citizens who have chosen to make their home here and wish to continue to live here. Given all that, I believe I am right in saying it is the considered view of the Assembly that finance should be made available to them. If on consideration of all the facts available, they take a conscious decision to rebuild in what is known as the primary surge area, they should be allowed to do so, having access to the same finance which has been made available to other members of the Darwin public. The terms of the loan, at 6%, are fair and reasonable. The ceiling of $42,000 may have to be reviewed, but the decision of the Minister to allow finance at 6% is a reasonable one. But,

on the advice of the Reconstruction Commission, it is denied to the primary surge zone dwellers.

It is time that this Assembly required its representative, with no holds barred, to pursue the Assembly's policy with all vigour. It is damnable that that member has not seen fit to report formally back to the Assembly before this, on the afternoon of the second day, having had God knows how many sittings of the Darwin Reconstruction Commission. I am not a member of the Corporation of the City of Darwin, but I would be surprised if the aldermen of that corporation allowed their representative, the Mayor, not to report back to them in whatever degree is permissible. There may be some avenues of discussion within the DRC which cannot properly be publicly reported upon by the members of that commission, but if it is to be construed as a blanket of silence, it is time the Minister was advised of this most unsatisfactory position. I stand now advising publicly the Minister that I don't believe the DRC is properly representative, not only of the people of the Territory but of this Assembly, because of this appalling lack. I repeat, at least the Majority Leader took it upon himself to present a report to this Assembly at the earliest possible opportunity, as well he should.

Having regard to the statements made in the press by members of this Assembly whose electorates are affected and who have expressed their indignation at the primary surge policy, I advise them now to stand in the Assembly and again express that view and to publicly state in this House, which after all is the proper place for such an expression, their opinion as to whether or not people in their electorates should be allowed to rebuild in a primary surge zone. I will be listening with interest to those members, to their indications of approval or otherwise. I invite members from outside Darwin to consider the ramifications of setting up the DRC and the policy it has pursued. If it happened in Alice Springs that there was a seismic disturbance and an earthquake with severe destruction, which God forbid, would those members want the views of the Assembly fully represented on any commission and would they insist on their being shown to be fully represented? This is what I am saying now. In conclusion I can only repeat that it may well be that our representative has fully and completely conveyed the views of this Assembly to the DRC in relation to the surge area and all other matters. I am waiting to be advised of that fact.

Mr WITHNALL: I don't suppose in the history of Australia there has been an organisation, created ostensibly to assist people, which has been guilty of so much obstruction, the creation of so much misery, and the dashing of so many hopes, as the Darwin Reconstruction Commission. The matter under discussion at the moment is the surge line and, by talking and planning for this surge line, the Darwin Reconstruction Commission created despair in the hearts of many people who wanted to live where they were living and rebuild there. It destroyed the value of their property if they wanted to get out. It led them on with promises which were false, by saying that the Commonwealth would be able to acquire the land in the surge zone at a reasonable price; that is not now the case. And now, after it has yielded most reluctantly to public pressure and said that the surge zone is a place in which you can rebuild, it was guilty of the greatest little bit of sour grapes that I have ever heard of in my life and said it is not going to happen anyhow.

If ever there was a case of sour grapes it was that. "We are forced to abandon this policy of the surge line because we can't justify it, because the people won't put up with it, but we are not really going to abandon it—we are going to make sure that you people in the surge line are still going to suffer." That is what they are saying. "You people in the surge line are still going to suffer because we are not going to recommend to the Government that any money be made available to help you". What have these people down there done that they are to be such pariahs, cast out entirely from any advantage that the Commonwealth is prepared to offer anyone else? Surely the answer doesn't lie in the fact that the Commonwealth Government thought that its security was not sufficient? I challenge anyone to get up and say that is the reason behind it, because that would be one of the greatest absurdities that I have heard in my life.

The proposal for the surge line, both primary and secondary, was one of the greatest mistakes any fool bunch of planners ever made. It is about time that the Darwin Reconstruction Commission forgot its former attitude. One doesn't expect from any government department or any organisation such as the Darwin Reconstruction Commission any graciousness, but surely to goodness one can

expect honesty, one can expect some truth. Surely to goodness, if they say that the surge line is not to be insisted upon, they will do so in exactly those words, and not sneak around the corner and say that, "we are not going to help you anyhow because we didn't really want to be beaten but we are now". Let's have a little bit of common sense. I ask the honourable member for Fannie Bay to have a little bit of common sense too, and I ask him to put this attitude to the very next meeting of the Darwin Reconstruction Commission, that this bit of sour grapes is not doing them any good and this bit of sour grapes is not doing the people any good—and it is doing the honourable member for Fannie Bay a lot of harm. The honourable member for Fannie Bay may not perhaps be required by this Assembly to do anything, but the honourable member for Fannie Bay had better understand that he surely is a representative of the people and he is a representative of all those people right thoughout the city of Darwin in the surge line and he had better do something about it and not, as he apparently is prepared to do, sit down, say nothing, shut up and look like a marble statue. If he has something to say, let him sit up and say it.

Mr Ryan: He is doing more than you are.

Mr WITHNALL: He is not doing much more than I am because at least I am talking about it; he isn't.

Mr Ryan: He is not saying as much as you are, that is for sure.

Mr WITHNALL: As far as I am concerned you don't do much about it either.

Mr Ryan: I don't either.

Mr WITHNALL: No.

I don't think there is any further remark I can make which will carry this debate any further. I have stated my view and I have stated it quite forcefully. It is about time the honourable member for Fannie Bay remembered that he is a representative of the people of the Territory, that he took to the Darwin Reconstruction Commission the interests and the rights of those people, and that he does not merely sit on the Darwin Reconstruction Commission to put other views which perhaps make him more acceptable to the commission.

Mr Tambling: I have not put other views.

Dr LETTS: I don't know why we should generate such heat amongst ourselves in a debate of this nature when I feel that it is more than likely that we have a common purpose which we could resolve in a calm, clear, logical and co-ordinated way.

Mr Withnall: It takes a bit of heat to get it started though, doesn't it?

Dr LETTS: I have a good deal of support for the main principle contained in part (a) of the motion of the honourable member for Nightcliff. My main criticism of her motion is that it does not go far enough and it only covers at best half the story. Looking at that half of the story that it covers, that is assistance to those people who wish to rebuild in the primary surge zone, I believe that her understanding of that side of the story is good. Perhaps mine is not as good as it should be because it is some time now since I have had direct access to the affairs of the Darwin Reconstruction Commission. But I will say here, and I will say publicly that, at my time on the commission, I do not believe that the commission ever took any form of decision, motion, resolution or any endorsement of a policy that financial assistance should be denied to those people who wished to build in the primary surge zone. If that decision was taken, it was taken after my time, it was said not by the commission as a whole but possibly by one member of the commission and, if that was so, I believe acting out of order and out of school.

The problem is that of all the people who are affected by the so-called primary surge zone, with lines drawn wherever they are now drawn—and I'm sorry I'm not going to apologise for speaking on this because I have been a member of the commission and quite a considerable part of my electorate was affected by the cyclone and there are several hundred miles of coastal area from Port Keats to the mouth of the Victoria River and due north that could at any time be affected by a cyclone—of all the people who are in the primary surge zone—I haven't got the exact number but somewhere between 300 and 400 I understand—at least half of those have expressed their desire not to remain in and rebuild in the primary surge zone but to either be relocated or have their land acquired and be compensated. If this Assembly is going to make an expression of opinion to the commission relating to policy in the primary surge zone, it should include, probably in the form of an amendment or an addition to the motion as proposed, the fate and the well being of those people who have chosen the other path to follow. It is simply not true that

everybody wants to stay there and rebuild. Those people who don't want to stay there, who offered their blocks up—and I understand the government invited them to say whether they wanted to surrender and they did this promptly and now they are sitting down in this terrible mess of indecision as to finance available for actually acquiring land, as to whether there will be blocks available for relocation for people—a whole series of decisions that are directly affecting those who want to be relocated or don't want to rebuild in the surge line. I propose that we should have an addition to this resolution. As I am now speaking to the motion I won't be able to move it, but I hope that we will have something that can be moved. I understand that some drafts are being done along lines so that the motion can be made more complete and satisfactory.

The objection I have to part (b) of the motion is in the words the honourable member has used. I think that we want to be quite clear about it, perhaps go back in history and remind ourselves what happened about the creation of the Darwin Reconstruction Commission and the composition thereof, remind ourselves that the first reaction of this Assembly, representing the people of the Northern Territory, as I recollect it was that we didn't really want a statutory commission hoisted on us by an act of parliament passed in Canberra and governed entirely by ministers down that end of the world who can't agree amongst themselves what is best for Darwin or what they think is best for us. We didn't want this form of operation at all. We suggested that legislation relating to Darwin's Reconstruction should be passed here. When it was evident that there was going to be no hope of doing that, we did the next best thing possible, we tried to get as much representation on this commission as possible and there is more in the act as it stands now than was originally envisaged by the government, but it is not as much as we sought at any stage. The facts of life on this act are that, amongst the people who are on the commission, there is one member nominated by the Legislative Asssembly for the North Territory and one member nominated by the Corporation of the City of Darwin. Legally, of course, neither of those members needs to be a member of the Legislative Assembly or of the Corporation of the City of Darwin; it could be anyone as long he is nominated by us. I know the Darwin Reconstruction Commission had advice on this and passed the advice to all its members. There is no mandatory requirement or legal requirement for a member nominated by this Assembly or by the Darwin City Corporation either to take riding instructions from those bodies or to report back to them. That is the strict legal position but I believe it is right and proper that the member who represents this Assembly and also to some extent the member who represents the Corporation of the City of Darwin has got to see himself as representing the public view point, which is not always easy because the public viewpoint is sometimes split in half in these kind of situations. That is his role and as far as possible he should be in communication with this elected body, by very various types of liaison, back to members individually or to some extent to this Assembly as far as he can. It is within our province to debate and to assess and to agree or resolve that the view of this Assembly is such and such and that should be communicated to the commission. But that is a different thing from requiring the member to do a certain thing; it is more in the nature of requesting.

The Executive Member for Community Development is very good at communication and liaison and I am sure we will hear in the Assembly from him from time to time a good deal of the workings of that body to which he has been appointed. I am sure that he will welcome—we haven't heard from him yet—expressions of opinion from this Assembly which he could take to the commission as such. I don't think that the criticism that has been made of him is very fair up to the point it has been made now.

Mrs Lawrie: Why? He hasn't reported back.

Dr LETTS: I would say also that communication in these matters is a two-way street and it is open to any member, particularly those who have electorates in Darwin, in cases of the particular matter with surge line policy, who have problems there, to be in close contact with the Executive Member for Community Development, representative on the Darwin Reconstruction Commission, and themselves take certain initiatives in this direction. I just wonder whether the honourable member for Nightcliff perhaps has done all that she might have done in keeping in touch.

Mrs Lawrie: I can't present the view of the Assembly.

Dr LETTS: The view of the Assembly is one thing and there may be times when the view of the Assembly may not be unanimous or may even be widely split. What we have to do, as well as expressing the view of the Assembly is to put forward the views of individual elected members of different electorates, as put to them by the members of their electorates. That is what the honourable member for Nightcliff really does; she is putting forward the views of her electorate.

It is almost certain that the Assembly will adopt a motion something in the form she has suggested, strengthened and widened I suggest in the way that I have mentioned, and at the same time probably modified in respect of part (b). We need a little time to look at this and to draft the final form of what we want.

Debate adjourned.

MOTION

Address to Australian Senate

Mr KILGARIFF: I move that an Address to the Australian Senate be agreed to in the following terms:

> TO The Honourable the President and Members of the Senate in Parliament Assembled.
>
> We the Legislative Assembly for the Northern Territory of Australia have recently endorsed and commended the policy of your Honourable House in declining to proceed with a bill relating to the Territory until such time as this Assembly had considered it.
>
> With great humility we now request that the Senate accept as a general rule the desirability of referring to this Assembly all legislation, the nature of which would permit it to be dealt by the Assembly.
>
> In furtherance of this policy we would request that any legislation introduced into the Federal Parliament proposing to make changes in the constitution of the Northern Territory Police Force, which is a body created by Ordinance as part of the Northern Territory Public Service, be referred to this Assembly in the same manner as was the Stabilisation of Land Prices Bill, 1975.

I have moved my motions relating to the Northern Territory Police Force and in this particular regard—and we certainly appreciate it—the Senate created a precedent when it referred the Stabilisation of the Land Prices Bill 1975 to this Assembly. When this bill was brought before the Senate, a motion was passed which read: "The Senate opposes this bill and is of the opinion that the provisions contained in it should be referred to the Legislative Assembly for the Northern Territory to enable that Assembly to consider ways by which land prices in the Northern Territory should be stabilised but with the request that any land acquisition proposals which might be included in legislation to be considered by that Assembly should protect the rights of private land owners and occupiers and be on just terms". That message was referred to this Assembly through the Minister for Northern Australia and then a select committee was formed, the chairman being Mr Withnall. A report was tabled on Tuesday 12 August 1975 and then referred back to the Senate.

The request that I make now to the Assembly is that we go back to the Senate now and indicate to them that they follow the precedent they have created and do the same with all other bills that come before them from the House of Representatives. Over the years the former Legislative Council was very jealous of its right to handle all legislation referring to the Northern Territory. We have had some battles over the years to ensure that the Parliament of Australia realised this principle. I believe that there is a deterioration and one sees now pieces of legislation introduced in the Federal Parliament that should have been introduced into this Legislative Assembly. They had the ability before when they had nominated members in this House and certainly the Government of Australia has that ability now, to refer legislation to the executive of the Northern Territory Legislative Assembly to bring it before the Assembly. So there is no excuse for continuing to introduce legislation in the federal sphere. The petition tabled yesterday by the Majority Leader indicates that legislation has been introduced into Federal House which rightly should have been introduced here, and on the horizon one sees other legislation being prepared. Not so long ago I was looking at a speech that the Attorney-General, Mr Kep Enderby, made in Canberra to some particular organisation where he was forecasting further legislation to be introduced in the Federal Houses which rightly should be introduced into this Legislative Assembly.

The first part of my motion is that we request the Senate to recognise the principle that they have now introduced and that in future all legislation that comes before the

Senate be referred to this Legislative Assembly for comment and possible action. Coming before the House of Representatives shortly, perhaps it has been introduced today, perhaps it will be introduced some time this week, but it is very close to being introduced, is the Australia Police Force legislation. The Northern Territory Police Force has always belonged to the Northern Territory. It has belonged to the Northern Territory for many years, since I would guess 1911. The Northern Territory Police Force is like any other state police force in Australia and many people would support me in the view that a police force must be close to the people and the control of the police must be close to the people. Like state police forces, the Northern Territory Police Force should be controlled, when powers are transferred by the Executive of this Legislative Assembly. The only law that exists now in relation to the Northern Territory Police Force is in Territory ordinances which indicates that in law it comes under the jurisdiction of the Administrator of the Northern Territory. When the present Government came to power in December 1972, to bring about their desires and to go around the law of the Northern Territory, they brought out an administrative order which took the police force out of the hands of the Minister for the Northern Territory and placed it into the Attorney-General's Department. Now, for some 3 years, while the existing law still exists in the Territory, they have countermanded it by an administrative order. This week we are going to see the introduction of legislation which will for ever take the Northern Territory Police Force out of the control of the Territory and put it into an Australia-wide force which has been recognised as something akin to the FBI.

Much has been said about it. First of all, we see the reaction of the Northern Territory Police Force itself. By far the majority of the members of the Northern Territory Police Force wish to reject it. There is a minority vote that indicates that they support it. That is understandable; there is a minority vote which supports the principle because they can see there are some benefits in belonging to a federal force inasmuch as they can be transferred out of the Territory. However, it is most unfortunate that, while the Northern Territory Police Force has had to carry out a poll under the supervision of its association, it has not been able to bring about a petition which I think would have been very desirable. Unfortunately, under the regulations of the Police and Police Offences Ordinance, the police of the Northern Territory are not allowed to sign a petition.

Not only are we seeing in the Northern Territory a rejection of this principle that the Australian Government is endeavouring to introduce, but the ACT Police Force has had a similar reaction. It is my understanding that both police forces have rejected it. I have received a letter from the Speaker of the ACT Legislative Assembly which indicates that they most strongly oppose the ACT police going into this new proposed police force. Indeed they set up a select committee which confirmed their attitude.

Obviously if the Government had accepted the report of the Joint Parliamentary Committee on the Northern Territory, there would have been control of the force in the Northern Territory but there would still be a liaison with the Australian Government and that that is very desirable.

I wish to make just a reference to a statement which I made last week. As it appeared in the press, it sounded as if I was speaking on behalf of the Legislative Assembly. That was not the case. I would not take that upon myself to speak on behalf of the Legislative Assembly until it came to a vote in this House. What I actually did say was that the majority party supported the Northern Territory Police Force in its bid to be divorced from the proposed Australia Police Force.

I commend the motion to members. I think it is a reasonable one. I believe the Senate has acted very reasonably before and I now ask that this address be forwarded to the Senate so that it will be presented to the Senate by the President of the Senate requesting that all legislation relating to the Northern Territory be referred to this Assembly and, in particular when this legislation relating to the Australia Police Force comes before the Senate, that they have the courtesy to refer it to this Legislative Assembly to allow the people of the Territory to become more aware of the contents of the legislation.

Mr RYAN: I fully support the motion. It is obvious from recent history that the government in power has taken it unto itself to make as many laws as it thinks fit for the people of the Northern Territory. We can be thankful that the Senate in this particular case did refer a bill back to this Assembly for its reference and I hope that, if this motion is accepted and

it goes before the houses of parliament, they will appreciate the need for the Northern Territory Legislative Assembly to make laws for the Northern Territory and not have laws thrust upon it by the federal houses of parliament.

The Northern Territory Police Force has been in operation in the Northern Territory for many years. I believe that, if it amalgamates with or is absorbed by the Australia Police Force, it will lose its identity. Without being over emphatic about it, I believe it has a similar type of identity as that which is given to the Canadian Royal Mounted Police. The mounties have been absorbed in recent years and we do not hear any more of that most famous police force. In a much smaller vein, the NT Police Force does have a similar historical background to the Canadian Royal Mounted Police in as much as it was administering law in a very isolated part of a large country where, to put it bluntly, the local natives were still wild, particularly in the early days. A colourful part of the Northern Territory Police Force history will be lost if we allow the Australia Police Force to absorb it.

The honourable member also mentioned that most members of the Northern Territory Police Force now realise that the benefits that they thought they were going to get by becoming members of the Australia Police Force are far outweighed by the losses that are going to be incurred in the recognition of the Northern Territory Police. A great many of them now feel that they should be identified as Northern Territory Police and not part of the Australia Police. As for those members of the Northern Territory Police Force who feel that they have something to gain by becoming members of the Australia Police Force with regard to transfers and promotions, as far as I am concerned, if that is all they want the amalgamation to do we do not need them in the Northern Territory. I completely support the honourable member's motion and I would hope that the House supports him by a unanimous vote so that we can put our case to the houses of parliament quite clearly. We want our own Northern Territory Police Force and we also want to be able to make laws for the Northern Territory.

Mrs LAWRIE: I find no difficulty generally in rising to support this motion. The honourable member is saying that when matters which we would regard as our prerogative are to be dealt with by the Federal House, we would hope that at least one of the houses would refer the legislation to us. I find no difficulty in supporting that concept; it is a quite proper request. In fact, I think it is a pity that such a request should have to be made.

The honourable member went on to make specific mention of the changes in the constitution of the Northern Territory Police Force. In consideration of that particular question, I draw attention to question time over the past 2 days where many questions have been asked of the honourable executive member having responsibility in that field. One could say that they were Dorothy Dix's but I don't particularly mind Dorothy Dix's if they are a form of public information. However, I did ask him what I considered to be a relevant question. I asked him whether he had consulted with the federal minister responsible, Senator Cavanagh, and he replied that he had not. I have great regard for the honourable member for Alice Springs and I will go no further than to say that I think it is a pity that he has not taken the trouble to contact the minister. He could say that the minister should have contacted him but we are a subordinate legislature. I contacted the minister on the subject because in previous debates in this House I have made quite clear my feelings about the Northern Territory Police Force and that they would be better served remaining as a Northern Territory Police Force, a state type police. I oppose the concept of their absorption into the Australia Police. I am not retreating from that position. Knowing that a debate of this kind was likely to arise and remembering that I have responsibility to my electorate to inform them as fully as I can and because of the peculiar constitution of this Assembly—that is not a derogatory term; I am using it in a most literal sense—I felt it fitting and proper in my own case to ask the minister directly what were the ramifications and background to the proposal to incorporate the Northern Territory Police Force into the Australia Police. I repeat that I am sorry that no one else saw fit to pay the minister that courtesy.

Having said that, I refer now to a letter I have received from the Minister, for Police and Customs, Senator Cavanagh. I advised him that I regarded this communication as vital to the knowledge and information of the people of the Territory and it now becomes public knowledge. It is headed: "Brief: Australia Police":

Background: the Australia Police was formed on 27 March 1975 from the former Department of Customs

and Excise and the Commonwealth, Northern Territory and ACT Police Forces after a comprehensive study undertaken in 1973 revealed that federal law enforcement agencies were fragmented and not operating at their fullest potential. Some of the deficiencies which the study indentified were a lack of co-operation of enforcement effort in areas of common interest, duplication of effort by officers from the various agencies, wastefulness and inefficiency arising from the maintenance of separate information and intelligence systems, varying standards of training and recruitments for various agencies, lack of highly trained capacity to deal with white collar crime, the need to refer the investigation of some federal offences to state police agencies and wastefulness deriving from the maintenance of separate pools of equipment and, in particular, the restricted use of computer facilities. Overall, it became clear that improved efficiency could be achieved at significant savings if there was a greater measure of co-operation, co-ordination and pooling of physical and human resources. It became obvious that the wastefulness deriving from the multiplicity of federal law enforcement agencies in Australia could be overcome by the closest possible integration of those agencies.

Proposals: the new Department of Police and Customs consists of three wings—the Australia Police, the Bureau of Customs and Joint Services. With the concentration of services in a single organisation, the Joint Services, there will be considerable saving and improved service to the operational units. There will be improvements in service brought about by access to facilities and services of a larger organisation. For instance, the discussions are taking place with the states in relation to the use of computer facilities by all police forces in Australia. This will allow information to be more efficiently collated and disseminated. No computer program dealing with criminal records will be introduced until full consideration has been given to the individual rights of liberties involved. Extension of the facilities will enable the Northern Territory Police access to information on criminal activity on a national scale. This will provide improved detection and prevention of crime. In offering these facilities to the state police force, the Minister for Police and Customs has assured the states that the Australia Police will not assume any operational functions traditionally left within the state police forces.

It is proposed to establish a national police college in Bathurst NSW with courses designed to cater for all levels of police from recruit training to that appropriate to the higher levels of management. Moreover, there will be scope for specialised training including that necessary to provide a higher level of expertise to detect white collar crime. The national and international training courses at present provided for state and overseas police will be expanded. The new training facilities will enable more Northern Territory Police to receive specialised training than had been the case before amalgamation. However, as soon as budget constraints permit, action will proceed on the establishment of a police academy in the Northern Territory to train Northern Territory members in those matters not appropriate to the national academy. The local academy will enable the training to be more personalised or specific to the Territory.

The numerical strength of the Australia Police will not exceed the establishment of the former separate police forces, approximately 2,500 at present for the whole of Australia. There are no plans to increase these numbers. There will be staff savings against the staff which would have been necessary had the amalgamation not occurred. The number of police in the Northern Territory will continue to be appropriate to the demand for policing in the Territory and the present service to the community will be maintained.

The police will be just as responsive as ever before, if not more so, to local requirements including those brought to notice by the Assembly. The Northern Territory and ACT will continue to be served by police under the control of their own commissioner just as they have been in the past. The commissioner is on the spot and has full responsibility for all police functions in his area. He will have access to better facilities, equipment, etc., that is provided by a larger organisation. The people of the Territory can expect better policing as a result of the amalgamation.

I feel that a little more remains to be said. I am still of the opinion that, by and large, the autonomy of the Northern Territory Police Force should be assured and maintained. I am still of the opinion that the police in any area should be responsible to people locally elected. I think that any other system is dangerous. However, I think it only fair that the minister's comments should be received and should be paid due respect. Despite my belief that the Northern Territory Police Force should be the NT Police and just that, I think the minister has raised valid points which deserve the closest investigation and the closest liaison between members of this Assembly and the federal minister responsible. Some of those points have not been brought to public notice before, particularly the specialist training and the computer to which members of this police force will have access. As one who is most concerned for civil liberties, I have grave reservations about computers holding information on citizens of Australia. However, as chairman of the Northern Territory Crime Prevention Council and a member of the federal executive of that body, it has been brought to our notice time and time again that the limited statistics available in Australia to the various police forces and the fragmentation occurring are the greatest obstacles to the prevention and early detection of crime in Australia. This is not my opinion; it is the opinion of people most expert to judge.

I intend to support the motion of the honourable member. In future, when such a motion is going to be debated and that debate is going to be brought into an area of conflict between this legislature and a federal legislature, I think it should be the duty of the member proposing such a motion to give both sides of the question. I asked the honourable member if he had made approaches to the minister this morning and he said that he had not.

Mr Kilgariff: I have the information and I have been to the department.

Mrs LAWRIE: The honourable member, by way of interjection, has assured me that he has been to the department. Having spent many years in the Territory, does he really expect me to believe that going to any department is sufficient? Surely all members of this Assembly will be well aware of the dangers of saying: "I have approached a department therefore I know". The person to approach is the person having the government responsibility for the policy and that is the minister. I do criticise the member slightly for not having approached the minister.

Mr Kentish: They won't answer.

Mrs LAWRIE: If you do not approach them they are never going to answer. I will say in defence of Senator Cavanagh that when he was Minister for Aboriginal Affairs, I approached him many times about policy decisions that he and his government were making and at all times I received a courteous and prompt reply. This was the case when I approached him as Minister for Customs and Police. I am defending him because, from my personal knowledge, as soon as he is asked to give his reasons for his policy he gives them. That is what he had done for me as a member of this Assembly, certainly not as a member of his party, and as one whom he knows opposes his policy. When I wrote to that honourable gentleman, I told him that I am not in agreement with the Northern Territory Police Force becoming a part of the Australia Police but that I would like to know the background and the reasons for his policy. That is the least anyone could do. Having said all that, I will support the motion.

Mr POLLOCK: I was not intending to speak but the matter of communication with the Minister has drawn me to my feet because in the 4, 5 or 6 months that this gentleman has been Minister for Police and Customs to my knowledge he has visited the Northern Territory on one occasion, to go to Wattie Creek for the handing over of some land. He hasn't been here, despite many requests from the Police Association to speak to them, to do anything with the Police Force at all. So to expect the Executive Member here to be seeing the Minister——

Mrs Lawrie: Not see him—communicate with him.

Mr POLLOCK: When the Minister himself hasn't even bothered to come here——

Mrs Lawrie: Maybe he is coming.

Mr POLLOCK: Let's hope so. We would like to see him a bit more often. Perhaps he is not game enough after his last visit to Alice Springs.

In relation to the Minister's correspondence, he is not too flash on it because it takes a couple of months to get anything out of him. You may have received some quick reply but my experience with the correspondence with him over certain matters is that it has been protracted quite unsatisfactorily. He mentioned in his correspondence the matter of co-operation. There is a big difference between co-operation and take-over and that is what is going on at the moment—the endeavour to take-over rather than to co-operate. He said that the members of the Northern Territory Police Force would be under the control of their commissioner, but who is he going to be under the control of? Certainly not this Assembly but somebody down there in Canberra who will be firing all the bullets. I could go on with a lot of other matters but I think that we have got better things to do this afternoon.

Mr WITHNALL: I suppose that my support of this motion could be taken as a sine qua non. I have for very many years advocated the proposal in this Assembly and the former Legislative Council that the Commonwealth should not take over any further executive functions and should not trespass upon the function of this legislature in respect to the making of laws for the Northern Territory. I have advocated it at times with passion. I have advocated it at numerous conferences with members of the previous government and with members of this government and I think that I first proposed it as far back as 1958 when I was then an official member.

To propose the taking over of the police force in the Northern Territory by a centralised force is to my way of thinking quite nonsensical because if there is anything which needs to be governed and administered by persons acquainted with the local population, acquainted with the situation existing within the community, it is the policing of the laws. Laws can be policed harshly with a consequent discontent and they can be policed with understanding so that there is a greater co-operation between the public and the enforcement officers and in fact there is less likelihood of any law being breached. To take a police force and put its authority so far away

as the Australian Capital Territory would result in a local dissatisfaction with the police force and with the incubus that the police force represented. I suggested to honourable members that the motion, while it is acceptable, could have been stronger. I said on a previous occasion when the Senate of the Commonwealth Parliament did us the honour of returning a bill to us that I hoped the Senate would accept our—I don't think I said thanks—but accept the attitude that we took that reference in and that they would continue to guard our rights. This motion is an expression of the same opinion that I used on that occasion, and I do trust that any further legislation of this nature will continue to be deferred by the Senate until reference to this Assembly has been possible.

Mr EVERINGHAM: I noted some of the remarks of the honourable member for Nightcliff with a certain degree of interest because at the time the rumblings were heard in Canberra in relation to the formation of the Australia Police Force I was Executive Member for Law. The honourable member for Nightcliff seemed to think that I—and I accept any criticism that may be due—should have contacted the Minister for Police and Customs. But at the time there was no Minister for Police and Customs. In fact all that one had to go on was a certain very naive and primary-schoolish type of report by a man called Carmody. I wrote to the editor of the National Times and told him in some detail what I thought of Mr Carmody's report and he saw fit to publish my letter in his paper. I did not hear anything at all from Mr Carmody about it.

We have heard that we should have an amalgamated police force including the Commonwealth force, the ACT force and the NT force because there is such a high degree of white collar crime which they need to get together to combat. This is total and absolute bosh. It is almost non-existent in the Northern Territory, there is very little of it in the ACT and the Commonwealth Police Force is just not equipped or trained to deal with it in any event. The Commonwealth force is a relatively lowly trained force which does the job of security guards. By amalgamating our NT force with the Commonwealth force, we will be lowering the standard of policing in the Northern Territory. And by shifting these people around Australia at the whim of the administration, we will be reducing the contact between the community and the force and will lose the feeling that presently exists between our force and the community. At present it is part of the Territory; they come here and they know they are staying here and so they fit in with the community. In future we will have overlords coming in from south for a time; they will trample on us and then go off.

Only months later after the de facto introduction of an Australia Police Force by administrative decisions is legislation coming forward, we believe, into the Federal House to legalise the position. I ask the honourable member for Nightcliff whether we should still, even now, deal with a so-called Minister for Police and Customs when he hasn't got any active parliament setting up his department even at this stage giving his force any real validity in the eyes of the law. The principle of the motion which the honourable executive member has moved is most important. If the Government in Canberra wishes to legislate for the Northern Territory, it should come out and say so, and it should amend the Northern Territory (Administration) Act accordingly. It shouldn't try to sneak through, down in Canberra, important legislation affecting the Territory as a whole, whilst the NT (Administration) Act says that the Legislative Assembly can make such laws as it deems fit for the peace, order and good government of the Northern Territory. That is the way the Government in Canberra should treat us. If they don't like that situation, then they should wipe that action out of the act.

Dr LETTS: At times I felt during this debate, that the debate was in danger of losing its force and its point because it has wandered so far away from the motion that the Executive Member for Finance and Law has really proposed. The debate is not one about where the police force should be or where it would like to be in relation to a department or a special Australian police force set up under an act. It is not a debate about what plans the Minister for Police and Customs has, whether he has some legal backing, what advantages he sees in some new style of adminstration in the police force—it is simply a debate about how and where legislation should be handled.

As far as the supposed efficiencies and advantages which the honourable member for Nightcliff alluded to in the letter from Senator Cavanagh, which emanate from centralising various services and materials and decisions, we well know here, because we have had the greatest experience in this field of anybody in Australia and perhaps just

about anybody in the world, are only in the mind—they never actually happen in fact. I will say no more than that it was extremely refreshing to me to come across the taskforce report for a regional basis for Australian Government adminstration. I am not saying at this stage that I agree with everything that is said there but there are some people who have realised that this efficiency created by centralisation is an illusion, and the wise men who have written this document say: "If our proposals are adopted, there would be more senior officers appointed in regions but not nearly as many as should be saved on head office establishments. Doing the job away from the facts and the action tends to become more expensive, duplicates activity and adds to the reviewing staff". This is a truth that we have known for a long time and they have now come out and said it. It is opposite to this case of the supposed advantage that is going to come from the centralisation of administration of the Australia Police Force.

What we are really talking about, however, is where and how legislation should be made. The case is very simple and completely stated in the Joint Parliamentary Committee's report on the Northern Territory. I give you 3 extracts, Mr Speaker. The first one is under the heading "State type functions that might be shared by the national government, the Territory executive". In the list of such state-type functions we find "Police". In the slightly expanded comments on the police force, the Joint Parliamentary Committee said:

> Territory witnesses were unanimous that the police function should be transferred to the Territory executive. On the other hand, the Attorney-General's Department pointed out the benefits of the amalgamation of the Northern Territory Police Forces. There are administrative advantages in the recruitment, training and equipping of the Northern Territory Police Force remaining the responsibility of the Australian Government. On the other hand the commmittee considers it fundamental that the Territory Executive should be responsible for the enforcement of the state-type laws over which it has executive responsibility. Such functions of national concern which are supposed to be retained by the Australian Government involve major policy only and police involvement is negligible.

Going back to the recommendations at the start of the report and speaking on Recommendation 5, legislative responsibility, I remind the Assembly again that they say the Legislative Assembly should continue to have power to legislate in respect of all state-type matters and I have already by definition of this report shown that control of police is a state-type matter. Recommendation to states that all state-type matters, even those that are in the executive responsibility of the Australian Government, should be introduced into the Legislative Assembly. Nothing can be more definite, more positive or more clear than that. That is in a report produced by men of ability from both Houses of the Federal Parliament and from all parties. I will stick with that report and with the work that went into it. The case that is contained in this motion by the Executive Member for Finance and Law is a simple re-statement and a request based on the principles and the statements in that report and I support it entirely.

Mr KILGARIFF: I draw members notice to what the Majority Leader has just said in relation to that report; I think that carried plenty of weight.

I would like to refer to one or two comments that the honourable member for Nightcliff has made, particularly relating to the letter she has received from the Senator. That is not news. The information that she has received from the Senator has been known in this system by the people who are interested in this proposed new Australia Police Force. The case that is being made is that these are all the benefits that you are going to get by belonging to the Australia Police Force. Of course this is not the case, because, as has been indicated by the Joint Parliamentary Committee on the Northern Territory, there will be shared responsibilities. And it is only a natural thing. The Northern Territory Police Force is well trained now. Their training is going to continue. There will be specialised courses in liaison with other police forces. Do not let us have a red herring to say that you won't get this unless you belong to the Australia Police Force. That is completely misleading.

There are many papers around for those who are interested in the proposed Australia Police Force. One is "The New Structure of the Australia Police Force". This organisation chart shows that the Commissioner of Police for the Northern Territory hasn't even got a square yet but he is level 2, and level 2 is right down the road. Level 2 responsibilities in the Bureau of Customs and Joint Services do not indicate that he means very much in the system.

The main reason for this motion is to ask the Senate to refer all legislation to us. We have got on to the police situation but I give a little word of warning to those people who see

the rainbow in such a proposed police force. I refer to a particular case which I understand is true; a certain member of the Northern Territory Police Force failed in his examinations and left and joined another police force that does not have the same standard of exams, efficiency and knowledge, and he has now arrived at commissioned rank in that force. If there is going to be an Australia Police Force, this person—and I understand he may be in the Darwin area now—would automatically come in above those people in the Northern Territory Police Force who have continued in the force and passed their examinations. This is just a little indication of what the future can mean.

I don't think I need to say any more, Mr Speaker. We have stressed the matter fairly well and I have indicated the real purpose of the motion is that this legislation be referred to this Assembly so that the Legislative Assembly and the people of the Territory can have some say in the matter.

Motion agreed to.

HOUSING LOANS BILL

(Serial 77)

Bill presented and read a first time.

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

Earlier this year, the Minister for Northern Australia, Dr Rex Patterson, announced details of an Australian Government funded mortgage scheme to assist in the rehabilitation of Darwin homes. This scheme is, I am sure, greatly appreciated by Darwin residents who have been faced with extraordinary reconstruction costs. The administration of the loan scheme was appropriately arranged through the office of the Northern Territory Home Finance Trustee. In the preparation of necessary regulations to the Housing Loans Ordinance, it was discovered that consequential amendments were also desirable to the principal ordinance and that is the purpose of this bill.

The peculiar problems caused by cyclone Tracy have necessitated mammoth housing repair and reinstatement programs throughout Darwin and the additional powers inserted by this bill guarantee eligibility for loans in the unusual circumstances. Many concessional loans have already been approved and many more will be granted in the near future. For this reason, I propose to seek urgent consideration of the bill at this session.

Debate adjourned.

NURSING BILL

(Serial 53)

Bill presented and read a first time.

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

During the last sittings, I introduced a bill to amend the Nursing Ordinance. That bill dealt with the Nurses Board, mental health nursing, mother craft nurses and other matters. Unfortunately, a number of minor drafting corrections were necessary and rather than take up the time of this Assembly with numerous amendments it was considered better to withdraw the original and introduce a new bill containing the necessary corrections. Apart from one clause the bill is identical in substance to the bill introduced last sittings. Honourable members will be familiar with the contents of the bill and I hope therefore they will have no objection to the bill passing through all stages at the sittings.

The following drafting corrections and changes have been made to this bill. The definition of "roll" in clause 5 had the words "under this ordinance" added at the end of the definition. The details of membership of the Nurses Board set out in clause 6 have been amended to describe the position of Assistant Director Nursing more correctly. The title of this position is a local one and is not the designation which has been used when creating the position under the Public Service Act. The public service designation is Matron Grade 6 which is not specific enough for use here.

Clause 9 of the original bill replaced section 10 of the principal ordinance with a new section setting out powers for the Director of Health to order persons to cease practising. I indicated when introducing that bill that the section was being reconsidered. It has been decided that the section interferes in an area of responsibility which rightly belongs to the board. The proposed amendment therefore has been dropped and this new bill provides for the repeal of section 10 of the principal ordinance.

Clause 12(2) has been amended to read section 12(b) in place of the incorrect 12(6). The marginal heading in clause 17 has been amended by removing the reference to age. As the age requirement is being deleted, the marginal heading was inappropriate. The numbering system of the new section set out

in clause 20 has been changed so that it now follows in simple alphabetical sequence. The marginal heading to the amendment to section 15(e) has been changed to remove the reference to age. In the last line of clause 20, the words "with respect to her application for enrolment" now replace "with respect of her application for enrolment" which appeared in the original bill.

Clause 22 has been corrected by changing the incorrect words "on rolment" to "or enrolment" in the marginal heading. The amendment to section 21 of the principal ordinance as set out in clause 22(1) adds to the section a new section 14A which sets out qualifications for psychiatric nurses and so allows these nurses also to be given provisional registration where appropriate.

The amendment to clause 22(2) adds new section 15D which provides for mother craft nurses and so adds mother craft nurses to those who may be provisionally enrolled. These amendments were intended in the original bill but were overlooked.

Clause 23(1) sets out amendments to section 21(1) of the principal ordinance which deals with the cancellation or suspension of the registration or enrolment of a person. The new section 15D(b) which deals with mother craft nurses was inadvertently omitted from the original bill and is now included in the amending section. It has been found necessary to omit section 21(3) of the principal ordinance and replace it with a new subsection. The subsection empowers the Chief Medical Officer to investigate certain charges against nurses and report on the matter to the board. The replacement of the term "Chief Medical Officer" by "Director of Health" in this subsection was overlooked in the original bill. Opportunity has been also taken to change the wording of the subsection to make the intent clearer.

Clause 26(2) amends clause 28 of the principal ordinance. The original bill referred to the omission of paragraphs (e), (f), (g) and (h). There are no paragraphs (g) and (h) and the reference to these non-existent paragraphs has been dropped in the present bill.

Honourable members will note that this bill is substantially the same as the one introduced in the last sittings. I hope therefore it will be accepted that there has been ample time for the study of the provisions and that there will be no objection to my seeking its passage through all stages at this session.

Debate adjourned.

UNIT TITLES BILL

(Serial 64)

Bill presented and read a first time.

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

It is more than 10 years since I first made representation for the government to make legislation to enable the introduction of strata titles into the Northern Territory. The need was evident then and has grown constantly. I have continued to ask the government to take action in the matter and always the department has replied that the matter was receiving attention and there were no problems. Another factor has been thrown in to make the need for early provision of facilities for strata titles more urgent and that is the reconstruction of Darwin. There has been an obvious need for areas of greater population density and all planning and replanning that has taken place took this into consideration. While a number of people have indicated a preference for accommodation in well-designed high density units over a bungalow on a quarter acre block, they still want security of tenure; they do not want to be merely a tenant paying rent on somebody else's flat.

The last statement by the department was that consideration of strata titles legislation was held up pending the submission of the Else-Mitchell report on land tenure in the Territory. Obviously, there must be a difference in approach between the titles system based on lease hold and a system based on freehold. This was the first time that an adequate reason of a long delay in the introduction of necessary legislation had been given.

The Else-Mitchell report was available last year. It clearly recommended the granting of freehold title to non-commercial urban properties. With that recommendation, there appeared to be no further need for delay but there has been no mention of government sponsored strata title legislation despite the pressing need for such legislation to meet the extra need revealed by the reconstruction of Darwin. The Department of Northern Australia is a large department with many facilities, including a legislation branch which is stationed in Brisbane with only a post office here. With all its facilities and with all its responsibilities for the Territory, it has been able to do nothing in the year which has lapsed since the Else-Mitchell report was

available. It makes one wonder about the purpose or the reason for the department. It is easy to point out instance after instance where the department has not done necessary things. It is difficult to find any instance of the department having done anything beyond needless interference and interruption of the activities of people who want to get things done in the Territory. Maybe it would be better if the whole department were to transfer to Brisbane and leave the job of Territory reconstruction and development to the people who want to do things for the Territory and are confident and willing to work.

I have introduced this bill and later will introduce a complementary registration bill to give a legal basis for strata or unit titles in the Territory. Despite the lack of resources available to the Assembly, the urgency of the task is apparent and, in view of the unwillingness or inability of the Department of Northern Australia to have the job done, it was done with the limited resources of the Assembly. Public reaction to the advice that such a bill was to be introduced is a clear indication of the need. The bill, which is rather a massive document, provides for the application to the Administrator for the subdivision of a parcel of land for the purposes of the unit title construction. Full details of the supporting information required are provided and, if the proposals are satisfactory, the Administrator may approve them. The proposals shall be properly submitted in accordance with the requirements of the Real Property Units Titles Bill, which I shall later introduce, with appropriate endorsement by the Administrator to the Registrar-General for registration.

The effect of the registration is to vest in the lessee or the owner an estate in freehold in each unit comprising the unit plan. This will obviate the need for separate application for freehold conversion of each concerned lease before action can proceed. At each stage prior to registration, the government through the Administrator is fully informed and has full powers to approve or withhold approval. At the conclusion of this detailed consideration by the government, a formal transfer of title to freehold is more appropriate than a further involved application for conversion from leasehold to freehold. It eliminates the administrative procedures and honourable members will recall that the cost of freehold conversion in rate paying areas, and that is the obvious area to use these provisions, is some $100 to cover administrative costs. The provision eliminates the need for administrative expense such that an automatic conversion will not result in the provision of service without charge by the government. I draw the attention of members to section 23 where this provision is inserted. I am sure that it will attract the support of all members as a simple and convenient means of giving effect to a purely freehold unit title system.

The remainder of the bill, some two-thirds of it, deals with the rights and obligations of the individual owners or units within a parcel, both as regard to their own parcel and also as regard the common property of that parcel of all owners. The bill will incorporate the owners of the various units into a body corporate, comprising all proprietors of units in that parcel responsible for the general repair, maintenance and control of common property. Its purpose is to define and ensure the rights and obligations of each of the proprietors and to ensure that no single proprietor can act in a manner contrary to the wellbeing of the other proprietors. It is that corporation representing all owners that will be responsible for all outgoings relating to the whole complex, that is rates and taxes, maintenance, insurance, etc.

Insurance itself is a complex matter in these circumstances. The corporation has the responsibility in this area as risks in relation to any unit cannot be separated from risks in relation from the whole. There are special provisions in respect of insurance. Part 6 of the bill commencing at clause 80 deals with question of insurance and members reading these provisions will appreciate that the rights of the individual proprietor are not similar to those of the lessee or owner of a usual residential estate. The concern that must be predominate is that of the whole parcel. The individual proprietor may seek separate insurance but his individual right is less than that applying to the whole parcel. The provisions are not new but are common to unit titles legislation in Australia and have been developed as the most effective way devised to deal with the insuring of a unit title complex.

Essentially the provisions of this bill are similar to the provisions of unit title legislation operating throughout Australia. All of that legislation is rather alike. All deal with the development of the proposal to subdivide

a parcel of land vertically as well as horizontally and to provide a valid title to the proprietor of each portion of the subdivision. All ensure the rights of each proprietor and also his obligations as part of the complex. The requirement for the statutory corporation to be responsible for all group dealings is uniform but it should be noted that such corporations do not attract the provisions of the Companies Ordinance but are merely created to deal with corporate affairs of the whole parcel.

The significant difference between this bill and other unit title legislation in force in Australia is the provisions in clause 23 to which I referred earlier. There is no similar provision in legislation applying in the rest of Australia. The provision provides an automatic conversion of title from leasehold to freehold in respect of each component unit on registration of a unit plan. Some such provision is necessary in the Territory because of our mixed up land laws with two different systems of land title. A sure and understood method of securing title to the component units is necessary if finance is to be available for unit title development purposes. The system proposed is simple and direct and would-be investors would know, following original approvals, that compliance with the various requirements will lead to secure title.

It is not my intention to have this legislation overriden by other land laws in the Territory. Approval by the Administrator will only be given when the application conforms with the requirements of other law. The land must be land that is capable of use for strata purposes and conforms with zoning requirements. Although I think this is inherent in the bill, I will have the matter further examined before the next sittings and, if necessary, have an amendment prepared to put the matter beyond doubt. The purpose of that action will be to ensure that would-be investors for strata purposes have no doubts about the actions possible under the legislation.

Debate adjourned.

REAL PROPERTY (UNIT TITLES) BILL

(Serial 65)

Bill presented and read a first time.

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

This bill is complementary to the Unit Titles Bill and is necessary to enable the registration of a unit so that it may be dealt with in a similar fashion to any other title over land. Honourable members will appreciate that, before the introduction of this legislation, title registration in the Territory dealt with the subdivision of land on a horizontal plan. The unit title requirement, however, is for land to be subdivided both horizontally and vertically and, additionally, for the rights of a title holder in respect of common property to all proprietors in a complex to be protected.

The purpose of this bill is to enable registration of such titles and the protection of such rights. Its provisions are similar to those of the ACT Real Property Unit Titles Ordinance which was prepared for the same purpose. This bill is to be read in conjunction with and is to be incorporated with the Real Property Act Ordinance. It merely becomes another part of that ordinance. The definitions required for unit titles shall be as expressed in the Unit Titles Ordinance. The bill provides that a units plan shall be in accordance with the forms in the schedule to the bill and shall comply with the requirements in the second schedule. On satisfactory lodgment with the registrar of an application which complies with the requirements of this and the Unit Titles Bill, the registrar shall register the units plan giving one copy to the applicant and one copy to the council of the relevant municipality. Mortgage and easement rights over the original parcel are protected. The original lease or certificate of title over the parcel of land are cancelled and replaced by a certificate of title for each unit comprising the complex with the necessary endorsements regarding mortgage or easement rights.

Provisions are also inserted concerning the cancellation or alteration of a units plan and the powers and duties of the registrar and the protection of the rights of interested parties are detailed. Although it is a fairly large bill, it is a fairly formal piece of legislation providing the procedures for the registration of a unit titles plan for the protection of the rights and interests of all concerned parties and detailing the steps to be followed at all stages. I have explained the purpose of the bill to members and I leave it to them to examine the detailed provisions.

Debate adjourned.

HOUSING BILL
(Serial 72)

Bill presented and read a first time.

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

Under provisions of the present ordinance, the Northern Territory Housing Commission has no power to build on privately owned land except as agent for government or institutions as provided in section 33. The Housing Commission traditionally serves the home needs of low and middle income earners in the community. Given the present problem created by the economic climate and more particularly in Darwin by the devastation of cyclone Tracy, it is essential to make sure that every help is available to these sectors of the community from the local housing authority. The proposals of this bill are directed specifically to those people who choose to be home owners rather than rental tenants. I am not in any way seeking to detract from the commission's most important responsibility of providing public and welfare rented housing for people unable to obtain suitable homes for their families. This a matter of government policy and the source of funds for this aspect of the commission's activity is always dependent on federal politics. In fact it is always easy to be critical when the money machine of budgets do not match the crying needs for further programs. We in the Northern Territory are just as vocal as the rest of Australia in seeking changes in priorities for public housing. The Housing Commission has continually sought additional funds at better lending terms to meet Territory housing needs.

It is also important to note that there are many people throughout the Northern Territory who have some limited resources of their own but cannot satisfactorily obtain homes as easily as they could in southern cities and towns. There are many reasons for this largely caused by our geographical isolation and relatively small population. There are just too few project builders. Many of these folk prefer to privately purchase and choose the location of their own home but wish to participate in the economies of bulk building. The proposals of this bill would enable intending home owners to contract with the Housing Commission for one of its standard home designs on their own residential site. This would be an invaluable option to many Territory citizens.

Whilst the principles of the bill are intended for Territory wide application, there is an urgent and peculiar problem in the current Darwin situation where the rebuilding or repair of homes must take first priority following Cyclone Tracy. Over 800 homes have been purchased by Darwin residents from the Northern Territory Housing Commission. Prior to the cyclone some 200 mortgages had been discharged and this year to date a further 450 mortgages have now been discharged as the result of insurance payouts. The ordinance as it presently stands would prevent the Housing Commission from helping these home owners with cost saving contract arrangements for repairs and with financial assistance from the accumulated insurance reserves. The commission has already indicated its willingness to negotiate with these former purchasers but needs the legislative backing of this bill to put its sympathy, understanding and co-operation into action.

I do not for one moment suggest that any scheme adopted won't be without administrative or financial problems. Just as the normal and routine public housing policies have necessary details to be continually worked out so will a proposal of this nature. The board of the Housing Commission is a very competent body fully conscious of its responsibilities. Strict and proper constraints are placed on the commission by the minister and the auditors and, with constitutional development in the Northern Territory, this Assembly will also have direct oversight through the executive member. I am confident that this move is a response to a very genuine community requirement. Due to the hardships occasioned by Darwin residents endeavouring to rebuild or repair their properties, it is my intention to seek urgent consideration of this bill at this session.

Debate adjourned.

CONSTRUCTION SAFETY BILL
(Serial 55)

Bill presented and read a first time.

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

This bill relates to the safety and welfare of persons in the construction industry. It is the first of its kind in the Northern Territory inasmuch as it covers the welfare of workers, providing minimum standards for amenities and at the same time providing safety standards

for both the general public and all workers in the industry. Existing legislation in the Northern Territory covers only scaffolding and rigging and is inadequate when compared with the present legislative needs of the construction industry. This bill will adequately provide for the needs of the construction industry and is generally in keeping with similar legislation in the states and the ACT. It is, however, thought to fall short of the most advanced legislation of its kind in this country, the Industrial Safety Health and Welfare Act of South Australia, which has been widely recommended as a model for uniform legislation. The main difference between this bill and the Industrial Safety Health and Welfare Act is that this bill covers the construction industry while the act has provision to prescribe regulations covering all industries and industrial situations with the excep on of domestic workers. If the uniformity proposals had been followed, further lengthy delays would have been encountered while their suitability for the Northern Territory was established, thus depriving workers in the production industry of urgently needed safety legislation. This does not mean that uniformity proposals are being rejected in favour of this bill. Regulations proposed under this bill closely follow the South Australian Construction Safety Regulations and could be equally well enforced under this Bill or under composite legislation such as the Industrial Safety Health and Welfare Ordinance.

This bill covers scaffolding, hoists and lifts, power-driven equipment, excavation and shoring, compressed air work, explosive power tools, protective clothing and equipment, amenities, first aid and fire protective equipment for the construction industry. A similar bill was originally proposed by Legislative Council member, Mr Tom Bell, in 1969-70. Mr Bell withdrew his proposal in favour of this bill for which he continued to press throughout the life of the Legislative Council. One of the main requirements of the bill has been to provide for safety in excavations. Since the bill was first proposed, at least 3 people have died in excavations.

Clause 1 of the bill is formal. Clause 2 repeals the Scaffolding Inspection Ordinance 1932-1961 and saves scaffolding and rigging licences at present in force. Clause 3 binds the Crown. Clause 4 defines work, equipment and people to which the bill refers. Clause 5 empowers the Administrator in Council to define certain classes of work in areas to be specified as work to which the ordinance will apply and generally includes: construction work using scaffolding or hoisting appliances, demolition of whole or part of a building of height in excess of 6 metres above ground level, excavations of depth in excess of 1.5 metres, compressed air work on which an explosive is intended to be used for work in connection with excavation or tunnelling. Clause 6 provides for the appointment of inspectors and a Chief Inspector of Construction Safety, to be responsible for the administration of the ordinance subject to the direction of the Administrator. Clause 7 provides inspectors with access to sites for purposes of making inspections. Clause 8 specifies the duty of an inspector and provides the right of an inspector to stop work on a site until such time as the directions of the inspector are complied with. A penalty of $500 is prescribed for failing to comply with the directions of an inspector. Clause 9 specifies offences in relation to an inspector and provides that the person shall not obstruct, fail to answer truthfully, fail to produce documents requested by, prevent a person from speaking to, an inspector, and provides a penalty of $400 for breaches thereof. Clause 10 provides that an inspector will not be held personally liable for acts done or omitted to be done in good faith when exercising powers conferred under this ordinance. Clause 11 places responsibility on the constructor for notifying the Chief Inspector at least 24 hours before commencement of the former's intention to carry out work to which the ordinance applies and provides a penalty of $200 for failure to do so. Clause 12 places responsibility on the constructor to ensure that all scaffolding, gear and hoisting appliances meet with the prescribed standards, and are erected and maintained in a safe condition, providing a penalty of $400 for failure to do so. Clause 13 requires the appointment in writing of one or more qualified safety supervisors when 20 or more workers are employed on the same site. A penalty of $200 is provided for failure to do so. A safety supervisor's qualifications are specified. A constructor may employ a safety supervisor responsible for more than one site. A safety supervisor may be employed by more than one constructor for a group of jobs. Clause 14 makes the constructor responsible for notifying the Chief Inspector to display on a sign on the site the name of the safety supervisor, and provides a penalty of $50 for failure to do so. Clause 15 states the functions of a safety supervisor. Clause 16 requires the constructor

to provide, and workers to wear and use, safety equipment prescribed by the regulations and specifies that workers will not remove from site the equipment so provided. Workers must not behave in a manner which could endanger their own safety or the safety of others. Penalties of $400 are prescribed for failing to provide, and $200 for failure to wear, remove or render ineffective equipment so prescribed or to endanger the safety of others. Clauses 17 and 18 require the constructor to provide artificial lighting and basic amenities to a scale prescribed in the regulations relating to drinking water, washing facilities, meal, clothing and tool accommodation, sanitary conveniences, first aid and fire extinguishers, providing a penalty of $400 for failing to do so. Clause 19 specifies the places at which the constructor shall keep copies of the ordinance and the regulations, providing a penalty of $100 for failure to do so. Clause 20 relates to the requirements for engaging a licensed rigger to place structural steel and provides a penalty of $200 for failure to do so. Clause 21 specifies the types of accident for which reporting to an inspector is mandatory, the method by which the report is made, and information required in this report, providing a penalty of $200 for breaches of this section. Clause 22 makes the reporting of accidents in which load-bearing parts of scaffolding, hoists, gear or shoring, is distorted or damaged, mandatory, and provides a penalty of $200 for failing to do so. Clause 23 requires that an inspector's consent is given before repairs to equipment damaged by an accident of the type described in Clause 22 can be made, and prescribes a penalty of $200 for breaches of this section. Clause 24 provides that an inspector shall investigate and make a report to the Chief Inspector after receiving notice of an accident. Clause 25 provides for an inquiry by a magistrate into an accident in which a person has received serious bodily injury, assisted if necessary by a person skilled in the use of equipment covered under the ordinance. Clause 26 provides for the service of documents for the purpose of administering the ordinance. Clause 27 provides that the consent in writing of the Chief Inspector be given for prosecutions for offences against this ordinance unless otherwise instituted by the Attorney-General.

Clause 28 is really the operative section of the ordinance, providing power for the Administrator in Council to prescribe regulations giving effect to this ordinance and in particular, qualifications required of scaffolders and riggers; the classes of licence to be issued; the conditions under which they may be renewed, suspended, replaced, amended etc, and the fees payable; the standards of and the standard of use of scaffolding, rigging gear and equipment to which the ordinance applies; the qualifications of drivers, hoisting appliances and operators of power-driven equipment and licensing of such operators. The licensing of operators of explosive power tools will be prescribed in the regulations under the provision—such licences, have, in the past, been issued under the Firearms Ordinance. However, a bill to amend the Firearms Ordinance by removing explosive powered tools from the ambit of that ordinance will be introduced in this sitting and will come into force at the same time as the regulations under this bill; the provision of and standard of artificial light, protective equipment or safety measures for workers; the standards of and qualities of amenities, first aid equipment and toilet facilities required for the prescribed numbers of workers; additional powers and duties of inspectors, riggers and safety supervisors; forms to be used under the ordinance and fees payable for examination and inspection; penalties not exceeding $200 for offences against the regulations; the records to be kept in connection with use and inspection of hoisting appliances and machinery.

The last provision in the bill is provision to prescribe standards by reference to standards prepared and published by the Standards Association of Australia.

I foreshadow some amendments to the bill as it is presented. Several minor errors in the printing that in no way alter the intended meaning of the bill are apparent. However, there are some errors of reasonable consequence which require changing. In clause 4 light duty work is incorrectly defined and should be: "Light duty work means work involving the use of planks or planks supported on stepladders or trestle ladders on which plank or planks at any one time not more than 2 persons work and the weight of tools and materials does not exceed 25 kilogrammes'. In clause 20 it is intended to delete the word "material" and substitute "such structure" in lieu. In clause 28(1a), (1b) and (1c) it is intended to delete the word "certificate" and substitute "licence" in lieu.

Debate adjourned.

FIREARMS BILL

(Serial 76)

Bill presented and read a first time.

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

This bill is consequential upon the Construction Safety Bill and will achieve a result which has been desired for many years. At present all explosive power tools, Ramset guns etc, must be registered under the Firearms Ordinance. Honourable members will appreciate that these tools can be dangerous and some control over their possession and use is necessary. Unfortunately there is no appropriate legislation in the Territory to control the possession and use of these tools and in the absence of any appropriate legislation this control was exercised by registration under the Firearms Ordinance. For many years the building industry has protested against control by this means and has requested appropriate legislation. It has not been available. Finally we have a means. The Construction Safety Bill provides for the control of power-driven tools which includes explosive power tools. Control will be by registration which will detail all necessary matters. The bill, therefore, amends the definition of "firearms" by specifically excluding explosive powered tools. I draw honourable members' attention to the last 3 lines of the bill; the only amendment is to the definition of "firearm".

The bill has a commencing clause and will not be brought into operation until such time as necessary regulations under the Construction Safety Ordinance are made and ready to control the operation and use of these tools. Although a fairly minor matter, this is an important bill. Explosive power tools are widely used in the construction field and it is important that users be properly trained and able to use such tools with safety to themselves and others. While the Firearms Ordinance provided a basic control through registration, hopefully the proposed regulations will provide adequate control to ensure safe and effective use of these tools.

Debate adjourned.

CRIMINAL INJURIES (COMPENSATION) BILL

(Serial 68)

Bill presented and read a first time.

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

Many members will recall the history of this legislation. A bill for such an ordinance was introduced by the member for Port Darwin, Mr Withnall, and was passed by the Legislative Council. The ordinance was reserved by the Administrator for the pleasure of the Governor-General. The ordinance was returned by the Governor-General to the Legislative Council in October 1973 with proposed amendments. These amendments were to tighten up the form of the ordinance and to limit the compensation payable under the ordinance to compensation for personal injury. The ordinance and amendments were debated in the Council and the amendments which would limit compensation to personal injury were defeated. The ordinance was again passed by the Council in November 1973. It was again reserved for the pleasure of the Governor-General and so joined the ever-growing list of legislation passed by this legislature which the Government ignores; it neither assents to it nor refuses assent to it—it just lies in limbo.

The ordinance as passed by the Legislative Council provided on both occasions that a court may order that a specific amount be paid to an aggrieved person from the assets of a person convicted of an offence against him which resulted in personal injury or loss or damage to his property. The person in whose favour such an order is made may apply to the Administrator for payment of the amount. The Government stated its willingness to accept the liability for payment in respect of personal injury resulting from some criminal action. It refused, however, to accept the responsibility in respect of property loss or damage from such an act. The proposed amendments referred to the Legislative Council by the Governor-General would have removed the aspect of property loss or damage and the government indicated that it would assent to the legislation in that form. The current position is that for two years an ordinance which would provide for compensation to be paid to an aggrieved person for personal injury or property loss resulting from such a criminal action lies unacted on. Meanwhile such a person has no recourse except private action against the offender who all too often has no assets. It is a stalemate.

The bill I have introduced accepts the earlier government assurances and provides only for compensation in respect of personal

injury. I introduce it now in the hope that it will enjoy a speedy passage through the Assembly and receive early assent, thus enabling persons who have suffered personal injury to have a right and method of receiving some compensation under the legislation. I make no apologies for introducing the bill in this form. The Legislative Council certainly made its views apparent and insisted on retaining a provision for property compensation. The Government was equally adamant and, as a result, there is no entitlement for anyone. For 2 years the ordinance has awaited action. No one in the Northern Territory has had any rights for compensation in that time.

If the Assembly accepts the bill, I would confidently expect that the Government will honour its earlier undertaking and see that it receives an early assent. These people who suffer personal injury as a result of a criminal action will then have a method of seeking compensation. I urge the Assembly to accept this provision as something attainable rather than insist on the presently unobtainable provisions for both personal injury and property compensation. If honourable members agree with this approach and the bill is passed and comes into operation, then it lies within the powers of this Assembly at some later stage to consider a proposition to amend the legislation to include property compensation. The way will be open for those suffering personal injury to obtain compensation while the aspect of property compensation is separately considered. I have been advised that clause 9B may need some variation of expression to achieve the desired effect. If this is indeed so, I foreshadow an amendment to make this correction. This is a most necessary bill and I commend it to members.

Debate adjourned.

ADJOURNMENT DEBATE

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

Mr BALLANTYNE: I rise now to talk about 2 important things that have happened in my electorate yet no course of action has been taken. Some time ago I asked a question regarding the proposal to bring 5 police boats to the Northern Territory. These police boats were for use on the coast at places such as Groote Eylandt, Nhulunbuy, Elcho Island, Maningrida, Garden Point and perhaps at Port Keats when a police station is established there. I have asked 2 questions regarding these police boats and the answer that I received stated that they do not have sufficient funds to buy the boats. First of all, they put in a proposal for these things and then all of a sudden they squash it.

It is no good waiting until somebody loses his life through an accident perhaps out in Melville Bay or away from Maningrida or Elcho Island. Many people in that area go out to the sea in unsafe boats or boats with unreliable motors. Sometimes they do not even leave a message that they have gone and there is no means of going to rescue these people if we have not got a proper and fit boat to use. In Nhulunbuy we have a number of small craft and a number of large motor boats which go out to sea and we have had problems in rescue work. It is on record that there have been a number of rescues. Some time ago, the police had to be rescued themselves because they had borrowed a boat which was not seaworthy; they had to be towed back to port themselves. It is about time that they took into consideration that Nhulunbuy is one of the biggest towns in the Territory and it is right on the coast where there can be danger to peoples' lives. All I ask is that this be recorded in Hansard so that we may be able to get some action and some consideration for the safety of the people.

My other topic concerns the ABC radio broadcasts to Nhulunbuy. We have been trying now for some 10 months since the inception of that station to have some weather forecasts given out daily for Gove. They have forecasts for Alice Springs, Tennant Creek, and Katherine yet when we asked the Meteorological Bureau why they don't broadcast the weather pattern for Nhulunbuy they said that they do not have the resources or the staff. Because it is an isolated region, they are not prepared at present to broadcast for this particular area. I would like to point out that we are approaching the wet season and we do not have to look back very far to the last cyclone that hit Darwin to see how Gove was affected, particularly from the communications point of view. We were isolated there for some time because we had no communications. We had 2 radio hams who were making contact with other radio hams on a third party line down to Melbourne and back up to Darwin. For a few days, nobody knew whether we were hit by the same cyclone and I would like to draw to the attention of this Assembly that these things can occur.

I feel that a town such as Nhulunbuy on the Gove Peninsula should be given consideration with regard to the weather pattern broadcasts. The PMG take regular readings every 3 hours and they transmit the information back to the bureau in code form. They take note of the cloud formations, the activity of the sea and temperature and barometer readings. This information is given to the bureau and I cannot see why they can't liaise with the ABC so that we can have some indication of what the daily forecast is.

It may be considered a very small point and I dare say that inland places would not have the same problems. When you are in a tropical zone in the cyclone season, it is very important that you know what is going on. I know that they are going to have a cyclone exercise soon and we will want to be in on it. We want to hear what is going on and know what is going on. With those few words, I hope that I have impressed somebody that consideration should be given to these 2 very important factors of safety and communications.

Mr DONDAS: I rise to make a few brief comments regarding the Cyclone Trust Fund. I am appalled at the way this system for assisting persons in Darwin is being conducted. For example, while some of our evacuees were in the southern capitals they applied through the various government agencies and, in particular, the Department of Social Security for assistance. In most cases, they received assistance but unbeknown to them it came from the Darwin Cyclone Relief Trust Fund. Therefore, when they returned to Darwin they reapplied to the fund for the re-establishment grant of $200 and got it. Then the Cyclone Relief Trust Fund made available further funds subject to the means test so these persons once again applied for funds and received them. One would think that this procedure was acceptable but, unfortunately, it is not.

The Cyclone Trust Fund administrators are acting like a bunch of "Indian givers". They give on one hand and then they try to take it back with the other. They are now writing to persons stating that they had duplicated applications for relief. I protest and say they have not because an error has been made by the Cyclone Trust Fund. They should have explained the way the assistance was being provided in southern capital cities and where the money was coming from. If one is in business enterprise and he undercharged somebody or overcharged somebody else, it is his own bad luck. This is where the fault lies because the fund has been administered in a haphazard way.

I have no doubt that some people have tried to obtain more funds than they would be entitled to. However, with the proper administration and all due care, this should not have happened. The whole method of payment by cash to applicants leaves a lot to be desired. Surely a cheque could have been drawn on the trust account and paid to the applicant. I know some people may not have a bank account but in most cases they seem to be able to cash cheques.

The Cyclone Trust Fund has now made more funds available yet people who have just returned to Darwin to re-establish themselves are not entitled to receive part of this money. Why bother to set up a re-establishment fund in the first place? Some of the citizens have been spoilt by the various government hand-outs but this Cyclone Trust Fund is not a hand-out. It is a gift from all corners of this globe, a gift to the people of Darwin who needed the assistance and I don't think anybody can deny any citizen the right to receive part of this money whether he is late returning to Darwin or not. I sincerely hope that other honourable members agree with me.

Another subject for concern is the amount of cyclone debris still lying around my electorate. I know the government are trying to do their best but unfortunately, in my opinion, it is not good enough. Time is running out and, unless a greater effort is made to pick up some of this cyclone debris, many of the people in my electorate will be very concerned in the next coming months.

Mr KILGARIFF: I have 2 questions to answer. The member for Elsey asked how many recommendations of the McKinna Report have been put into effect. The answer I have received from Mr McLaren is as follows: "Arising out of recommendations contained in the McKinna Report, a total of 101 of the recommendations have either been put into effect or action has been commenced with the view to putting the recommendations into effect".

The other reply is bad news for the honourable member for Nhulunbuy. A little while ago, he made a plea for one of the 5 police boats but, unfortunately, this financial year he is out of luck. I think it is very regrettable because these boats have been urgently needed on the northern coastline. I have received a

letter from Mr McLaren which stated it was proposed to obtain 5 boats over a period of years for northern waters of the Northern Territory. However, due to restrictions in government spending, they have been removed from the program. They were intended to be used by the Police and Customs Department for prevention and detection of offences, surveillance work and search and rescue duties. It was proposed that they be placed along the coastline at Groote Eylandt, Nhulunbuy, Elcho Island, Maningrida, Garden Point and perhaps at Port Keats, when a police station is established there. It was intended that this would give a reasonably good coverage of the coastline. Regretfully, that is bad news for the member for Nhulunbuy and very many other people on the Northern coastline. Perhaps this assembly can make a strong bid to see that they are on the estimates for the next financial year.

Yesterday, I was requested to table a statement which I had made recently on local industrial legislation and the present position of local government legislation in the Northern Territory. I now table the requested documents.

Motion agreed to; the Assembly adjourned.

Thursday 16 October 1975

REPORT

Delegation to Australian Constitutional Convention

Dr LETTS: I table a report from the delegates of this Assembly to the Australian Constitutional Convention 1975.

The report which is now being circulated to all members contains a description of the events from day to day of the 3 days of the recent convention in Melbourne, in particular those events in which the Territory delegation took a special role. The descriptive pages are followed by 2 appendices, Appendix A, which is simply the agenda for the convention, and Appendix B, which is extracts of speeches made by the delegates from this Assembly at the convention in support of or in opposition to various items.

I don't intend to go right through this document which is fairly lengthy page by page. I simply say, Mr Speaker, that I am sure that the delegates who attended would be quite willing to answer any questions which members may have after reading the report in question time and in or outside this Chamber. If any members wish to debate the report, they merely need to move that it be noted when they are ready to do so.

Probably of some particular interest to members would be what may happen about the future of the Australian Constitutional Convention. This is probably somewhat uncertain at this stage. What we do know is that there has been a further meeting of the executive called in Melbourne for November at which I believe we will be represented; and that a motion was carried in the final stages at the Melbourne convention to allow the setting up of a convention in 1976 in Tasmania. We hope that some of the political friction, instability and in-fighting going on between the Australian Goverment, the Australian Parliament and the Australian states may be sufficiently resolved in order to enable this important body to carry on its work. I believe that the Australian Constitutional Convention has a continuing role to perform and should take the form of a continuing organisation for the review of the Constitution, whereas, as we all know, governments and individual members of parliament come and go at fairly short notice. I will leave the report in the hands of members. If they wish me to take it further at a later stage after reading it, I will be quite happy to do so.

ANSWER TO QUESTION

Dr LETTS (by leave): The honourable member for Nightcliff asked me a question concerning the Environment Section of the Department of Northern Australia and the staffing thereof. The reply I have received from the department is that an environment cell was originally set up in the Forestry Fisheries Wildlife and National Parks Branch. After the cyclone, due to staffing and accommodation problems, the cell was transferred to the Animal Industry and Agriculture Branch under the Land Conservation Section. Supervision and co-ordination of environment work is carried out by the acting Chief Agronomist who is a Master of Science and is qualified as "progressional" pedologist, with many years of experience in land conservation and who is a very capable officer. In dealing with matters of environmental concern, the environment cell draws on experts from the various professional branches of the department. The professional officers are employed on wildlife, botany, fisheries and marine, chemistry, water quality, engineering etc.

ANSWER TO QUESTION

Mr KILGARIFF (by leave): The honourable member for Arnhem asked whether a police station is to be built at Elcho Island. On the Civil Works Program for this year an amount of, I think $783,000 has been allocated for a police station complex to be built at Elcho Island. Presumably that construction will commence this year.

ANSWER TO QUESTION

Mr TUXWORTH (by leave): The honourable member for Stuart asked about an unpublished report on the Alice Springs water supply. I have the following answer. An unpublished report on the Mereenie aquifer supplying the town water to Alice Springs was prepared by the Water Resources Branch in October 1974. This showed that, with the rapidly increasing per capita consumption and population growth and the resulting decline in water levels, the maximum annual yield from the present production borefield would be reached by 1983-84. A further report is being prepared now for completion by about the end of this year using up to date information and the results of recent investigations. To enable planning beyond 1984, work is also

in progress on investigations into the floodout area of the Todd River as a possible and future borefield area. I have been given additional information to the effect that the recharge rate of the borefield is at the levels that Water Resources anticipated; however the rate of consumption has increased quite dramatically. I have a copy of that report which I will table for any member of the Assembly who would like to read it.

ANSWER TO QUESTION

Mr TUXWORTH (by leave): The honourable member for Arnhem asked whether the high speed boat for coastal inspection by the Fisheries Branch had been taken off the budget for this year. The answer is no. The item referred to is still on the program and is subject to additional funds being made available to cover the additional cost. This is because the tender price exceeded the original estimate. No alterative arrangements have been made for coastal fisheries inspection.

ANSWER TO QUESTION

Mr TUXWORTH (by leave): The member for Gillen on behalf of yourself Mr Speaker asked whether proposals have been put forward for an alternative site for relocation of the Katherine low level caravan park. The Department of Urban Development Lands Branch say that they know nothing more than what was announced on the radio 2 nights ago and they are investigating the matter.

In answer to the question directed to the Reserves Board on your behalf, as to what will happen to those people living in caravans who are presently living at the low level caravan park, the Reserves Board has advised that they still intend catering for the short term—up to 14 days—caravan campers but intend phasing out the formal caravan campers. They have very few campers there at the moment and they expect it to be empty very shortly.

WILDLIFE CONSERVATION AND CONTROL BILL

(Serial 67)

Bill presented and read a first time.

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

This is a very simple, short bill to deal with what is really an administrative matter. It is very doubtful whether the matter should ever have been contained in the original ordinance at all, but as the ordinance stands at the moment section 8 lays down that this is the section which deals with the appointment of rangers under the ordinance and section 8 (4) lays down that the Chief Inspector shall issue to each inspector and to each ranger a warrant card in the form contained in the second schedule. Then, when one turns over to the second schedule at the back of the ordinance, one finds a certain form laid down for the wording and layout for the ranger's warrant card.

With the fluxion of time and circumstances, and bearing in mind that the police are rangers under this ordinance too, it has now become desirable in the interests of efficiency that the new warrant cards about to be issued should be printed on machinery available to the police for standardisation of their own cards and that the form be updated to include a picture of the ranger himself so that there can be no possibility of misrepresentation or mis-identification. The way the ordinance and the schedule go at the moment, it is not possible to fit these improvements into the scheme of things. Therefore, the bill simply proposes that, instead of the form contained in the second schedule, we substitute a form approved by the Chief Inspector and containing the full-face photograph—and the signature of the ranger verified by the signature of the Chief Inspector. That is all the information which is considered to be necessary, the signature of the ranger, the signature of the Chief Inspector authorising him and a picture for his identification. In any case, it is very cumbersome to have the thing laid down so tightly within the ordinance; it is a purely administrative matter as it is at the moment and some discretion and flexibility in the actual form and layout should be in the hands of the Chief Inspector who is the administrative head of this matter. This bill will obtain that situation.

Debate adjourned.

INSPECTION OF MACHINERY BILL

(Serial 54)

Bill presented and read a first time.

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

In recent times there has been a trend in our society for various reasons to remove from legislation what is in some cases discrimination against females. The Inspection of Machinery Ordinance is one in which specific reference is made to female workers. Section

14(1)(b) and (c) does in fact prevent females from carrying out certain duties with regard to machinery. The purpose of my bill is to remove such discrimination and allow females to operate or take charge of machinery in the same way as males are allowed at present. To achieve this end it is necessary only to remove the word "male" from section 14(1)(b) and (c). I would just like to add that for those of us who may be more practical than philosophical that this bill will enable employers to fully utilise female labour which in these days of enlightment costs the same as male labour. I also foreshadow that there will be further amendments to this Machinery Ordinance. I have received a lot of queries and comments from various sections of the community, the unions and employers. The Machinery Ordinance needs quite a lot of updating and I foreshadow that over the next few sittings we will see further amendments to this ordinance.

Debate adjourned.

POLICE AND POLICE OFFENCES BILL

(Serial 71)

Bill presented and read a first time.

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

The honourable member for Jingili brought before the Assembly the Drunkenness Bill which he has since withdrawn. The honourable member is to be congratulated on the effort he made in the preparation of that bill and his constant following up with all concerned parties after he introduced the bill. He brought the provisions of that bill to the attention of a number of ministers, departments and concerned organisations and constantly sought their views on the implementation of the proposals in the bill. Following on those representations, meetings of concerned parties were held and the proposals were fully considered. While it was agreed that the provisions of the bill were desirable and that we should continue to seek the full the implementation of such proposals, it was also recognised that the provisions of the bill would not be effectively implemented until detoxification and associated facilities were established. The bill goes beyond the field of purely protective custody into the fields of care and treatment of drunken persons but until we have facilities for this purpose merely legislating for it cannot achieve the desired results. It is a great disappointment to find no early plans for centres for the treatment and care of intoxicated persons. I believe that the discussions we held were helpful. The need for such facilities is more appreciated now and pressures for their establishment will increase. In the meantime we have to make do with what we have and the bill I have introduced should help to improve the position.

There is a power in the Police and Police Offences Ordinance—section 33A—to empower a police officer in certain circumstances to take into custody an intoxicated person and hold him in custody while necessary. The person so taken into custody is not to be charged with any offence. This bill will amend that section to make its operation more reasonable for exercise by the police and to provide further protection and rights for the person taken into custody. I have used provisions from the Drunkenness Bill and from the report of the Working Party on Territorial Criminal Law, which I tabled earlier, in an attempt to prove the provisions of section 33A. The existing grounds for apprehension in section 33A are too restricted and difficult of application. The bill will omit subsection (1) which contains those grounds and replace it with a new subsection containing wider and more usable grounds.

I draw the attention of members to a small but significant omission in the bill as circulated. In the new subsection (1) as inserted by clause 4, the 4th and 5th line reads: "with alcohol or a drug and that person is". Those lines should read: "with alcohol or a drug and that that person is". In other words, there should be two "thats". The reason is to ensure that the reasonable grounds exist also in respect of all the matters in the succeeding paragraphs, not only for the state of the intoxication of the person. The amendment has been made in the presented copy of the bill and I ask members to note their copies accordingly.

Additional provisions will permit the searching of the person so taken into custody and the removal of his possessions into safekeeping until he is released from custody. It provides that the person of a woman shall be searched only by another woman. A provision has been inserted to provide that a person so held in custody after midnight may be held in custody until 7.30 in the morning even if he is no longer intoxicated. Otherwise at the expiration of that statutory 6 hours, the person would have to be turned out into the streets

notwithstanding his ability to take care of himself, weather conditions or any other matters. That is a power which the police will have to exercise with discretion but I am sure members will appreciate the need for it.

A provision is inserted to enable the police to release such a person into the care of a responsible person at any time, notwithstanding his condition or state of intoxication, if they reasonbly believe that person can take care of him. This is probably the most important new provision being inserted in the legislation. It can provide a means of using community resources to help deal with the problems of intoxication. It is standard practice for the police to notify family or friends of persons so taken into custody where possible. Under the existing provisions of section 33A it was necessary for the police to keep the person in custody until he was no longer intoxicated or for a period of up to 6 hours. Under this provision, the police can release him into the custody of a responsible person at any time. In many cases this will mean that it will only be necessary for the police to hold a person for as long as it takes the members of his family or friends to come and pick him up. I am sure that all honourable members will agree that this is an important improvement on the existing provisions for that provision is capable of much wider application. As well as family and friends, interested community groups and organisations capable of providing assistance and treatment to intoxicated persons can have such persons released from custody into their care.

Before we reach the stage where facilities that can be provided by proper detoxification legislation are available, we will have a legislative means to be able to take advantage of whatever use can be made of any community resources available to help to deal with this problem. I have no doubt of the willingness of the police to co-operate fully in this matter. The police participated in these conferences we have held. Other organisations which participated in these discussions were Health, Social Welfare, Department of Aboriginal Affairs, Department of Northern Australia, Legislation, Education, and so on. Any organisation, religious, charitable, racial or otherwise which has facilities and personnel willing and able to help in this matter could advise the police of this and how they may be contacted. Where a person is taken into custody under this provision and it is not possible to arrange his release into the care of a relative or friend, such organisations can provide an additional point of contact for persons who may be able to get that intoxicated person released from custody and provide him with care and assistance.

I am sure all honourable members will welcome the provision as a considerable improvement on the earlier arrangement which provided only for a form of protective custody. Hopefully, most persons apprehended pursuant to this provision, of whatever racial origin, will soon be released into the care of family, friends or concerned community groups. I was very pleased with the response to this proposal from the various departments with which I had discussed it and look forward to their assistance in the establishment of community groups and facilities to assist in dealing with the problem. The bill will considerably improve the effectiveness of the section 33A but there is an urgent need for centres to be established to deal with these people in better ways than merely providing for protective custody. I again call on the Government to take early action to establish treatment centres.

There are one or two informal points which I wish to put forward. In the Legislative Council when the original 33A was brought in, a lot of concern was expressed about whether facilities were available if the offence of drunkenness was to be taken off the statute book of the Northern Territory. Many promises were made by the Government and it was because of these promises that the offence of drunkenness was removed from the statute book and I agree with that. But at the same time it has meant that there are a lot more drunken people in public places who are unable to look after themselves and are a nuisance to the community. I draw attention to clause 4 of this bill. This is where this legislation is going to be much more workable. I will read section 4: "Where a member of the police force has reasonable grounds for believing that a person is intoxicated with alcohol or a drug and that that person is in a public place or trespassing on private property and because of his intoxicated condition likely to commit an offence, use physical force against another person, cause damage to the property of another person, intimidate, alarm or cause substantial annoyance to another person, unreasonably disrupt the privacy of another person, cause bodily harm to himself

or expose himself to having an offence committed upon him or against him or be unable to adequately care for himself and is not likely to be adequately cared for by any other person".

I look forward to the community's assistance in the future. While we have no detoxification units in the Northern Territory at the moment, let us look at a more simple type of care unit; for want of another name call it a "sobering-up unit" where people in an intoxicated position can readily receive assistance until they are in a better condition.

Debate adjourned.

PHARMACY BILL

(Serial 61)

Bill presented and read a first time.

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

Amendments to the principal ordinance incorporated in the bill are sponsored by the Pharmacy Board of the Northern Territory and supported by the Department of Health. They are designed, firstly to remove unnecessary restrictions relating to eligibility for registration as a pharmacist and, secondly, to assist the board in supervising the operation of pharmacies.

The unnecessary restrictions are found in section 21 of the ordinance which requires an applicant for registration to be natural born or naturalised British subject, and in section 22, which required that person to be at least 21 years of age to qualify for registration. Honourable members will agree that these restrictions are unnecessary. The one relating to British citizenship is outdated. Qualifications obtained in the United States of America and several European countries are now recognised as being acceptable for registration in Australia. However, as the ordinance now stands, people with such qualifications are not eligible to apply for registration in the Northern Territory unless they first become a British subject. This anomaly needs to be rectified. The second restriction, relating to age, had relevance when the legal age of majority was 21 and it was necessary to ensure that a pharmacist had reached the age of majority. This provision has been made irrelevant by the reduction in the age of majority to 18 and it is simply not possible to qualify as a pharmacist before reaching that age. The bill therefore provides that all reference to age be deleted.

Clause 6 of the bill replaces the existing section 34 with a new section incorporating the requirement that the board be notified of the names of the registered pharmacists who may be in charge of each pharmacy at any time. The board has often found difficulty in establishing who is responsible for the conduct of individual pharmacies and the purpose of this amendment is to overcome this problem. The person in charge of a pharmacy at any particular time has certain responsibilities under the ordinance and the requirement for the board to be notified who that person is would assist the board in ensuring that these responsibilities are met. There are similar requirements in the corresponding legislation in Victoria, Western Australia and Queensland.

I do not think there is anything controversial in this bill. I believe it will assist the Pharmacy Board in administering the ordinance and indirectly will benefit the community at large.

Debate adjourned.

LOCAL COURTS BILL

(Serial 63)

Bill presented and read a first time.

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

The purpose of this bill is simply to extend the existing powers of a judge or magistrate in relation to the circumstances in which he may make an order concerning costs for an action brought before him. The bill repeals and restates section 116 of the principal ordinance. That section presently empowers a judge or magistrate to order a plaintiff to give security for costs if he is satisfied that the plaintiff is outside Australia at the commencement of the action or has left Australia before judgment is given. This power can protect a defendant from incurring costs of litigation which would not be met if the plaintiff were outside of Australia.

Paragraphs (a) and (b) of subsection (2) of proposed new section 116 to be inserted by the bill are in terms similar to existing section 116. The new section proposed to be inserted by this bill restates section 116 and breaks it into two subsections. The first gives the power to the judge or magistrate, the second gives the circumstances in which the power may be exercised. Subsection (1) provides that the judge or magistrate may order the plaintiff to give security for the costs of an action pending

before the court and may stay proceedings until the security is given. He may do this on application by the defendant. The right of application by the defendant has been inserted in this new provision. Subsection (2) provides the grounds on which such an order may be made. Paragraphs (a) and (b) are the existing grounds, of absence of the plaintiff from Australia. Paragraph (a) is new, providing a discretion to the court to require security for costs on grounds the judge or magistrate considers sufficient. Such a provision could provide protection for example against nuisance or capricious actions brought more for the embarrassment or inconvenience of the defendant rather than from a will by the plaintiff to continue the action. If the plaintiff drops the action, the defendant is left with all the costs incurred. This provision will allow the defendant to apply to the court for an order securing costs. If he can convince the court of the need for such an order, it has power to make such an order. If the plaintiff is sincere he can lodge a security, otherwise the action would be stayed. The purpose of the amendment is not to prevent an action being brought before the court. The court must be convinced that there are sufficient grounds before making such an order and the order is to merely ensure that costs, as determined by the court when hearing an action, are available.

This piece of legislation has originated from a committee that is advising and assisting me from the back bench of the Assembly and by which various pieces of legislation are now being reviewed. This particular piece of legislation was prepared initially on the instigation of the honourable member for Gillen and I commend him for the assistance which he has given. When this bill comes up for second reading debate at the next sittings in December, there is a possibility of an amendment being sponsored by the honourable member for Gillen which will strengthen the section.

Debate adjourned.

MOTOR VEHICLES BILL

(Serial 58)

Bill presented and read a first time.

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

This bill seeks to amend that section of the Motor Vehicle Ordinance relating to provisional licences. This particular section of the ordinance is somewhat inconsistent and I am trying to get some consistency into the legislation. Clause 4(1) amends section 10A(1)(c) so that a person who has his licence cancelled for a period less than 3 months will not revert to a provisional licence. A minimum period of disqualification or cancellation is suggested for the simple reason that a period of 3 months or more indicates that the penalty has been imposed for a more serious offence and therefore a new licence issued subsequent to disqualification should be provisional, in keeping with the intentions of the legislation. Magistrates have been known to disqualify a person from driving until the rising of the court, which under the existing provisions would mean that his licence must become provisional even though the period of disqualification may have been only a few minutes.

Clause 4(2) amends section 10A(2) by reducing the term of a provisional licence from two years to one year. The reduction of the terms is seen to be desirable as there seems to be no evidence to suggest that the term of the provisional licence has any great effect after the initial year. There is no consistency between states on this particular law. However, this amendment will bring the Northern Territory into line with New South Wales and Queensland. Clause 4(3) amends section 10A(4) by deleting reference to subsection (3A) which is non-existent. This is just a tidying up of the printing of the ordinance. Clause 4(4) amends section 10A(5) to enable more a realistic situation to prevail with regard to penalties for which a provisional driver can lose his licence. Under existing provisions of section 10A a provisional licensee can lose his licence for any offence against either the Motor Vehicles Ordinance or the Traffic Ordinance. This means for example that a provisional licensee could lose his driver's licence if convicted of an offence against section 6 of the Traffic Ordinance for walking without due care. Further, a simple parking offence could also attract the 3 months loss of licence. Under the new amendment the licence can be cancelled by the will of the court for any offence against the ordinance but it will not be automatic.

Debate adjourned.

STABILIZATION OF LAND PRICES BILL

(Serial 60)

Bill presented and read a first time.

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

This is a brand new piece of legislation, not an amendment to an existing ordinance. As all honourable members will recall, the Senate referred to this Assembly for its consideration the Northern Territory Stabilization of Land Prices Bill 1974 which had been previously passed by the House of Representatives. The Senate opposed the bill and considered that its provisions should be referred to this Assembly to consider proposals for a land price stabilization scheme for the Territory and requesting that any such scheme should protect the rights of private landholders and be on just terms. The matter was referred to a select committee of this Assembly which reported at our last sittings indicating the type of legislation necessary to establish such a scheme in the Territory under the laws of the Territory. This bill and the accompanying Land Acquisition Bill, a companion bill which I will introduce later, will establish such a scheme under Northern Territory law. At this stage I express my appreciation of the tremendous job the legislative draftsmen have done to have these bills prepared and ready for introduction at this sitting. They follow the guidelines which the select committee suggested and I again pay tribute to the work of the honourable member for Port Darwin as chairman and member of that committee in suggesting the kind of legislation which might be appropriate here.

The purpose of the bill is to provide a means for stabilizing land prices in areas of urban expansion in the Territory. The bill entails the declaration of an area that is considered to be required for urban purposes as an investigation area and during the period that that declaration is in force necessary examination may be made to determine its suitability. Subsequently, the land may be declared to be a development area and during the period of that declaration the owner may not, except at his own risk, carry out further development on land in this area except as approved by the Administrator. Where land is acquired in such areas for proposed urban purposes the quantum of compensation to be paid takes account of the value of the land at the date of the determination and a value factor of increase or decrease as determined by the Valuer-General. In its essential provisions this bill follows the pattern of the Northern Territory Stabilization of Land Prices Bill 1974 which was referred to this Assembly by the Senate. The most important difference between this bill and the federal bill is that the power to decide whether determinations shall be made and to make those determinations will be exercised in the Territory by a Territory Executive acting pursuant to a Territory law. The decisions will be made by the Administrator in Council and, for the purposes of this bill, that will mean the Administrator having received the advice of his council, and in accordance with that advice; I repeat "and in accordance with that advice". That will mean that the Administrator may act in this matter only in accordance with the advice of his council; he will not be able to act contrary to the council's advice.

The bill has also altered the provisions relating to the effective time of a determination by reducing that time in respect of an investigation area from two years to one year, and in respect of a development area from ten years to two years. This means that the maximum period land could be affected by such determination is reduced from the twelve years proposed in the original bill in the federal house to three years under this proposed legislation. I consider that is adequate time for investigations to be carried out and development plans prepared. It is unreasonable to subject land to such determinations for periods of up to twelve years. Essentially all development is frozen over that period. If, at the end of the period, it is decided not to proceed with the proposals, development could have been held up for all of that period. While compensation may be paid for losses suffered in that manner, I do not agree with any legislation that could hold up land development in the Territory for such long periods. We have observed in the case of at least one previous acquisition that unless some kind of time factor is applied the job can go on for long periods with very unsatisfactory results to some of the people affected.

The provisions relating to development which may be authorised while the land is subject to a determination have been simplified to enable easy application by an owner, together with a power to request further detail and a power of acceptance or rejection by the Administrator. The bill contains a right of compensation for landholders adversely affected by a determination, either by agreement or by action in a court of competent jurisdiction. Honourable members have already considered the principles of this

type of legislation when considering the federal bill referred to the Assembly by the Senate. I have indicated the major differences between the two bills and do not propose to traverse the whole bill clause by clause in detail but I commend the bill to honourable members for their own detailed examination.

Debate adjourned.

LANDS ACQUISITION BILL
(Serial 59)

Bill presented and read a first time.

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

This bill provides for the acquisition of land for a Territory purpose under an ordinance of the Northern Territory, not by a federal act as is the only means at present. It is not and could not be intended to replace the federal Lands Acquisition Act. The ordinance can, however, operate concurrently with the act. I would hope that when this bill passes and becomes law, the Federal Government will no longer use the Lands Acquisition Act for the purpose of acquiring land in the Territory. If and when there is such a need, the provisions of a Territory ordinance with the involvement of the elected representatives of the people of the Northern Territory should be used. Only when there is an irreconcilable conflict between the views of the Federal Government and the views of the people of the Territory should the use of the federal act be considered. That theme, that message is entirely consistent, as I mentioned yesterday in a different debate, with the principles and recommendations of the Joint Committee's report on Constitutional Development in the Northern Territory. I hope the need would never arise, but the means is there for the Federal Government to have its will should it require to do so.

This is an important piece of legislation by itself. However, at this time it is introduced as necessary legislation to enable the operation of the Land Price Stabilisation Bill which I introduced earlier. There needs to be a method of acquisition under Territory ordinance for the effective operation of that land price stabilisation legislation.

The bill follows the general principles of the federal Land Acquisition Act. It provides for the acquisition by agreement or by compulsory process of land required for a Territory purpose. The initiating authority for such action is the Administrator in Council. For the purposes of this bill and the Land Price Stabilization Bill, the Aministrator in Council again means the Administrator acting—and I stress this—"in accordance with the advice of his council". That means that the Administrator is only able in respect of this ordinance to act in accordance of the advice of his council; he is not able to approve a proposal that is not supported by the Administrator's Council. The bill provides that the Administrator in Council may authorise the acquisition of land by agreement for a public purpose approved by that council. Land so acquired is acquired by the Administrator on behalf of Australia. In such circumstances, the Administrator shall forward advice of the action to this Assembly for information. On the recommendation of the Administrator's Council, the Administrator may also authorise the acquisition of land by compulsory process for a Territory purpose before the Administrator's Council may so recommend. The owners must be informed of the proposal and invited to treat with the Administrator for the sale of their interests. After the expiry of the period for treating with the Administrator, he may publish in the Gazette a declaration of the acquisition of that land and the land is from that time vested in Australia, and the existing rights of all concerned persons are converted into a right of compensation. However, the Administrator shall have tabled in this Assembly a copy of each such gazettal and the power lies with the Assembly to pass a motion that the action is void and of no effect, and the land will then be deemed not to have been vested in Australia. If such action is taken, affected persons will have a right of compensation in respect of any loss or damage suffered, either by agreement or, if this is not possible, by court action; that is, action taken for acquisition by gazettal which is subsequently rejected by this Assembly. This type of provision is similar to the provision which exists in the Federal Parliament for the present Land Acquisition Act and which was in fact used by the Senate back in 1973, I believe it was, when they rejected the gazettal made by the then Minister for the Northern Territory under the Lands Acquisition Act. The first time round they rejected the gazettal. The bill empowers the court to make orders for the clearing or adjusting rights and liabilities in connection with land affected by an acquisition. The Administrator is required to serve notice after the acquisition to all owners and the Registrar-General shall register the

acquisition as a conveyance of land to Australia.

In the exercise of powers under the bill, the Administrator may authorise persons to enter and examine land to determine whether it is suitable for the proposed public purpose, and such persons may take what action is necessary; they may make surveys, sink pits, make roads, excavations etc. This power may also be exercised on adjoining land as necessary. Any owner of any interest in concerned land who suffers loss or damage as a result of the exercise of those powers has a right of compensation either by agreement or by court action.

The foregoing is a broad outline of the means by which the power to acquire land under a Territory ordinance would be exercised. The principles are not new. As I have mentioned in a couple of specific cases they largely follow those in the federal act, but have been amended to put the power under Territory control.

The remaining two-thirds of the bill is devoted to the methods of determining eligibility for compensation in respect of acquired land and the determination of the quantum of compensation. The alternatives of agreement between the owner of an interest in land and the Administrator, or, where such an agreement cannot be obtained, by court determination will continue. I draw the attention of members to clause 19 where the matters which shall be considered in determining the amount of compensation are listed. I also draw attention to clause 25, which ensures that compensation will be on just terms. Particular provisions are inserted to safeguard persons under particular legal disabilities, and the rights are also secured of a mortgagor and a mortgagee.

I will not waste the time of the Assembly by attempting to traverse these detailed provisions. The principles are not novel but are necessary to ensure that the rights and liablilities of all parties are fully detailed and protected. As I explained in my opening remarks, this bill by itself is an important piece of legislation for the Territory; it provides a means for ensuring that the decisions regarding the acquisition of land are made in the Territory by persons interested in and knowledgeable about Territory affairs. It is an indication that this fully elected Assembly is prepared to accept local responsibilities, and again one will recall that in the Joint Committee report urban land was an area designated for acceptance of local responsibility by a Territory Executive. But for the present exercise this bill is necessary to enable the operation of the Land Price Stabilisation Bill, and I regretfully inform members that neither this bill nor the Land Price Stabilisation Bill can operate effectively as things stand at present. That is my understanding of the legal advice that I have received.

Section 9(2) of the Northern Territory (Administration) Act provides that, and I quote from the section: "The application of the Lands Acquisition Act 1955 in relation to land in the Northern Territory does not prevent or affect the making or operation of a provision of an ordinance or other law of the Territory for or in relation to the resumption of land held under leases granted by or on behalf of the Crown or the Commonwealth in accordance with the provision of those leases or otherwise on just terms". At the very least, that provision throws doubt on the ability of the Assembly to make laws for the acquisition of freehold land in the Territory. I think it must be accepted as preventing such action. Accordingly, we would only be able to make laws of the Territory relating to the acquisition of leasehold land. We have no power, as I am advised, to make such laws in respect of freehold land. Such a restriction is unacceptable when related solely to the question of land acquisition in the Territory. I consider, and I am sure that all honourable members share my view, that land acquisition in the Territory is a proper matter to be considered and determined in the Territory. To restrict Territory consideration to leasehold land only is not acceptable to us, and when considered further against the proposal to establish a land price stabilisation scheme in the Territory such a restriction indeed makes nonsense of the proposal. Land price stabilisation legislation, a land price stabilisation scheme and administration, if needed, would be needed in areas of urban expansion, town development, out from Darwin, Alice Springs and other towns, or in new town areas. It is in the areas of urban expansion, particularly in the Darwin situation, that areas of freehold land are concentrated. If we were to be restricted to a power to acquire leasehold only, then a Territory land price stabilisation ordinance could operate only in respect of that leasehold. Any freehold land in the area would have to be dealt with by acquisition under the federal

Land Acquisition Act and would not be subject to control under a Territory land price stabilisation ordinance.

The Government wants a land price stabilisation scheme for the Territory and thanks to the action of the Senate in referring the proposals to make such a scheme by federal act back to us, we are now able to submit proposals for such a scheme under Territory law. But the provisions of section 9(2) of the Northern Territory (Administration) Act appear to prevent the making of Territory legislation which could properly implement such a scheme. I cannot see any valid reason why the law-making power of this Assembly should be so circumscribed, and I call on the Federal Government to take urgent action to have the Northern Territory (Administration) Act amended so that this unreasonable restriction on the legislative powers of this Assembly are removed. I have already called on the Australian Government to make certain other amendments to the Northern Territory (Administration) Act which are necessary in relation to the operation of the Administrator's Council and which are necessary to the operation of other legislation which has been discussed here. This is one further amendment and if they do the job properly they could put them all through at the one time and serve several purposes.

For that reason, although I commend this bill to honourable members, it must be appreciated that we cannot proceed to the full passage of this bill at this time and as I have indicated we must wait action by the Government to amend the Northern Territory (Administration) Act so that this bill may be passed, become law and operate effectively. The main point about having it here today is that, first of all, it completes the final step that we can take in the action that followed on from the referral back to this Assembly by the Senate. We examined that referral in this Assembly. We set up a select committee. The select committee met quickly and prepared its report. We accepted that report which I presume was transmitted to the Federal Parliament so that they could follow the action taking place here. That report suggested certain lines of legislation which could be laid down to give effect to land price stabilisation and give effect to land acquisition within the Territory under the Territory law. I read into the original motion of the Senate that this is the type of approach they were looking for. Now this legislation has been drafted, in keeping with the spirit of that House and in keeping with the spirit of the select committee's report and I think in terms of the spirit of what all members of this Assembly and the people of the Northern Territory would agree with, it will be possible for us to transmit the terms of this legislation, which has been introduced today, to both houses of Federal Parliament, both to the Government and the Opposition, so that they can see the full extent of the thought that has been given to handling this problem in a Territory way which would not cut across or take away from the final authority which the Australian Government at present holds.

This means that the ball is well and truly back in the court of the Federal Government, of the Minister for the Northern Territory, the Cabinet, to seriously examine the constructive proposals contained in these two pieces of legislation that I have introduced and spoken to this morning, to see that the proposition is reasonable and to go ahead with the necessary amendments to the Northern Territory (Administration) Act so that all doubt will be removed about the power of this legislation and it can become law and operate for the benefit of the people of the Northern Territory in their interests and in the interests of the future development of this region.

Debate adjourned.

LOCAL GOVERNMENT BILL

(Serial 56)

Bill presented and read a first time.

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

The purpose of the bill is to amend the Local Government Ordinance to allow fines for parking offences to be increased from $4 to $5. A letter has been sent to the Executive of the Legislative Assembly from the Corporation of the City of Darwin addressed to the person responsible for local government and reads as follows: "Dear Sir, Amendment to Local Government Ordinance Section 354A(6)(g). This corporation passed the following resolution at its general meeting on 30 July 1975: 'That it be requested that the Local Government Ordinance be amended to provide for a $5 penalty for traffic offences in lieu of the present penalty of $4, referring to section 354A of the Local Government Ordinance'." This letter was received on 5 August, the matter was discussed by the Executive and there was general concurrence with the

request. However, the matter was looked at and considered for some considerable time in respect of rising costs these days and so on. It was also looked at to see whether local government penalties should be rigidly controlled or whether there should be an upper limit so that local government in the Northern Territory could fix its own penalties within a certain level. These matters were looked at quite considerably as it was felt that, in line with the general policy of the local government legislation, the matter of penalties for traffic offences should be fixed at a firm figure rather than giving a maximum level. It was felt that if local government was given a maximum level of, say, $10, the Assembly would have no control over it and it could well be that fines could be increased rather dramatically. However, looking at the situation now, we see an increase of some 25 per cent which these days I suppose is quite a big increase but when one considers the costs that are being experienced by the Northern Territory community these days, particularly in local government, one would have to go along with that request.

I am more familiar with Alice Springs but I have some knowledge of the Darwin situation. The increase to local government now is getting very expensive and local government is suffering and under considerable hardship with the result we are now seeing year by year a rapid increase in the rates to cover the tremendous increases in costs, so I think it is a reasonable thing that if we are going to have traffic penalties in the Northern Territory then that section should be made economic, the funds derived from fines should keep that section going rather than the ratepayer as a whole being charged for the increased cost. We have looked at the matter carefully. A case has been put forward from traffic fines being increased from $4 to $5 and so we have concurred with it.

Dr LETTS: I support the bill. I recall that in the Legislative Council, when the last rise was effected to parking fines, there was a prolonged and somewhat bitter debate on this subject which, after all, is a fairly simple matter. One has to draw a balanced judgment between the effect of inflation generally in the community, the parking problems, the needs of the public in an area, and of course the penalty on the individual which is imposed by any sort of fine such as this.

It was true in the past, when we effected the last rise, that the parking fine was virtually no deterrent at all and there were businessmen in this town who were known to park their vehicles all day long in a limited parking area and pay the very small fine and say, "It's cheap and convenient for me to have my car waiting out there and the couple of dollars a day that I get fined add up over a week to a very small amount; I'll take that off on income tax anyway". I don't believe the system was working and the fines met it. We did shift it up on the basis of that kind of argument before and, since we made the last move, certainly the inflation rates in themselves would account for the extra dollar which is now proposed by the Executive Member for Finance and Law.

I do raise one or two queries or comments or doubts about the way the parking system is being administered in Darwin at the moment. Most of us I suppose from time to time, come into confrontation with the parking system and the inspectors and it happened to me not too long ago. I was somewhat surprised to see on this occasion that a motor cycle patrol officer was being used to make an extensive tour of a couple of suburbs looking for parking infringements. No doubt if you travel around Darwin in the suburbs these days, in the residential areas as distinct from the central business area, you will find hundreds and hundreds of parking infringements. There are some people who still cannot park comfortably in their yard areas because of the destruction there. You will find a lot of people parking perhaps partly on the footpath or somewhere which is doubtful. Some allowance has to be made for this situation until more restoration is effected. Certainly I am puzzled to find that when we are constantly being told there is a short-fall in the number of policemen available for important regulatory enforcement duty and patrol work, a short-fall below the establishment level and there has been a tight reign put on any increase in the numbers in the force, that policemen are being used for extended patrols on suburban parking offences. It is somewhat of a surpirse to me and I ask the authorities to think about it again if they really want to establish their case for needing more police officers. I do not think it really is a proper function for the police force to do this kind of thing.

Finally, whilst supporting the bill, I have a query which the honourable member might be able to satisfy me on when he replies. I

have not checked this against the principal ordinance but I see that the section which deals with lifting the penalty from $4 to $5 has a side-note that says "Proof of parking offences". There does not seem to be any relationship between the substance of the amendment and the sidenote but it possibly is in order. I just ask him to make sure that he does check that.

Debate adjourned.

LANDLORD AND TENANT (CONTROL OF RENTS) BILL

(Serial 62)

Bill presented and read a first time.

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

The original Landlord and Tenant (Control of Rents) Ordinance was post-war legislation prepared in a totally different economic climate to that of the early and mid-seventies. There is no record of the introduction of the original ordinance because it was introduced at a time when the meetings of the Legislative Council were not recorded.

Section 32(2) of the ordinance states: "During such period as is specified in the determination or if no period is so specified, during the period commencing with the date of the determination and ending 12 months after that date, an application shall not be made to vary the determination or to determine the fair rent of prescribed premises, or of prescribed premises together with goods leased therewith, in respect of which the determination has been made, nor shall the Controller vary a determination of his own motion——" There are exceptions to that particular provision; for example, where an error or omission has been occasion or when incorrect estimates of value to the premises and so forth are taken into consideration.

This bill seeks to change this period from 12 months to 6 months. A considerable number of people apparently have been disadvantaged by the present restrictions in that they simply cannot re-apply within a 12 month period for a new determination. Costs, we all know, are rapidly spiralling; for example rates and other expenditures incurred by these people are becoming prohibitive. Rapidly rising wages, on the other hand, are totally out of hand; they leave the owner of the premises unable to do anything to recoup his losses and outlay. It has been suggested in some areas that since 1973 investment has been discouraged in the area of rented premises. A change in the period of restriction from determination to determination from 12 months to 6 months is recognising the current economic situation of rapid change and inflation in which we live.

Debate adjourned.

MOTION

Petition to the Houses of the Federal Parliament

Dr LETTS: This petition has been tabled for a couple of days and everybody has had the opportunity to have a look at it. It is a grievance petition, bringing to the notice of the Federal Parliament in both Houses the grievances of the people of the Northern Territory through their elected representatives in this Assembly. It is not the first time that this type of subject has been the subject of complaint by the local legislature and I suppose it will not be the last time.

On Saturday, we will see, Mr Speaker, the 12 months anniversary of the election of the first fully-elected legislature in this Territory. We saw the birth of a democratic progeny which came into being with a certain amount of pride from the Mother Parliament and the Government which brought about the necessary enactment to create the new legislature, but it is unfortunate that the child, since that time, has been subject to insufferable neglect and malnutrition, starvation. Throughout the 12 months during which this has taken place, we have been quite patient. We have been reasonable. We have at time expressed a concern that things might be happening a little more quickly but generally we have been pretty restrained about the whole business. But if after 12 months we have got nowhere, I think it is time to wake up and start to become a little noisier and a little more active. The petition is somewhat longer than a normal petition but it was considered to be necessary to make it a little longer to tell the essential features of the story, to provide the necessary examples and illustrations. The petition is largely a series of statements of fact and I hope that the Parliament will find the language sufficiently temperate to be acceptable, where in a previous remonstrance this apparently was not the case.

What the petition says in general terms is that the will of the Federal Parliament is being obstructed and the wish of the people of the Northern Territory to have a greater say

in their own affairs and their decisions are being ignored. The will of the Parliament was expressed in the setting up of the Joint Parliamentary Committee 2 years ago, and in the terms of reference which were given to that committee. The results of the work of the committee have been available for 11 months and the review of their earlier work has been available for nearly 5 months. On 17 June this year, I received a letter from the Minister for the Northern Territory in response to a letter which I had sent to him about constitutional development. He said: "The report of the second inquiry by the Joint Committee on the Northern Territory, as you know, was tabled in Parliament on the 28 May. For my part, it will now be necessary to seek the Government's approval to the several recommendations contained in the 2 reports and I assure you that this will be done as quickly as possible". That was on the 17 June. So far we haven't had, as I say on the bottom of the first page of the petition, a statement of attitude to the report; the Federal Parliament hasn't had a statement from the Government or the Minister to that effect, nor has the Federal Parliament had the opportunity for debating the report to say whether it is good, bad, accepted or rejected in part or in whole. So we still sit around, after 12 months, twiddling our thumbs.

Why hasn't the attitude been stated by the Minister and the Government, and why hasn't the opportunity for debate, acceptance or otherwise been provided by the Federal Parliament? The grape vine tells us—and I have no reason to disbelieve this—that the report has been referred to one of those infamous creations of modern bureaucracy and executive government, an interdepartmental committee, on which all the chiefs of the numerous departments who have an interest and an empire in the Northern Territory are represented. They have been sitting around for some weeks now trying to decide what to do with this report, what to advise the Minister, what to advise Cabinet and unable to agree amongst themselves. One thing would be certain, they would be very jealous of their empires and this question that any part of it might be shared with people of the Northern Territory. How long is this frustration of the will of the Federal Parliament to go on? I don't know, but if this petition can shorten that time, bring it to the notice of the Parliament, the people of Australia, the people of the Territory, I believe that something like this is the least that we can do as the properly elected representatives of the people of the Northern Territory, standing, as I hope we do, united on this question as we have been in the past.

In referring to the Joint Committee's report on page 2 of the petition, out of the 21 recommendations which I have grouped under various subject headings, I have selected particularly the couple of recommendations dealing with legislative responsibility as a special area for grievance; recommendation 5 which said that the Legislative Assembly should continue to have power to legislate in all state-type matters and that the overriding power suggested for the Federal Government be used only after the Assembly has failed to pass, after consultation, in a form acceptable to the Australian Government, Australian Government sponsored legislation; and recommendation 6, that all state-type matters which are defined in the report, the executive responsibility of the Australian Government at least for the time being, be introduced into the Legislative Assembly. I have listed some examples—but the list is by no means comprehensive—of these state-type matters which this principle and this recommendation have ignored. I have used the word "enact" but I possibly used it in a slightly loose sense here. The items that are referred to in that group are items that have been enacted and passed and commenced in some cases, are matters which are the subject of enactment in other cases, and some which it is public knowledge by virtue of public statements of ministers that the intention of the Government is to act in these fields in the near future. The list is by no means exhaustive and could be added to considerably by taking extracts from ministerial statements including those of the Attorney-General as to the kind of things in which he feels the Federal Parliament will include in a legislative program over the next year or so for the Northern Territory. And it is a pretty long and frightening list.

In this area where we have had trouble before and which we have debated before, today has produced the final insult. If the information I have received this morning is true, it is quite possible that even now, almost right at this time, the Aboriginal land legislation is being introduced in the Federal House, and I know that it is true that there are no copies available for the members of this Assembly. The head office of the department

concerned in Darwin hasn't got an up-to-date copy of what is being introduced into the Federal House so that we could work from that.

Mrs Lawrie: Is that confirmed?

Dr LETTS: That is confirmed. This is a final insult to this legislature and the people of the Northern Territory in the matter of bypassing us in legislation of vital concern to every person, man, woman and child, who lives in this Territory. I don't think that there has ever been legislation, from what I have been able to glean in advance, that could be of greater concern and more divisive between the people of the Territory and also of concern to Aboriginal people as well as to non-Aboriginal people in the Northern Territory. I think it is disgraceful—to use the in-word, reprehensible—that the Government, the Minister or the department hasn't thought more of the people of the Northern Territory and their elected representatives to treat us that way in a piece of legislation which is directly directed at this Territory.

We know the story on the withholding of assent. We know in particular what happened in regard to the Cyclone Disaster Emergency Ordinance. It is unnecessary to canvass that at any length except to say that I believe it is politically unethical and immoral, by refusing assent to a part of a section of a piece of legislation properly passed by a legislature, to completely reverse the sense and the intention of that legislation in that form. I would like the members of Federal Parliament who probably have never perfectly understood what happened in that respect to be better informed on that matter. The question of the by-passing of our proper legislative role by administrative arrangement orders is mentioned and that subject has already been the basis of another debate in this Assembly.

Moving on to another part of the petition dealing with the recommendation in the Joint Committee's report on the Northern Territory Public Service, we find that the committee recommended that a Northern Territory administration be created, comprising the existing Northern Territory Public Service and those officers of the Australian Public Service engaged in the functions to be transferred to the control of the Territory Executive. This is what has happened in this respect, a further extension of the whole sad and sorry story. On 4 December last year, 1974, in response to earlier discussions and some earlier correspondence, I wrote a letter to the then permanent head of the Department of the Northern Territory setting out the requirements for a modest organisational staff proposal to service the executive of the new fully-elected Assembly. While this matter was under consideration by the Minister, we were going ahead here, proposing legislation to provide a framework for the expansion of the Northern Territory Public Service, the build-up of this Northern Territory administration envisaged by the committee. At that time, we were offered a temporary help out, because it was only considered it would be a short time, perhaps a few weeks, before the fate of this organisation proposal would be determined, we were offered temporary help, the secondment of 2 senior officers from the Department of Northern Territory to help get the show on road. With the advent of Cyclone Tracy, however, one of these officers was required to remain with the department to undertake work connected with the post-cyclone period, which I did not begrudge. But when he returned, when he was no longer required for the work on the Reconstruction Commission, there was no suggestion, no indication, no encouragement, despite several requests, that his services might again be made available on a secondment basis. Despite reminders on 30 January about the organisation proposals and further requests on 7 February, and after all this time, the organisation proposals have still not been advanced one whit.

We did receive renewed hope in April when a senior officer of the department wrote to me saying: "I am writing at the Minister's request to confirm the arrangements agreed for the provision of secretarial, administrative and advisory support to you and the other executive members of the Legislative Assembly". I was invited to go ahead and advertise the positions in accordance with this letter and I did. I had numerous applications, something like 140 people replied and I have been busy ever since, writing to them and trying to explain what the hell has happened. After that letter—and I would be quite happy to have that letter tabled and circulated—what has happened since? I regard it as one of the greatest breaches of faith in the whole of this sad and sorry story. The fact is that the Prime Minister's Department has decided that there had to be staff restrictions; they have bought into the story and knocked it on the head. The latest letter in this long chapter of correspondence on this matter comes to me from the Minister, Dr Patterson, telling me that the

Prime Minister's Department wants a review, a curtailment, of the 19 original positions asked for, including 7 secretarial or typist positions and will I come back, start again as from now and come back with a fresh proposal? After 12 months, we have to start at square one again and we still have one seconded staff member. It is an incredible story. When you read it in the light of recomendation 23 of the Joint Committee's report, that the Australian Government should co-operate fully with the Territory Executive in the provision of required services on an agency basis, you will see just how much notice they have taken of their own Joint Parliamentary Committee.

In the penultimate part of the petition we say: "The decision of the Government to remove senior officers of the Department of Northern Australia, from Darwin to Canberra has reversed the trend towards local responsibility in the administration of the Territory and restored the old concept of the Territory as a colonial outpost of Canberra". I would need to do no more, Mr Speaker, by way of a perfect illustration of the result of this transfer, than to give you this letter, by way of example. On July 29, I wrote to the permanent head of the Department of Northern Australia, as it is now called—and this I think was partly prompted by some questions from the honourable member for Nightcliff and various other people as to what was happening about these departmental transfers. "It would be appreciated if you could furnish me with a list of staff positions and personnel who will be involved in the transfer of sections of the Department of Northern Australia to Canberra and Brisbane. Could you also suggest how I could obtain details of temporary staff relocations of other departments which have functional units in Darwin." That letter was sent on July 29, Mr Speaker, and it has never been acknowledged, let alone answered. I know that there is a copy of it in the Department of Northern Australia, that much has been admitted, but after 3 months I cannot get an acknowledgement of a letter on that particular subject. This is a straight reflection of what happens when you start to take the administrative control headquarters away from where the action is and put them 2000 miles somewhere else at the mercy of telephones, telexes and all the new-fangled modern inventions.

I suggest that the action which has been taken, and is being taken, is in direct contravention of the recommendations of the task force as I read them out yesterday. I repeat the particular one which interested me: "If our proposals are adopted there would be more senior officers appointed in regions but not nearly as many as should be saved on head office establishments. Doing a job away from the facts and the action tends to be more expensive, duplicates activity and adds to the reviewing staff". Apart from the kind of thing I have just mentioned, we have seen how delays in the payment of carry-on finance in the pastoral industry and in 101 other ways in the community have come about because of this fragmentation, this split-up of the department, and I find it difficult to believe that there will not be further transfers of heavies to Canberra and consequent loss of efficiency, a loss of speed and accuracy, in the decision-making process which will affect all the people of the Northern Territory. The ideas in the petition, the words of the petition, can be justified over and over again. It is an attempt to crystallise the problem that we have and bring it to the notice of the only body who can do anything to help us, and that is the Australian Parliament.

The other part of the motion, suggests a petition in these terms should be addressed to the respective houses of parliament, and the question then is what the means of achieving the address and the most effective follow-up action will be. In part (b) of the motion the suggestion is that, in the case of the House of Representatives, a copy of the petition would be presented by the honourable member for the Northern Territory, whoever that may be at the time. This is consistent with, as I understand it, the way previous documentation of this sort has been presented to that House. I think that in the case of the Remonstrance it was the honourable member for the Northern Territory at that time who sought to have the matter of the Remonstrance admitted to debate, even though he was at that time also a member of the Opposition. I think that is consistent with our past practice, and a reasonable way to approach getting it into the Reps. As far as the Senate is concerned, I have had to use fairly loose and general phraseology in approach there, probably advisedly in view of the events of the last couple of days. I have used the word "suitable senator", Mr Speaker, so that you may approach a suitable senator and request him to present a copy of

the petiton to the Senate. I have not attempted to identify specifically who that might be. It could be that within a fairly short space of time the composition of the Senate might be considerably changed and whoever we might regard as an ideal person now may not be there in the not too distant future, but——

Mrs Lawrie: Steele Hall is a good bloke.

Dr LETTS: He is one of the possibilities that should certainly be seriously considered. There is also, perhaps Senator Ivor Greenwood, who was a member of the negotiating team on a previous occasion when a representative delegation from the former Legislative Council went to Canberra and had negotiations with the Minister of the day. He was one of the people on the other side of the negotiating table and therefore probably has some understanding of the events of the past, the representations of the past, and, we would hope, of the situation of the Northern Territory. I have not attempted to tie you down to a specific person. Other people may have other ideas which they would care to bring forward.

In order to bring our grievances and our problem in relation to development of responsible government more clearly home to the parliament and the Australian people, I have suggested the rather unusual step of suitable members from this Assembly taking the initiative to appear before the bar of the Senate to develop the theme contained in this position and to be prepared to answer any questions and cross examination relating to the constitutional development of the Northern Territory, past history and future aspirations. In suggesting the compostion of that delegation, Mr Speaker, I have named you as the symbolic and titular head of this Assembly. I have named myself as the leader of this particular group on this side and, on the other side of the house, I have suggested the honourable member for Port Darwin as a man who has been associated with the laws and constitutional development in the Territory longer than anybody else in this Assembly and a man whom I regard as extremely knowledgeable and fair in this field. I am quite sure that he will have widespread support and I am quite sure that, faced with the cross-fire and the barrage that may come forward at the bar, he would acquit himself with distinction on behalf of the people of the Northern Territory.

It is extremely uncomfortable standing here talking in this heat with the fans off and trying to decipher my few notes in the dark. I will conclude now by commending the petition and the proposed action as set out in the motion.

Mr TUXWORTH: I rise to support the petition that representatives from this House should go to Canberra to appear before both houses and try to ascertain exactly what the Government's intention is with regard to the constitutional development of the Northern Territory. The constitutional development in the Northern Territory at the moment is no less than a charade. What concerns me is whether it is a charade by intent or default. If it is a charade by intent, then we have had the wool pulled over our eyes, we have been lied to and we have been conned. I would hate to think that ministers and two houses of parliament would be a party to such an action.

On the other hand, I find it hard to understand that the failure to progress with constitutional development in this house has happened by default. We have had no trouble building the octopus across the road which is going to consume a hundred million dollars this year and has thousands working for it. There does not seem to be any relationship between what it spends and what it turns out. It is constantly under question. In this House, we have a body of men and women who have been elected by people from all over the Territory to assume the position in the Territory that was promised by the government and by Dr Patterson campaigning on behalf of the government for his party. He promised that there would be constitutional reform and that there was other consideration that could be given to the Government's intention in relation to this matter.

No one has satisfactorily answered the questions that have been asked in this House in the last 12 months: why don't we get answers to mail, why don't we get constitutional development, where is the office space, where is the support staff, etc? The situation has reached the stage where it has brought into question the honour and integrity of two houses of parliament both of whom were party to the Joint Parliamentary Report on constitutional development. It has brought into the question the actual political philosophy of the government of the day; do they say what they mean or do they mean what they say or can't you believe anything? Associated with this we have the question of

the integrity of the people themselves as individuals. What sort of people are they who become involved in this sort of machination or deception?

I cannot relate the stated objective to the activities and the results that we have seen and achieved in this House. It is not just us; this is an Australian-wide problem. During the early part of the afternoon, I was trying to consider some of the other areas where we have the same sort of deception being handed out to people. We have a government and a minister who is saying that they believe in constitutional development, yet, on the other hand, we have a parade of ministers coming through the Northern Territory, meeting with the executive and members of their own party, and they say: "Oh yes, but I am a centralist, I do not believe in any of this drivel anyway. It is just not my style." If you want to run through the numbers in caucus, there would be the numbers in support of constitutional development.

What do they mean? "We want constitutional development but are all centralists and we are not going to have it. We believe the Northern Territory should be a local government outpost for ever and ever and besides it is the only bit of land we have left to play with in this whole damn world and we are not going to give it up." We can apply for Senate representation. We have heard often from both parties that the Northern Territory will one day be a state and it will have Senate representation. Both parties are prepared to concede that this representation should not be delayed any longer than necessary and that Senate representation should press ahead. When we had the referendum on Senate representation we were tied to the ACT, a territory that will probably never be a state and, as some constitutionalists would argue, could never be entitled to Senate representation. However, that is another argument. If they believe that we are entitled to it, why were we tied to the ACT vote in the first place? Were they trying to get representation for the ACT on our back or perhaps were they trying to maintain their attitude of the majority in the Senate.

We have a policy statement and a stated objective in relation to mineral development that the country would progress from its state at the change of government to a greater era of prosperity and Australian ownership. As regards Arnhem Land, not only can people not do anything there, they cannot get answers to questions, they cannot get consultation with the minister and no one wants to know anything there, they cannot get answers to questions, they cannot get consultation with the minister and no one wants to know anything about anything. Another small operation at Frances Creek was forced to the wall by a policy that need not have been implemented if there was any real desire to keep the project alive in the short term. What do they say, why do they say it and what do they mean when they say it? We have heard the old cry of Australian ownership—buy back the farms, get the multinationals out, preserve Australia for Australia. The only thing that we have bought back in the last 3 years is the 48% Australian shares that was held in CRA at Mary Kathleen at a tune of $34m. We have not bought back anything else. What are they on about? They have not offered to buy anything else.

It has already been mentioned by the Majority Leader that legislation has been introduced into the federal house regularly relating to the Northern Territory, legislation that could be drafted and enacted in the Northern Territory. Why don't they do it? We have come to agreement on most legislation in the last 9 months; there has not been very much that we have disagreed violently about and that has not succeeded in one way or another. Why would we have to keep the Aboriginal Land Bill quiet for 5 or 6 months unless there is something devious, sinister and oppressive about it? That is the first question that leaps into people's minds.

We have policies carried out in the Northern Territory and I mention one in particular. These Aboriginal policies are not enacted in any statement anywhere else. They are not espoused by the various members of parliament in the other states but they are carried out here at great expense to the nation, a great waste of money and as a form of planned genocide.

I find it very difficult to relate what the government means when it says anything. It has obviously gone to a lot of trouble to state its case in relation to constitutional development. In fact, it has two reports on it so that it could be sure the first one was not wrong and they had not given too much away. The second report was the same as the first one. If they mean to transfer the powers as they say, what is the hold up? I am beginning to think that the charade that we are involved in at the

moment is one of intent and not default because there is no other explanation for it.

Mr WITHNALL: I cannot resist the opportunity to answer the honourable member for Barkly by saying that when a government says something it means nothing. That has been my experience ever since I have been concerned with the operations of government in the Northern Territory. You cannot take anything about it as being certain, as being a proposal for the future or even as a statement of fact about the past.

I rise to speak on this subject with a great sense of weariness and frankly I am very sick at heart. I would hate to count the number of times I have stood in this chamber to speak upon matters concerning the form of the constitutional advancement of the Northern Territory and the government attitude to that advance. I was minded to find out when I first spoke on this. I have the speech that I made on 7 November 1957.

Mr Kilgariff: You looked much younger then.

Mr WITHNALL: I was probably looking much younger but I was almost as intelligent then as I am now.

I refer to Hansard of that year page 382. In introducing a speech concerning the constitutional reform of the Northern Territory, I said this:

> In examining the present forms of government in the Northern Territory and the framework within which the administration of the Northern Territory operates, the committee came to the conclusion that the present arrangements are in fact both insufficient and inefficient. The effect of the final control and in many respects a good deal of immediate and detailed control being placed in officers and persons resident so far away as the Australian National capital is of itself something which must inevitably tend to inefficiency. However benign a distant administration may be the mere physical fact of its separation from the place and the people it is administering must inevitably lead to inefficiency in administration. It was with this in mind that the committee concluded that the first essential step in the progress of the Northern Territory from its present state to eventual self-government is the localising of executive and administrative power and for that purpose the establishment of an executive council.

That was eighteen years ago and we are still today complaining about the failure to establish an executive council. I could refer honourable members to speeches that I made in 1959, 1960, 1961 and 1962 and throughout all those years. I have hammered the point all the way along the line that executive authority is the essential thing if the Northern Territory is to progress in a political way. I may suggest that there were people in 1957 who did not agree with me. They thought that a fully elected legislature ought to be placed in front of the creation of the executive body. Curiously enough, they have been successful and I have not because we do have a fully elected legislature but we do not have any executive body.

In supporting this motion, I could repeat everything that I have said before. Frankly, I think I have advanced all the propositions why the executive control of local affairs should be handed over to a local executive in the Northern Territory. This motion proposes that we petition the houses of parliament. We did that before but I guess we can do it again. It was an ineffective exercise then and, having regard to the entrenched position of the public service and the general inactivity of the ministers in the Commonwealth Government, it will be ineffective this time. That is the point that I do want to make. So far as the Commonwealth Government is concerned the Northern Territory is something that is just there. It gets nasty at times and certain difficulties arise like Legislative Councils and Legislative Assemblies being nasty and making noises. Sometimes it has troubles with cyclones but it is just something "we ought to really just keep by ourselves because it is the play-thing of the public service and we cannot possibly destroy that situation."

Whenever a proposition comes before Cabinet about executive control for the Northern Territory, the Cabinet says: "Let us get this down to an interdepartmental committee." An interdepartmental committee is the greatest bastard of a creation I have heard of. It simply means that every department is concerned to sit down and carve it up for themselves without any consideration at all to the real problem they supposed to deal with—how much should be given to somebody else. This is exactly what is happening in the interdepartmental committee of the Northern Territory.

The guidelines were provided by the Joint Parliamentary Committee but they have been completely ignored. We have not had a minister, a cabinet in this or the last government who was prepared to say: "This is what I am going to do; to hell with your departmental committees!" No cabinet either in a Liberal government, a Liberal Country Party government or in the Labor government has ever said that. Let the interdepartmental committees consider it and the interdepartmental

committees will carve up the chicken among themselves. That is all they are ever going to do.

I do support the motion but I support it with a sense of impending frustration because every motion and every proposition coming out of this Chamber has been met with frustration. I will be glad to appear before the Senate. I will be glad to answer some of the questions and hopefully to find in those questions some opportunity of placing the views that I have and I know most honourable members have. However, it is with a pretty sad heart that I rise to speak and it is with no great hopes that I will attend before the Senate because I know that the public service of the Commonwealth of Australia is determined to frustrate any change at all in the exercise of executive function in the Northern Territory. They intend to frustrate it, they will frustrate it and, in this government, in the last government and I suppose in the next government you will not have a minister game enough to say "I am sorry about that old chap, but this is what I will do because I think the Northern Territory needs some local executive control." I hope it happens but, after 18 years of experience, I fear it will not.

Mr KENTISH: I support the motion and I pay tribute to the Majority Leader for his courage and doggedness in keeping on with this subject. I too feel a sense of futility and frustration such as the member for Port Darwin has mentioned he feels on this matter, but he is still plugging away.

The member for Barkly asked several times why they do not simply do it instead of talking about it for 2 or 3 years. A year ago at election time, there was a beautiful picture of Mr Whitlam on the front page of a paper called the Northern Territory Times which was brought out especially for the election. There was a picture of Mr Whitlam and the big heading, "Let us make the Assembly work." As far as I can see, everything has moved in the opposite direction. We are being led to believe steps are being taken to make the Assembly work and there may even be a few people who believe these steps are genuine. I am perhaps one who is sceptical on this point. In fact, I have never had any illusions in the last three years that the federal government would transfer to the Northern Territory Legislative Assembly powers and functions which they are attempting to strip from the states. I have stated this more than once in this chamber. It is illogical to assume that the federal government would confer on this Assembly powers that they were attempting to strip from the states.

What I have stated about these things is recorded in Hansard. It is recorded in Hansard that I mentioned that the great day of the fully elected Assembly would dawn and there would be the great occasion of the handing over of the key of coming of age to the Legislative Assembly. This has been a sort of an anticlimax; it has never really arrived. I did state that when that day arrives, we would be like people waiting for a fine new butcher's shop to open. The key would be given to us and we would go inside and find that all the shelves had been stripped, all the fillet and rump steak would be gone and the only thing left for us might be a bit of tripe. You will find that in Hansard if you look carefully. We can see that the shelves are being stripped one after another. When the day of this wonderful autonomy arrives, there will be nothing left.

Executive control of the police was to be given without argument to the new Assembly. It is nearly a year since the Minister Dr Patterson was polishing up the fire engines. He got them especially checked over 12 months ago, ready for handover to the Assembly; I think they problably have got a bit dull again since then but nevertheless he must have been pulled in with this nonsense about him giving over executive authority to this Assembly. I would prefer to believe that the Minister Dr Patterson has been genuinely led up a garden path himself on this matter. I have never had any illusions about it and I have stated so in Hansard several times.

The Federal Government's many movements allegedly in preparation for transfer of powers have in fact been a series of clever subterfuges aimed at delaying this transfer of powers. It has not been preparation but delay. As far as I can see, while the present government is in power, this delay will continue indefinitely. Why would the Federal Government wish to delay this transfer of powers? The answer is obvious: the cupboard is gradually being stripped bare. The whole position has been utterly confused by amalgamating the Northern Territory with the top half of Queensland and Western Australia. This could be a very good excuse as to why the Territory cannot be separated out for single executive authority. We see that the stage is being set not to prepare the Northern Territory for a transfer of powers but to make such

a transfer of powers practically impossible. This cannot be done quickly; it has to be done a step at a time and, in the meantime, delay is necessary. There may be another inquiry or two or another year of delay if the present Federal Government is returned to power.

If the present government is returned to power, rather than see the Northern Territory given state-like powers and functions, it is more likely that we will see the states rapidly and under great pressure reduced to a territorial position. I am not telling you anything new. It is the stated intention of the present Federal Government to do away with the states. It is a proposition that apparently our minds cannot grasp and very few people will believe it when they hear it. We have been told it in the press and over the air, but apparently it is a proposition that our minds cannot take in. We seemed to be further ahead 3 years ago then we are now. In October 1972, the then Minister for the Northern Territory Mr Ralph Hunt placed before the Federal Government an offer of executive authority and autonomy for the Council of the Northern Territory. We rejected that; there was some small fault in it or perhaps some would consider it a large fault. It was a very definite offer and I still have copies of the booklet about it. Most people seem to have forgotten that that offer was made to us 3 years ago. It was a fully outlined offer detailing the areas of executive authority that would be transferred, financial arrangements and all manner of things. We have nothing like that at present. We must have enquiries, enquiries, more enquiries and more delays. These delays, however, have a purpose.

We have only two things to look forward to if we want to rid ourselves of this lousy remote government that we have endured for the last 30 years or more. One would be a change of government in Canberra and the other alternative is—I really do not know. The other alternative perhaps is that we must learn to adjust ourselves to this lousy remote government. I have electric light bills from Brisbane at present with no dates on them but I do have an invitation to communicate with someone in Brisbane if I am not satisfied with them. Perhaps I can take a trip down. That is the sort of position we are reaching now and we can only hope to adjust ourselves or hope for a change of government.

I agree with this motion but I do not expect anything to come of it while the present government is in power. They have no intention whatever of allowing any sort of executive authority in the Northern Territory.

Mrs LAWRIE: There are a few things that I would like to draw attention to. First, I am going to deal with the remarks of the honourable member for Arnhem because I think he made some very pertinent comments. In fact, it is one of the best speeches I have heard from the honourable member for Arnhem. Most of the other speeches in my opinion were bloody lousy. However, he did bring out a few pertinent points. He did say that—I am sorry we do not have Hansard immediately available—it looks as though we are going to continue to suffer from the lousy remote type of government we have had for the past 30 or 40 years or more. I could not agree more. Twenty-three years we suffered the Country Liberal Party government ignoring this place, refusing to give any power and completely refusing a fully elected Assembly. Then we had a change of government and the Australian Labor Party did give a fully elected Assembly. I agree that was a start but it has not gone far enough. It makes me sick to listen to the hypocrisy of people who stand up in this place and blame all the ills of this Assembly on the past 18 months of the Australian Labor Party's Government when, for 23 years, their own party did nothing to advance the cause of democracy in the Northern Territory.

I think the present position is getting to be intolerable and I do not defend it. However, I do say, "Look to your own house first." Not one member of this Assembly other than the member for Arnhem has bothered to refer to the years of neglect which have preceded the Australian Labor Party and the small amount of change they have made within the Northern Territory.

It is a pity that this debate proceeds without a transcript of the honourable Majority Leader's speech which I think was most interesting. It is a pity that his speech was given in less than ideal circumstances. As honourable members will remember, the power was off; it was dark, stiflingly hot and there was not proper ventilation in this place; it was very difficult to concentrate on a most important speech. I would have preferred this debate to be adjourned till I could study in some detail just what the Majority Leader had said. Certainly I have in front of me a copy of the proposed petition along with the data supporting it. He said a few more things

but I have to rely on memory taken under the most trying circumstances.

He was talking about the staff for the executive members—perhaps it would be fair to say the non-appearance of the staff promised to the executive members. As the minister did promise this staff and it has not been forthcoming, I think that is most annoying, upsetting and to the detriment of the good government of the Northern Territory. I would point out that it is the first time, to my knowledge, that any Australian government has promised them any staff whatsoever. At least, there was a little advance; they got a promise even if they did not get the physical bodies.

Let us get back to the executive members and their responsibility and how they are to take over the reigns of government tomorrow, God help us. Time after time in question time, I have asked questions of executive members who have assumed the responsibility for answering such questions. Most of the time, the answer is: "I do not know but I will check it out or I will get the information for the honourable member." I am compiling a compendium of the number of times they have said that they will give further information and they never have. I will exclude from these remarks the honourable Majority Leader, the previous member for Finance and Law, who earned my admiration and respect and probably the present member for Finance and Law who is doing his best under difficult circumstances. The rest of the majority party members are hopeless. They never know anything. The only information they ever get is apparently from opposition members asking questions. They have been asking plenty of questions of each other, playing Dorothy Dix, and you could cry with laughter at the way they solemnly stand and read out the answer. As I said, that is forgivable if it adds to public information.

The honourable Majority Leader said that the executive have been wilfully stifled and, to a degree, they have been. To no less a degree, non-members of the majority party have been similarly disadvantaged. In fact, we have been more grossly disadvantaged and I include the honourable member for Port Darwin in this. The only staff we have been offered is one secretarial typist who was with us for some weeks and decided to take a better position with twice the pay. Good luck to her. The only other offer of staff has been through the good graces of the Assembly itself, through yourself Mr Speaker, and through the Clerk. On these meagre resources members of the non-majority group have had to examine all the legislation, ask questions of the supposed executive members, and I would think that we have not done too bad a job. Before complaining to the Senate of the lack of facilities for the majority party or the executive of that party, I would put in a little plug for all members of the Assembly.

The Majority Leader referred to the reprehensible act of disallowing portion of the second Emergency Services Bill to go through this house. That was a red rag to a bull or to a prize cow as it may be. If the 17 members of the Majority Party had seen past their own noses and had a little intelligence, just a crumb of foresight, they would never have passed the original emergency services legislation. That was done in January in the mood of panic by the Majority Party; very few of their members were in Darwin to experience the cyclone and its immediate aftermath but they put that through in a mood of panic. They would gainsay nothing that was put up to them by the department and I would agree that it was a departmental snafu of the greatest order to put the original legislation forward. However, I regard those 17 members as culpable to a complete degree in having passed the legislation. When the Majority Leader refers back to that, he gets no sympathy from me.

The composition of this Assembly is unfortunate—17 of one party and 2 independent members. I would have liked to have seen some representation of the other major political party in Australia, the Australian Labor Party. Unfortunately, because of our voting system, we ended with 17 Country Liberals, some more Country, very few Liberal and 2 independents. The 2 independents do not constitute a party. One thing that seems to be singularly lacking when the Majority Leader is deciding to grab 3 people to address the bar of the house and to hopefully grab the national headlines is real consultation as to who is representing whom. I am going to vote against this petition not because I think it is particularly bad in itself but because of the way in which it is being presented to the Senate. The way in which people have been chosen to present it at the bar of the Senate is certainly not representative of the Northern Territory as a whole.

Dr Everingham: Who would have been a better candidate?

Mrs LAWRIE: We see the 3 people chosen. The Speaker—I have no argument there at all; it does not matter which party had the numbers, the Speaker should be represented. Personally, I think the member for Port Darwin is eminently qualified to address the Senate or the House of Representatives on constitutional matters of the Northern Territory. However, when it comes to presenting a petition of this kind, proclaiming the gross disadvantage of the people of the Northern Territory under the present government, then I stop and think that on no occasion, in consideration of political reform in the Northern Territory, has the honourable member for Port Darwin to my knowledge been in conflict with the Majority Party. The 3 people down there will all be saying the same thing.

I have been in conflict. I have given evidence to the Joint Parliamentary Committee on specific aspects saying that in most instances I would agree but in certain specific areas I would not. I stated that to the Joint Parliamentary Committee before the last elections and got re-elected. I have spoken of them in this house. It does not take away my basic philosophy that more power is due to the local people. I do not particularly blame the ALP, for the Country Liberal Party on its record is not doing too damn well. I have consistently opposed a majority view of this house when it comes to natural resources, national parks and that type of thing. The Majority Leader did tell me that such a petition would be presented and that he had already decided on the people. Mr Speaker, it is difficult for me. I am not trying to claim that I would better represent a section of the Northern Territory than the member for Port Darwin——

Members interjecting.

Mrs LAWRIE: . . . but I am saying what I will make known to the Senate, whether these silly little boys like it or not, these juvenile delinquents, is that a significant train of thought——

Mr Ryan: You have more friends down there maybe?

Mrs LAWRIE: . . . of the Northern Territory is not being put to the Senate. In saying that, I think that it would be improper for the Majority Leader to address the Senate on any other philosophy or ethic other than the one he holds dear and which he has propounded both to this house and to the electorate at large. You, Sir, as Speaker, have a specific role. I am saying that I believe that there is a significant divergence of opinion as to disadvantage suffered by the Northern Territory, as to amount of constitutional change there should be in the short and long term, which is not being put to the Senate. The juvenile delinquents do not realise it, but the Majority Leader will appreciate what I said. It is difficult for him to have arranged for that point of view to be put, having regard to the fact that there are no Australian Labor Party members in this house.

Mr RYAN: Mr Speaker, a point of order: I object to the reference to "juvenile delinquents". I do not think that it is parliamentary language.

Mr SPEAKER: I request the honourable member for Nightcliff to withdraw the words "juvenile delinquents".

Mrs LAWRIE: Mr Speaker, I decline to withdraw.

Mr SPEAKER: The honourable member is placing me in a very awkward position because she is disobeying an instruction from the Chair. I will remind the honourable member that she was one of the people who commended my appointment to the post as being an impartial candidate for the job. However, if the honourable member refuses again to withdraw the words which another honourable member finds offensive and which are not allowed in any other parliament, I will have no option but to name the honourable member. I again request the honourable member to withdraw the words considered offensive by the Honourable Member for Transport and Secondary Industry.

Mrs LAWRIE: Mr Speaker, I am sorry that I have placed you in an awkward position and I have the greatest respect for you and your position in this House. I regard the honourable Member for Transport and Secondary Industry and the honourable Member for Social Affairs as juvenile delinquents and cannot withdraw.

Mr SPEAKER: I name the honourable member.

Dr LETTS: Mr Speaker, I have no alternative but to move that the honourable member for Nightcliff be suspended from the service of the House.

Motion agreed to.

Mr KILGARIFF: Let us get back to what this debate is all about. These sort of situations, perhaps staged, detract from a very serious debate before this House.

The Majority Leader and the member for Port Darwin have traced the history of the attempts of the Legislative Council and the Assembly to bring about reasonable constitutional reforms for the people of the Northern Territory since 1947. The first Legislative Council was brought into being with what was called the 7 to 6 treatment, that was 7 nominated people and 6 elected. Then, because there was a walkout, they had a minor constitutional change which brought in 3 non-official, 8 elected and 6 nominated members. They went on for another 9 years before the 3 non-official members disappeared. There was another minor constitutional change whereby there were 11 elected and 6 nominated members. Then, last year, we had 19 elected people.

All those things that took place over the years did not mean a very big change because, while the legislature was moving forward with fewer nominated people and more elected people to ultimately a fully elected Assembly, what was missing was executive responsibility. I think the honourable member for Nightcliff did miss the point because she appears to have put much prominence on a fully elected council. When it was mooted that the council was going to be fully elected, there were raised eyebrows by the people who had been through the experience of trying to get constitutional change. They raised their eyebrows because there was absolutely no reference to executive control. You can have executive control and a few nominated members and that is better than having a fully elected assembly without executive control.

A few years ago, we almost had a breakthrough. At one stage in the dying life of the last Federal Government, they came forward with an offer to the Northern Territory which was ultimately outlined in this little yellow booklet, "The Northern Territory Form of Government". They put a proposal to the Legislative Council that there should be a transfer of powers. They recognised state-like responsibilities and they made a proposal that certain things should happen. They went a bit further and said that they looked to the people of the Northern Territory to advise the Legislative Council as to whether they should negotiate with Government. However, it was the dying days of that Federal Government and, before anything was done, they went out of power. At that same time, within the Legislative Council, there was not a concerted move to pick up that proposal, thrash it out and gain something out of it. People thought that they would get more by a change of government and this has been disproved.

I support the motion. It is really the only way we can express our concern to the Houses of Parliament and the people of Australia that since 1947 until 1975 nothing has happened. Last year, I was filled with some enthusiasm when I saw the Joint Parliamentary Committee formed by both Houses and by both parties of government. It was my feeling that recommendations of the committee would be acted upon. Very firm recommendations of the committee would be acted upon. Very firm recommendations for the transfer of power were made in the report of the committee. No action has been taken; one can only describe this as a dishonest act. When I met ministers and found that they had such strong centralist views, I began to ask myself why the government is leading us on, encouraging the Majority Leader, instructing him to carry out advertisements for staff, encouraging him in the belief that there will be a transfer of powers. The people who were going to vote on these things in the Cabinet indicated strong centralist views.

I can remember one discussion that I had here in Darwin some months ago with a federal minister. He said: "I do not believe that there should be a transfer of powers to the Northern Territory. I believe that the powers that are within my portfolio now and that refer to the Territory will remain there." I replied that the government had said that it would act upon the joint committee's report. He replied: "There were members of my party on that committee but they came from the back bench and we do not accept the recommendations that come from those people." He told me that they had been given no instructions as to what sort of report to bring in but, regardless of that, the executive was not going to accept the recommendations of people in their own party. Where do you go?

This is a genuine and a very sincere step that we are taking. I commend the choice of the 3 people who are to represent us: the Speaker, the Majority Leader and the member for Port Darwin who has strived for years to bring about constitutional reform. The opposition has indicated that they will affirm

the principle of a transfer of powers. When we get a change of government, and I hope it happens soon, the Territory once again will be able to negotiate with government. The next time we get a firm offer, we will be damn fools not to accept it.

Dr LETTS: I rise to close the debate on this subject. While I appreciate the wide expression of support for the petition and the action that is proposed to be taken in regard of it, I think there has been some misunderstanding of what is intended by the petition and some people have read more into it than is intended and I regard that as a pity. It is a pity that the debate has tended to polarise on a party political kind of theme to a much greater extent than I would have wished. We have gone down the mine and we have gone into places other than the essential point of this debate which is in relation to the Joint Committee's report and certain specific requests arising out of it.

I made no apologies for saying that, if there had been a different government in power and we had seen as little progress as this from them, I would have been taking a militant attitude towards the government even though it were more closely associated with my own political affiliations. I think that members of the former Legislative Council should realise that that would have been my course of action. I was a little bit surprised at some of the remarks of the honourable member for Nightcliff because she knows full well that in the days before the end of 1972 I was pretty consistently and pretty trenchantly critical of some of the inaction and some of the attitudes that were taken by the government of the day in Canberra. I have always maintained that this question of people in the Territory having a say in their own affairs is non-party political and should be treated as such. Indeed, if we cannot stand united as Territorians whatever the government in power in Canberra and continue on a set course in this direction, if we go into political side arguments, I believe the cause is hopelessly lost. The only way that we are going to wear down the centralists, and there are centralists in parties other than the Labor Party, is by a unified, determined approach to this matter or, alternatively, barricades. If we get to the stage of disagreeing amongst ourselves, this is most unfortunate and will not do this particular cause one bit of good.

My petition asks about 5 things. The first thing is for the government of the day to establish an attitude to a report which they set up by their own motion. If they are not prepared to allow debate on the report, the minister of the day should act on the report. That is what I have asked them to do. I have also asked them to refrain from legislating for the Northern Territory without consultation and the report makes a specific and strong recommendation about that. I have asked them to refrain from withholding assent to legislation without consultation and I have suggested that the Assembly cannot go on functioning even in its present limited executive way without some support staff. Those are the points in this petition and, if anybody can make something party political out of it, I would like to hear more about it because nobody has succeeded in doing so yet.

If the Senate is prepared to accept the representation and I go down there, I am not going down there to attack the government in the sense of party political attack. If I was to do that, I would have fallen down in my duty to this Assembly. If it can be shown that I was taking such a stand in a matter such as this, I would be happy to give the game away. The future of the people of the Territory is more important to me than that. I have spent a good deal of my life becoming interested in these matters and hopefully trying to do something about them. I believe that the honourable member for Port Darwin has the same view in regard to the rights, responsibilities and future needs of the people of the Territory.

The unfortunate part of what the honourable member for Nightcliff said was that a different position might be put with advantage in perhaps herself going before the bar of the Senate. The case that we are talking about is to do with this petition; it is not to suggest that whether health or education should come over to us this year or next year or the details of the Joint Committee's Report. It is on the points in the petition and if the honourable member for Nightcliff could take a different position from anybody else in the Territory or any of the rest of us here, I would be extremely surprised. There has been a good deal of misunderstanding and heat has been generated quite unnecessarily. I believe that virtually all the people of the Northern Territory, including the members of the ALP in the Northern Territory, would support our reasonable request and would understand the nature of our complaint. I say that because the

executive of the ALP in the Northern Territory joined with me at their request to write to the Minister with a copy to the Prime Minister a letter in a very similar vein to the matters that are contained in this petition. It asked for some action on the transfer of powers and for some action on staff for the development of the public service here—exactly the matters that are contained in the petition. Why should we try to convert it into a party political dog fight? It is a Territory issue and, if I am going to Canberra, that is the basis on which I am going. Before they vote, members should understand that quite clearly. In that respect, I believe the honourable member for Port Darwin to be standing in the same kind of shoes and that he is the most capable man to support us in this case.

Motion agreed to.

EXPLOSIVES BILL

(Serial 46)

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

New clause 4A:

Mr RYAN: I move that the new clause 4A be inserted in the bill.

This extends the provisions of the ordinance in line with proposed changes in the regulations dealing with the purchase and possession of explosives in the Northern Territory.

New clause 4A agreed to.

Amendment agreed to.

Clause 5:

Mr RYAN: I move that the clause 5 be amended. (See Minutes for text of amendment.)

It has been noted that, with the extension of the controls under the ordinance relating to purchase and possession of explosives, police powers were not extended to take note of offences under those provisions. This amendment will give police adequate powers under the ordinance to seize explosives and prosecute offenders in cases of offences against the ordinance instead of having to act through an inspector. Honourable members realise that these offences can occur in remote areas and it is generally a police officer who discovers the offence. With this amendment, it will be possible for the police officer to take positive action instead of waiting for an inspector who may not be able to attend the area for some time. The police officer will be required to submit a report to the Chief Inspector of Explosives within 7 days of any action which he may take.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

Tuesday 21 October 1975

TRANSFER OF EXECUTIVE POWERS BILL

(Serial 69)

Bill presented and read a first time.

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

That is one of the longest titles I have seen on a piece of legislation but it does to a large extent indicate the nature and content of the proposed legislation.

There has been some earlier criticism in the press, by I think uninformed people, that the Assembly was not prepared or willing or showing signs of taking on the executive powers necessary for it to operate in any meaningful way as a fully elected Assembly representing some advance in political and constitutional development in the Northern Territory. As I have said previously, to a large extent we can only take what we are given from the parent body, and we have been given nothing. However, I am concerned that we do take whatever steps are possible to show how interested we are in this question of transfer of executive powers and to show our support for the Joint Parliamentary Committee report.

In other debates I have reminded members that it is almost a year since the first report of the Joint Parliamentary Committee was tabled in the Federal Parliament. Members are by now quite familiar with the contents of that report and know that it was confirmed by the second report of the Joint Committee tabled earlier this year in Federal Parliament. The second inquiry examined whether there should be any variation on the first report due to the effects of Cyclone Tracy. The committee considered that there should be no variation and endorsed the recommendation of the first report.

Recommendation 9 of that report is that as a first step the Northern Territory Legislative Assembly assume executive responsibility over statutory authorities. The specific authorities to which this recommendation is directed are those listed in paragraph 70 (a) of the report. The committee recommended that the transfer of these powers be effected as soon as possible and that there should be negotiations between this Assembly and the Federal Government to arrange such a transfer. With this I agree completely but I am still awaiting any opportunity—or any opportunity for members of this Assembly—to negotiate with the Government. It has either disregarded this recommendation of the committee or it has found a period of a year to be not long enough to arrange such negotiations. In fact, as I have also mentioned earlier, the thing has become enmeshed and bogged in some kind of interdepartmental committee exercise, although I understand that it has been to Cabinet and that the outcome to date has been negative.

The Legislative Assembly earlier this year attempted, by means of the Executive Responsibilities Bill, which still stands on the notice paper, and the associated bills, the Public Service Bill and the Interpretation Bill, to provide a pattern of executive government in the Territory to which these responsibilities could be transferred. This did bring some action even though of a negative kind. On 30 April, the Department of the Northern Territory wrote to the Attorney-General's Department seeking a view on those bills. They were advised by the Attorney-General's Department on 5 June that the bills are probably beyond power because of the provisions of the Northern Territory (Administration) Act. They were further advised that the safe, legal way to introduce changes enabling a transfer of powers would be by act of the Federal Parliament to make the necessary amendments to the Northern Territory (Administration) Act. The text of this advice was hurriedly passed on to the Assembly and, as far as I or anyone in the Assembly is concerned, subsequent action by the department was nil.

The need for the amendment of the Administration Act is obvious. I have requested, recommended and gone down on my knees to the department to initiate the necessary action. There are several parts of the Northern Territory (Administration) Act which the department and the Government acknowledge are necessary to be amended, but absolutely nothing has been done. I believe that some action was considered in 1974 but no bill or any type of action eventuated.

In order to be fair to the Government, I believe that the fault probably lies less with them than with the Department of Northern Australia. The Department of Northern Australia has a legislation section, it has a constitutional development section, headed up by a level 3 officer, a second division officer and 3 assistant secretaries, level 1, as I understand it. Surely it is up to them to maintain

action and to produce something for the Minister to examine and to have cleared through Cabinet. If the department is not interested for various reasons, including its remoteness from this place where the action is, then of course the ministers in Cabinet will do nothing; they have nothing to work on.

This Assembly lacks the many resources available to the Department of Northern Australia, but it does not lack what seems to be one of the big failings in that department, the desire to achieve some constitutional development in the Northern Territory, to begin the process of transferring government of the Territory from the Australian Public Service, where it lies at the moment, to the people of the Territory through their elected representatives where it should be. This bill will provide a means for the assumption of executive responsibilities by this Legislative Assembly in respect of the matters listed in paragraph 70(a) of the Joint Parliamentary Committee report. It provides that the Administrator in Council may appoint members of the Legislative Assembly to be Executive Members and may specify the areas of responsibility of each such Executive Member. The Administrator in Council may also specify the ordinances in respect of which each Executive Member shall have administrative responsibility.

The bill provides for the amendment of certain ordinances and regulations by schedules, and those amendments replace present references to administering officers with references to Executive Members. A bill which will follow, to amend the Interpretation Ordinance will give the necessary definition to the term Executive Member. Legislation to be amended in the schedule is the legislation controlling the operation of the areas recommended by the Joint Parliamentary Committee to be transferred to the responsibility of the Legislative Assembly as soon as possible. I have taken legal advice in view of what happened in respect of the earlier bills, and I do not think that this bill falls under the same legal objections as those raised against the former Executive Responsibility Bill. With the goodwill and cooperation of the Government, this bill can provide a method of initiating action to give effect to the recommendations of the Joint Parliamentary Committee on the transfer of executive powers to this Assembly. It could be a simple and quick means of enshrining in actual legislation, in addition to our own standing orders, legal status for the Executive Members.

Whatever the Government's attitude on this bill, and I hope it is favourable as some indication of good faith, this is really only an interim measure necessary by the unwillingness or inability of the Department of Northern Australian to come up with effective long term measures to be dealt with by the Minister. It is still of the utmost importance to the Territory that the Northern Territory (Administration) Act be amended clearly to state the pattern of government of the Territory in accordance with the many promises and statements of the Federal Government and its ministers and to give full effect to the will of the Parliament as expressed in the report of the Joint Parliamentary Committee tabled in the Parliament.

Debate adjourned.

INTERPRETATION BILL
(Serial 70)

Bill presented and read a first time.

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

I foreshadowed this bill in the second-reading speech on the previous bill. This is a companion bill. It is simply necessary in order to give the necessary definition to the term "Executive Members". It is a formal matter needed to make the other bill operational.

Debate adjourned.

MOTOR VEHICLES BILL
(Serial 43)

In Committee:

Clause 13:

Mr RYAN: I move an amendment to clause 13: omit from the end of paragraph (b) "or for any other reason".

The honourable member for Port Darwin brought this to my attention last week. It is felt that the powers given the Registrar by this section of the bill were rather far-reaching and that there were sufficient grounds contained in that clause to give the Registrar enough power, so it was agreed that we would amend the clause by removing "or for any other reason".

Amendment agreed to.

Clause 13, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed the remaining stages without debate.

PRICES REGULATION BILL
(Serial 49)

Mrs LAWRIE: I rise to express support for this legislation. The honourable member for Stuart Park expressed his reservations about any price control at all. I affirm my belief that proper price regulation is and should be an accepted fact of commercial life today. There have been suggestions that in consideration of this particular bill, provision be given to further widening of the principal ordinance to allow open hearings for price variation etc. That is a point of view, which at some time could be tested in this House. I believe that when legislation is introduced for one specific purpose, such as this bill, it unwise and unfair to take on a variety of amendments which have nothing to do with the original bill. Any such far-reaching amendments to existing legislation should be in the form of a separate bill and not just tacked on to somebody else's bill as an amendment. Accordingly, I speak only to the provisions of the bill as presented by the Executive Member for Consumer Affairs.

I support the legislation. I only really have one serious reservation in connection with section 24Q (c). 24Q is the section dealing with contempt of the tribunal. I am having an amendment to this section drafted and I hope that the committee proceedings will be taken later to enable full consideration of my proposed amendment. It will be to delete paragraph (c). The grounds for contempt of the tribunal are adequately covered by paragraphs (a), (b) and (c). If paragraph (c) is left in, it could be used so that people who have organised an orderly demonstration or a parade in support of one or other side of a case being put to the tribunal are found guilty and liable to the maximum penalty of $1,000 or imprisonment for 3 months. To say that no one shall insult a member of the tribunal is reasonable, fair and proper, but I think paragraph (b), interrupting the proceedings of the tribunal, adequately covers any annoyance, disturbance or interruption the tribunal could suffer. I am aware that the entire section is not unique and has precedence in other legislation in Australia. Nevertheless, because of my strong reservations that an orderly assembly of people with very strong feelings could be found guilty of an offence, I hope that the committee will agree to the deletion of paragraph (c). With that reservation, I am inclined to support the bill as presented.

Mr ROBERTSON: I had planned in debate on this bill to use the opportunity to go some depth into price control. I find that for various reasons I am perhaps not going to do that at this stage but I certainly will at a later date. The concept of the regulation of prices is accepted by the community at large. I have personal and ample evidence that that is the case. I have recently conducted a survey, the information from which was transferred to the Executive Member for Education and Consumer Services, in relation to the peoples' wish, in my electorate anyway, in relation to price control. It seemed clear to me that the majority of my electorate is indeed in favour of price control. Having arrived at the conclusion that price control is desired by the public, then it falls to the politicians to devise a way of legislating to make price control work and to public servants to administer that legislation and to make it operational. In respect of the latter, and probably the former, the operation of this ordinance has been a dismal failure all round. We have this incredible situation where prices don't seem to really have been suppressed because of Government initiative or lack of initiative in other directions, and because of what price regulation there is, it seems to me that many businesses have suffered extensively and suffered unnecessarily.

We have some crazy situations. I would just like to draw to honourable members' attention one that readily comes to mind. I apologise for not having the exact figures and dates, but on my understanding approximately 2 years ago, petrol in the bowzer—super grade—was about 67c per gallon in Alice Springs and the retail margin at that time was 10c per gallon. The price now is about 87c per gallon, an increase of some 20c over its price 2 years ago and the margin is 1c more. It is the basis of private enterprise that margins must be maintained. So we have seen a situation in which there has been a rapid increase in the price of the goods to the consumer—he certainly hasn't benefited—and we have also seen a situation where any retailer of petrol, unless he is in the very big league, will now tell you that return versus what it costs him to buy his product makes this a completely untenable and unviable stock item to retail. There is little point in continuing the selling of items that continue to cost you more to buy

but items in which you don't seem to make any increased profit.

As the honourable member for Nightcliff had indicated, the concept of prices regulation is not a new one. The principal ordinance to which we are making these amendments was assented to in 1949. I guess prices regulation has come operable since the early heady days of the present federal administration. The principal ordinance itself is there. It came into operation by administrative action and by the Administrator's Council decisions to declare certain goods and lines of goods as being items which come under the ordinance. It has been, and still is in fact, a situation where all the initiative lies with the public service in the administration of this ordinance. The retailer and manufacturer still does not have any mechanism, statutorily, of going to the Price Controller and asking for some particular item to be reviewed. I suggest that this legislature give some consideration to that in the future.

We have heard numerous suggestions, comments, criticisms I suppose of this bill as it is presently before this Assembly. The one I will principally refer to comes from the Trades and Labor Council. It appears to be the view of the Trades and Labor Council that all matters before the review tribunal—and probably, it would be their wish, before the controller in the first instance—should be aired publicly, including the innermost and most private dealings, whether the business be manufacture or retail. That is an incredible request. We have in the bill the power of the tribunal to hear evidence before it both publicly and in camera. I think that the tribunal can be trusted sufficiently to delve into the affairs of any corporation or retailer sufficiently to satisfy itself that the claim is a valid one. I cannot accept the proposal that all matters should necessarily be public. If we look to the bastion—I use that word rather with tongue in cheek—of open government and the party which claims to have instigated that concept and its machinery through the ACTU—and I refer to the ACTU-Solo enterprise—that group of unions, to which surely the Trades and Labor Council is affiliated, will not disclose anything other than what is statutorily required of them as a corporate body, as a public company, in their dealings with cut price petrol and Bourkes. The question was put directly to Mr Hawke and he flatly refused to make this information available to the public. Yet we have a certain section in the community, namely certain elements within the union movement, requesting that a business man, because he happens to be a private business man, lay bare all before them. I do not think that it is acceptable and I am quite sure that honourable members would agree with that.

Turning very briefly to the bill, it provides for a manner of inquiry and the tribunal is set up by clause 5, which completely repeals existing section 24 and replaces by a new section 24. The tribunal when set up and operational under law, can inquire into and establish the facts in any way it sees fit and it is not bound by rules of evidence. Such normal courtroom difficulties will not be experienced by the tribunal in making decisions and inquiring into matters under this ordinance. On the other hand, there are mechanisms by which people who are placed on oath, and at the same time are not subject to the rules of evidence, are protected. The chairman of the tribunal shall be a stipendiary magistrate, a man learned in the law, I am quite sure that a man used to dealing in the law, and more particularly used to dealing in justice, will not allow the possible conflict which must occur between a situation where you have a person confined on oath, somewhat tied down because he is on oath, and not be able to benefit himself from Cross's "Laws of Evidence". We have a magistrate, who will make sure that the two, if they conflict at all, are not abused in any way.

In concluding my support for the bill, I hope that we will now see a situation where a business enterprise has some possibility of seeing a reasonable return for its investment and, more particularly, a reasonable margin for its running capital outlay made from day to day. I realise that there are going to be those who will say that this is just going to cause higher prices. Unfortunately, higher prices are caused, not by the retailer but by the economy at large, and I am afraid we are stuck with them until such time as some sanity prevails in another place. In the meantime, it is necessary for businesses to return to some measure of viability. I support the bill.

Debate adjourned.

CROWN LANDS BILL
(Serial 9)

In Committee:

Clauses 4 and 5:

Dr LETTS: I move that the decision of the committee on 14 October 1975, that clauses 4 and 5 be considered together, be rescinded.

When moving that they be considered together I had not had any objection to these two clauses and I thought that the committee would be happy to treat them together, but there was some debate on one clause which gave me cause for further research and consideration, and in order to put into effect that the suggestion made in that debate it would be necessary to consider the clauses separately.

Motion agreed to.

Clause 4:

Dr LETTS: It was clause 4 that the honourable member for Port Darwin drew attention to. He considered it was unnecessary. He pointed out that the existing powers under section 118 of the principal ordinance for eviction from crown lands are sufficient and in fact had never been used for this purpose. That that was the truth, was elicited during a question asked during last week's sittings. The division between the accommodation and the land itself and the eviction therefrom is a very hairfine division and, after further consultation with the department and with the members who expressed views on this clause, I believe it now to be unnecessary. I invite the committee to defeat clause 4.

Clause 4 negatived.

Clause 5 agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

CROWN LANDS BILL
(Serial 52)

In Committee:

Proposed new clause 2A, by leave, withdrawn.

New Clause 2A:

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

I do not quite understand by what means this amendment now stands in my name but I am perfectly happy to move it and speak to it. The concept which it covers is virtually the same as that in the amendment previously moved by the Member for Social Affairs: to strengthen in the Crown Lands Ordinance the idea that the Administrator may grant for certain reasons moratoria on certain types of lease covenants or conditions. In the light of present circumstances where there is extreme economic hardship and in some cases even the viability of the pastoral industry is open to question, the authorities should not necessarily have to pursue their year by year course of insisting that covenants such as fencing and expensive pasture improvement be undertaken when the lessee has not got the financial means to do it.

The honourable member for Port Darwin in discussing the previous amendment considered it to be a weakness in that amendment that the lessee might find himself with a holiday of 12 months or up to 2 years and at the end of that time would find himself not only having to pick up improvements which would fall due after the 2 years but the backlog of all the improvements which had been building up during the interval. Further drafting instructions were issued about a means of achieving a true moratorium. At the same time, it was proposed that should economic circumstances markedly improve, with 6 months notice, the Administrator may restore the improvement program back to the kind of schedule that operated in the original lease agreement.

This amendment has been discussed with the department and I understand that the principle has been put before a meeting of the Cattlemen's Association and has also been discussed with members of the Northern Farmers Association. These groups either support it or are not in disagreement with it. I believe that it would make quite a useful contribution to seeing unfortunate members of the pastoral community through extremely difficult times.

New clause agreed to.

Clause 3:

Dr LETTS: I move that clause 3 be amended according to schedule 55.1.

As clause 3 stands at the moment, if upon receipt of a notice under subsection (1) a mortgagee advises the Administrator that he wishes to exercise his power of sale, the Administrator shall allow him 6 months or such further time as in the opinion of the Administrator it is reasonable to exercise it. The weakness of the clause is that, after receiving his notice, no time limit is placed on the mortgagee to advise the Administrator that he wishes to exercise his power of sale. Obviously, you cannot have an open ended situation where unlimited time is allowed to the

mortgagee to do this. The amendment proposes a period of 1 month or such further time as the Administrator allows.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

HOUSING LOANS BILL
(Serial 77)

Mrs LAWRIE: There are two considerations to be debated in considering this bill: one is the bill itself and the other is the question of urgency. Accordingly, I have studied the bill at some length bearing in mind that for urgency to be granted it has to be properly demonstrated that hardship would otherwise ensue. After consideration, I do believe that to be the case and I will support the urgent passage of this bill.

I would only waste time to again canvass the ambit of this bill which has been well covered by the honourable member. I have only one reservation concerning the proposed addition of paragraph (dc) to section 8: "to purchase land or a lease of land on which is situated a partially erected or damaged dwelling house and complete the erection of or repair that dwelling house." That particular clause is clearly designed to allow the people residing in Darwin the benefit of the 6% loan to purchase a parcel of land being offered on the open market with some semblance of a house upon it. I agree that that is a good thing. My reservation is that there is no restriction which would stop a person purchasing several parcels of land. In other words, I am afraid it could be used for speculative purposes. I have conveyed my reservations to the honourable sponsor of the bill and have asked him to consider amendments being drafted to specifically exclude such an event.

Debate adjourned.

NURSING BILL
(Serial 53)

Mr KILGARIFF: I support the bill. About one year ago, we debated the nursing aide legislation and, at that time, I had some correspondence with the Royal Australian Nursing Federation in Alice Springs and other places. I had endeavoured to have that legislation extended to include mothercraft nurses. However, at that stage, Dr Gurd indicated that the Health Department was working on this legislation. I am keen to see this legislation introduced because there are many girls in the Northern Territory who could be employed in the Health Department as mothercraft nurses. Once the training school is developed, many girls who now have very little employment opportunities in the Northern Territory will be able to particpate in this scheme.

I am disappointed to see that even now regulations for the nursing aide scheme have not been introduced. Nursing aides and mothercraft nurses could relieve the burden on trained sisters who are in short supply. For instance, in Alice Springs now there are very few trained sisters and this puts the hospital under considerable strain. Although we passed the nursing aide legislation a year ago, these regulations have still not been introduced and so the scheme has not commenced. Persistently over the last year I have asked for these regulations to be produced but they have not been forthcoming.

I would hope that once this present legislation is passed, regulations will quickly follow so that the scheme can be introduced. We see in the bill that there is reference to the training of psychiatric nurses. Once again, these is a real need for this type of trained person in the Northern Territory. Bearing in mind that we are now going to have trained people to look after these unfortunate people in the Territory, one wonders what has happened to the mental defectives legislation. This goes back to the health inquiry which took place some 5 years ago. The report clearly indicated that the mental defectives legislation needed to be updated and many experts in the health field agreed with this. The Hawkins and Misner Report on criminal rehabilitation was critical of the outdated mental defectives laws of the Northern Territory. Members may remember that there was also a standing committee formed to review the recommendations of the Health Report. That committee pursued the matter of the mental defectives legislation and, last year, as chairman of the committee, I persistently asked the Director of Health what was happening regarding the legislation. At one stage, it was stated that it would hopefully be introduced before the end of the Legislative Council. There are still no signs of this legislation.

I am not being critical of the Director of Health. I know that he is a busy man and I know that he earnestly wants this legislation introduced. I am suggesting that the holdup is not in the Territory but in Canberra. They have had this legislation in front of them for years now beause I had a draft of it last year or the previous year. I think that the time has come for them to get on with the job. When one looks at the stresses and tensions in life today and we see so many people in the Northern Territory coming under the effects of the mental defectives legislation, one feels extremely sorry for them because it is so outdated. We must demand that the Health people in Canberra produce this legislation quickly.

Getting back to the present bill, I believe that the Royal Australian Nursing Federation and its branches in the Territory are most happy with it. It believe that the representation that they will have on the board of registration will be most acceptable to them as they requested this last year. I support this legislation. It is very good legislation and I hope that the people in the Health Department will now be able to follow up with the regulations that will be so necessary to bring it into being.

Mr BALLANTYNE: I support the bill. The time has come when things have got to be streamlined and in this bill I see that we have streamlined the ordinance and brought it up to date with other states in recognition of the nursing fraternity and to give them some standing. There has been a tremendous battle here over the years to engage nurses and train nurses and nursing aides and so on. There will be a tremendous job opportunity for young people in the Territory if the training school is implemented and I only hope that it is brought into being very quickly so that we can overcome the problems we are having at present with regard to the lack of trained nurses in the Territory.

At this very moment in the Territory, we are very short of nurses, particularly in some of the outer areas. In Nhulunbuy we have a lot of resignations coming up shortly. We are short of nurses in that area, and where are we going to get them from? We have to attract them from other places, other states. They come up here with different qualifications. They might come from overseas, very qualified, but sometimes they are not engaged because the qualifications do not come up to the standard. Now we have all the qualifications for registration of nurses as laid down in clause 17 and as also have all the roll of nurses aides and mothercraft nurses and their qualifications under section 15 which will give people some standing in the job; it will give a more professional touch to the nursing profession throughout the Northern Territory.

I see that the meetings for the Nurses Board have been increased to 4 which I feel is a timely step because the original ordinance dates back to 1928-74 and I guarantee that in that time we have not had much change to it. These are probably the biggest changes we have had to this ordinance, to streamline it, to bring it up to date for modern day nursing. I only hope that, as the Executive Member for Finance and Law says, the regulations are brought in, and I can only agree that the sooner that they do it the better it will be for nursing in the Territory. I hope that in the future we can have better qualified nurses in the Territory. I hope we get the training school in operation to give job opportunity to young people in the Territory and giving some standing in life. I support the bill.

Mrs LAWRIE: I support the bill. The Executive Member for Finance and Law referred to a previous debate in the old Council concerning nursing aides. I am deeply disturbed. I had not realised that the regulations had not been brought into force and in fact there are still no nursing aides able to be registered in the Northern Territory. This a most unhappy position for us to be in. At a recent summer school of nursing in Darwin, concern was expressed from many quarters, by registered nurses, that there were not more people of Aboriginal descent or fullblood Aboriginal girls in the nursing field. Genuine concern was expressed from people all over Australia, as well as the bush nurses in the Northern Territory who, by and large, are doing a magnificent job. It was clearly expressed previously that a nursing aide scheme was a first class opportunity to train girls initially who may then progress, having had some time as a nursing aide, to a further general nursing course.

In consideration of the legislation before us, we see that there are now various categories of nurses able to be registered. This legislation I can only say is long overdue and I cannot imagine any opposition to the concept being expressed. In consideration of the bill, I have a few feelings which I think should be expounded publicly. Nurses in the Northern

Territory are in a unique situation in Australia, other than those girls working in the outback centres of Western Australia and Queensland. They are called upon in emergent situations to do far more than nurses would ordinarily be allowed to do. I do not know whether honourable members are aware that nurses generally are not allowed to suture, but in bush situations—the Majority Leader would be well aware of this—nurses in the Northern Territory can and do suture well. It is a case of taking the surgical procedures or risking a person bleeding to death. They are able to carry out these operations because they are presumed to be nominally under direction. This direction consists of a 2-way radio link with Darwin or Alice Springs.

I think that it is about time the medical profession realised it is deliberately limiting the powers of registered nurses for its own protection. It may well be that there are some general nurses who do not want to to continue their studies or their skills in any particular direction. I know there are many who are content with the present extent of their powers and responsibilities. There are, however, significant numbers of trained sisters who would be willing and able and would find a great deal of satisfaction in continuing their nursing education, in doing an extended course which would allow them to perform further procedures. This is an aspect of the nursing profession that I hope will be introduced in the Northern Territory in the not too distant future. It will be a novel concept for Australia, one which has received active consideration down south, but which has never been attempted and will no doubt meet with cries of horror from the medical profession. But because we already have skilled, trained girls and women carrying out these procedures, the Northern Territory of all places would be the best place in Australia to introduce such a further training scheme for people who have already completed the general nursing course, and to license them specifically to perform these other procedures. They are already doing them; they have to in certain situations. Why not make the entire procedure legal and proper? Besides protecting nursing sisters, it would do what a previous speaker referred to, attract intelligent, mature young people into the profession. At the moment they know very well that there are limits placed on the nursing profession beyond which they cannot go other than to take a medical degree which is beyond the resources of most people. It is also unfortunately, by way of distance, denied to many Northern Territory people. They have to go to medical colleges down south. They may not necessarily, for many reasons, wish to leave their home, which is the Territory. They may be perfectly capable, having done the nursing course, to go on to other specialised skills which would be conducted jointly, I would imagine, by the hospital and the various community colleges. If young people of school leaving age and mature people were aware of this further opportunity, the nursing profession would have an additional lustre for ambitious, resourceful and skilful people. At the moment, it is closed to them.

Mr Speaker, maybe I am out of order in speaking to this bill on this matter, but I indicate my complete support for the bill as it is widening the nursing profession within the Northern Territory. I only hope that the further extension of which I have spoken will be the next legislation on the subject to be introduced to this Assembly.

Miss ANDREW: I support the bill and I support the comments that have been made by the previous speakers. I applaud the fact that the authorities are following the current trend towards a greater representation for those who are affected. Nurses have for long been a forgotten race, the maids at the bottom of the house. Greater representation on the Nurses Board will bring a greater understanding and a more realistic approach to the day-to-day problems of the people concerned and by the people concerned.

On the subject of mothercraft nurses, this is, as the honourable member for Nightcliff said, a long overdue recognition. The Northern Territory with its nuclear families and the problem that most people have in that they do not have an extended circle on which to rely, needs a large body of these people. Unfortunately there is still no training available in the Northern Territory. However, with the Alice Springs Hospital and the Casuarina Hospital, both well on the way to completion, I trust that some moves will be made by the medical profession to have some sort of mothercraft training at these two institutions. Creches and childcare have become a part of day-to-day life, largely due to the immense voluntary work done by a few people in and around the Territory. However, the guidance and assistance that mothercraft nurses give to these "institutions" would be of the greatest

value. This long overdue acknowledgment and recognition in real terms will bring about a greater public acknowledgment and recognition of the work that the mothercraft nurse does. I only hope that these creches and child-care centres, as they grow and multiply, will make use of the expertise of these people.

In the field of psychiatric nurses it is at least a start. The Executive Member for Finance and Law has expounded at length on the sad state of the treatment of emotionally and mentally disturbed patients in the Territory. I do not think this needs repeating. Anyone who has ever had anything to do with a person afflicted mentally in the Territory is fully aware of the total inadequacies. I think that the importance of this particular field will be recognised. The greater public awareness and sympathy which has come about in the last few years we hope will force those in Canberra into action. I hope the next time we have nursing legislation that even greater recognition will be given to these people.

Debate adjourned.

UNIT TITLES BILL

(Serial 64)

Mr WITHNALL: I rise to speak to this bill at this stage because I think that some indication of the views that I have concerning this bill should be made during this sitting of the Assembly and because I will be in no position tomorrow to be any forrader with my consideration of the bill than I am today. I confess that my consideration of the bill is incomplete. A bill of this nature needs many many weeks of careful consideration before it can possibly be taken to have received the consideration which law of this importance deserves. The subject of unit titles or strata titles is a fairly modern invention and so far as the law is concerned no doubt there are many difficulties still to be faced in the states of Australia and elsewhere and quite certainly there will be many difficulties to be faced in the Northern Territory. It is a very complex system of title. Each provision in the bill is so bound up with each other provision in the bill that it is going to be very difficult to be sure that the whole thing will work together as a cohesive whole.

In speaking to the bill, I am undoubtedly going to offend against standing orders because I cannot possibly speak of this bill unless I speak also to its companion bill which relates to the Real Property Act, the registration of unit titles and the effects of that registration. I trust that honourable members and Mr Speaker will bear with me if I do stray from the strict observance of standing orders because it is in these circumstances quite impossible to refer to one bill without making a reference to the other.

In the Northern Territory, the difficulties of creating strata title law are greater than anywhere else in Australia because unfortunately we have two different systems of title, leasehold title and freehold title. Consequently, to create a system of strata title requires much more consideration and much more care than one would ordinarily expect to be needed in the states where the system of freehold titles is observed quite generally. The bill proceeds upon the basis that was used in the ACT ordinance. In that territory, of course, there is no freehold title and the problem I have just referred to is not a problem which they have. Nor is, I think, in the ACT the many problems in relation to leasehold units which we have in the Northern Territory. I do not know, because I have not yet had time to do the necessary research, whether there is in the ACT the diversity of leases which we have here. We have special purposes leases which, of course, are an animal all of their own—an animal which may vary from lease to lease, the purpose varying from lease to lease, the terms and conditions varying from lease to lease, the time varying from lease to lease. My present rather cursory—and I apologise for this—consideration of the bill suggests that special purposes leases may be capable of being the subject of a units plan or strata titles. I do not know and I do not propose to make any statement as to what effect this might have. I only say that I am very concerned that some clear definition of the types of lease to which the bill applies should at least be attempted. From my cursory consideration it does not seem clear that there is any such definition of the types of lease.

In considering the terms of the bill, it seems to me that the draftsman has by the provision of section 23 attempted to overcome the difficulty of having 2 sorts of titles by simply providing that, once a units plan is registered, then notwithstanding anything contained in the Freehold Titles Ordinance, if the parcel was a leasehold parcel the lease of the parcel is determined, and the person who was, immediately before the registration of the units plan, the lessee of the parcel becomes

possessed of an estate of freehold in each unit. Where it is a freehold parcel, the same result follows naturally and the controlling corporation becomes possessed of an estate of freehold in the common property. I wonder why the draftsman has used the expression "estate of freehold" since the expression in "estate fee simple" is the more usual expression and the one which is used in the Freehold Titles Ordinance? If this provision in section 23 is effective I congratulate the draftsman on what I think is a very neat drafting device—I was going to say trick —but I am not quite satisfied from my consideration of it at the moment that it may not lead to difficulties in considering it in conjunction with the companion ordinance which amends the Real Property Act and Ordinance to take in provisions relating to unit titles. So far as the terms of section 23 which are proposed at the moment are concerned, I accept that those terms themselves can and will be effective. My worry is not with the section itself, my worry is with the manner in which the section will fit into the rest of the ordinance, will fit into the rest of the law of the Northern Territory concerning the title to land, and, more particularly, will fit into the other provisions of the Real Property Act which are the subject of another bill to be considered by the Assembly.

Dealing with section 23 in detail, I have already made some comment on the state of freehold. I do direct the draftsman's attention to a minor problem in clause 23(2)(b) which reads: "The estate of which a person or the corporation becomes possessed under this section is subject to and has appurtenant to it the easements created by section 25 and any easement referred to in section 8 of that ordinance." Section 25 is section 25 of this ordinance and section 8 is section 8 of that ordinance. Some clarification of 23(2)(b) seems to be necessary.

I direct attention also to the provisions of clause 25 in which there seems to be a misprint. It provides for the registration of easements created by this bill. In clause (2), it provides that "on and after the registration of the units plan, the proprietor of each tenement (in this section called the dominant tenement) shall be deemed to have over each other tenement (in this section called the servient tenement) such of the rights specified in subsection (2) as are necessary for reasonable use and enjoyment of the dominant tenement." This is proposed subsection 2 and it refers to itself. I think the reference probably would be to subsection (3) and, in subsection (3) some introductory words are necessary to cover the difficulty.

Clause 25 is one clause about which I have some concern. There may be a presumption arising from the provisions in subclause (2) that you ought to be able to register a units plan until there is somebody who, by virtue of clause 23, becomes the owner of an estate in fee simple in each tenement. It commences with the words "on and after the registration of the units plan the proprietor of each tenement shall be deemed to have over each other tenement . . ." It assumes that there is a proprietor of each tenement at the time of the registration of the units plan. When the units plan is registered, there will be no proprietors of each tenement but a proprietor presumably of all the tenements and that proprietor will be the person who has erected the buildings and created the tenements over which titles are to be issued. I see a difficulty here in fitting the automatic title which is granted by clause 23 into the provisions of clause 25. However the difficulty may not be a real one and I need further time to consider it. I do not make any criticism of the provisions of the bill on this account.

I have not as yet finished my consideration of the bill. I find one little difficulty. Under the Real Property (Unit Titles) Ordinance a number of forms are proposed which relate to the details of registration of a title created by virtue of the principal ordinance and perhaps I will be forgiven if I may refer to some of these difficulties now. Form 8 of that ordinance refers to section 21 which relates to provisions applicable to trusts and form 8 itself seems to have little to do with that because it relates to a notice of change of address for service of documents. There is a reference to form 9 which does not appear to exist.

I would direct attention to the provisions of clauses 95 and 96 and express some concern that they may not be completely effective. These relate to the cancellation of unit plans and they make provision for an application to the court for an order cancelling the units plan or altering the units plan. Clause 96 says: "On registration of an order for the cancellation of a units plan, the corporation is dissolved and the title of the common property and the title of each of the units are determined". We do not have any real indication of what happens after that and, if I am wrong, I apologise for my lack of full consideration of the bill. If the clause 23 is to operate in accordance with its

tenor, then it creates an automatic freehold title, an automatic dissolution of the leasehold title and an order under clause 96 dissolving or cancelling the units plan must therefore leave everybody without title to anything at all. Whether it becomes crown land and is released or allocated in some way to other persons, I am not quite sure. It seems to me that the provisions of clauses 95 and 96 are not sufficient to reinstate any title which may have existed before the order for cancellation.

I have expressed some doubts and some difficulties that I feel about the bill. I will have a further opportunity in the committee stage to perhaps correct some of the mistakes I may have made in dealing with the matter at this stage. In case my remarks are valid, then some consideration of them ought to be given between this meeting and the next meeting in December.

Mr TUXWORTH: I rise to support the bill and, in doing so, I would like to compliment the Executive Member for Finance and Law for resurrecting this out of the too-hard basket. It is a problem that has confronted Territorians for many years; they have not been able to participate in this type of real estate development. We have in the Northern Territory probably the most antiquated land system and method of release of land in Australia and, over a period of time, this has compounded the difficulties of the rate of development and the economics involved in the development. This particular bill will pave the way for economies to be made wherever possible for this particular need to be satisfied in the market place. One of the disadvantages of not having this type of development available is that it affects the population density that can be put into an area of land development at any one time. Because of the slow land releases that we have always had, this has aggravated the situation.

This practice of subdivision has been going on in the states for many years and it has become very popular as a method of home ownership for childless couples and for elderly couples who are no longer able to maintain large yards and gardens and who wish to own a small place. This type of development will enable these people to buy a home unit and it will encourage into the real estate market developers who do not do any type of development other than home units.

Mr ROBERTSON: I support the bill and I am delighted that it has turned up so soon. I have been approached by people interested in purchasing this type of home in Alice Springs, particularly people in the pastoral industry who require town houses. It will have numerous uses with regard to people who wish to retire in the Northern Territory rather than move elsewhere. This will provide the basis upon which people can retire with a measure of dignity rather than just renting a flat.

I recall a concern expressed by the honourable member for Port Darwin in relation to the titles system. It is agreed that under the present dual system of leasehold and freehold tenure some difficulties could arise. I would remind honourable members that it was the opinion of the first report of Justice Else-Mitchell that all residential land in the Northern Territory be converted to fee simple as opposed to the present system of leasehold in perpetuity. I would hope to see that system of tenure introduced in the very near future in the Northern Territory and then this problem which has been ponted out by the honourable member for Port Darwin will cease to exist.

Like the Executive Member for Finance and Law, I make the strongest plea to those who will be required to administer this legislation to make every effort to get it operational as soon as possible. The draftsmen are to be congratulated on the way this bill has been put together and for the short time in which they have brought it forward. The legislation sets out very clearly the responsibilities of the various parties to the agreement.

The allocation of land for this particular purpose is subject to town planning. I have no doubt that the members of the Town Planning Board have given some consideration in the past to what they would imagine as being suitable land for this purpose. It would seem to me that land that is presently zoned as residential A would be eminently suitable. It would be reasonable to expect that land subdivided into unit titles would require in the order of say 20,000 square feet—the size of the present residential A block. I would imagine that various aspects will have to be looked at in some detail and in supporting the bill I can only reiterate that I would hope that those who administer the ordinance when it becomes law will give it consideration in the shortest possible time so that the people may benefit.

Debate adjourned.

HOUSING BILL
(Serial 72)

Mrs LAWRIE: In giving consideration to this legislation, there are two distinct aspects which have to be most carefully considered. One is the bill itself and the other is the fact that the sponsor of the bill has indicated that he intends to seek urgency for the passage of the bill. I have consistently opposed urgency being given to bills unless it can be shown that to withhold the granting of urgency would cause hardship. The honourable member, in his second-reading speech, indicated clearly that people who had been tenants of the Housing Commission and who had discharged their mortgage, were now not eligible to receive commission assistance in either the rehabilitation of that home or in rebuilding as the case may be. I understand that the commission is willing ready and able to make such financial and other assistance available. I agree completely that to withhold the granting of such assistance would cause hardship. I would agree that urgency should be given to a form of legislation which would enable those disadvantaged ex-commission tenants to be able to rehabilitate their homes with the assistance of the commission.

In his second-reading speech, the honourable member stated in conclusion and I quote: "Due to the hardship occasioned to Darwin residents endeavouring to rebuild or repair their properties, it is my intention to seek urgent consideration of the bill at this session". On that concept alone, I would support urgency but, in looking at the bill, we see that it has a much broader concept than allowing people who have suffered the devastation of Cyclone Tracy to rebuild; it gives the Housing Commission power to build houses on private land. I regard that as a matter for proper and reasoned debate over some length of time, not over a matter of days. The bill as proposed affects all parts of the Territory, it is certainly not related only to Darwin. In other debates in this place, people have expressed their concern that legislation which may or may not benefit Darwin but which affected other areas was being put through this House with undue haste. That is a fair criticism of this bill. It will certainly be of benefit to those Cyclone Tracy victims, but it is not restricted to them; it introduces a completely new concept for the Housing Commission to operate right through the Territory. I have not been given sufficient background as to how this will affect the commission financially, as to who shall, for example, pay the supervision costs. I want to state quite clearly that, in consideration of this concept that the commission be able to build houses on private land, I would like the honourable member to introduce such a bill at the next sittings and enable proper questions on notice to be put about it, about the effect on the finances of the commission. There are a lot of other ramifications which it has not been possible to go into since last week.

I feel strongly that, before such important legislation goes through the House, out of town members and people in other centres who are going to be affected should have the time to discuss it to see how many people would be affected by it and to go into the financial backing which will be necessary. Therefore, I oppose the granting of urgency to this bill in its present state because such time for consideration has not been given. It is not possible in the space of a couple of days to get the relevant financial details and to have them tabled in this place which is a proper procedure. I am aware of the plight of the people in the cyclone area who do need assistance to rebuild their homes and accordingly I have drawn up an amendment, which I consider should receive urgent treatment by this House. What I have done is to restrict the operation of the legislation to the 40 kilometre area which is the Darwin disaster area.

I foreshadow my amendment in speaking on the second reading and explain to members what it does entail. I would substitute section 13AA, which is the broad power the sponsor seeks to give to the commission, without proper debate in my opinion, with a section along these lines: "This section applies only to and in relation to (a) a dwelling house in existence on the 24 December 1974 situated on land within 40 kilometres of the building known as the Darwin Post Office as existing at that date, being a dwelling house that was once the property of the commission; and (b) damage to or the destruction of that dwelling house caused by or as a result of the event on 24 and 25 December 1974, known as Cyclone Tracy; and that (2) the commission may enter into a contract with a private person for the repair modification or rebuilding of a dwelling house on land held by that person on such terms as shall be agreed upon by the commission and that person". The amendment seeks to do all the things that the

sponsor of the bill wanted done as a matter of urgency. This is the whole tenor of my speech. I agree that that particular situation eventuating from the destruction caused by Cyclone Tracy does need urgency. Accordingly, I have specifically had an amendment drafted to meet that and that alone. On the broader issue of the commission building houses for people on private land, I would welcome its introduction here and I would welcome proper debate, but I regard it as imperative that this House restrict itself to the procedures it has itself approved; that is, urgency only being given to legislation where it is shown that hardship would be caused if it was not passed urgently.

I regard it as improper that, as a result of Cyclone Tracy in Darwin, legislation is still being introduced in this place which affects the whole Territory and urgency is being sought for it. My mind goes back to the debate on the Caravan Parks Bill. That was a bitter debate and I remember it very well. To meet an urgent need in Darwin, legislation was proposed which affected all the Territory, and I have good reason to believe that certain members of the majority party whose electorates are not in the Darwin area had some reservations, not simply about the bill, but about the ethnics of hanging it on the nail of urgency because of the devastation of the cyclone. I shared their misgivings and I state again that I believe that it is improper for this Assembly, having presented guidelines as to when urgency should be sought, should continually override them and hang legislation affecting the entire Territory on something which is good for Darwin. If something is to be good for Darwin and is particularly urgent, let the legislation be introduced in that restricted form. That is what I have done in my amendment.

I do not feel that it is proper today for me to direct my entire second-reading speech to the bill as presented because, as I said, I would have wanted to ask the sponsor a lot of questions on notice and shall do so now. I know that whether or not he gets this through, he is intending it to come up again. There are plenty of honourable members in this place with more than a smattering of understanding of the finances of the building industry, of providing low cost housing, I wonder how those honourable members feel about this legislation being introduced and having urgency sought when they would not have had time to do their homework. I haven't.

I shall vote for the bill at the second reading for the purpose of introducing my amendments in committee but I advise the Majority Leader and other members of the House that I bitterly oppose broad legislation going through at this sitting with urgency. I am perfectly prepared to support an amendment bill which will seek to give effect to the problem the sponsor has raised; that is the problem of former commission tenants whose houses were destroyed now not being able to receive assistance for rebuilding or rehabilitation. I have indicated my support for the principle that they should receive assistance. I don't think it is misuse of public money. What it is doing is assisting Darwin people to rebuild. They are now private home owners but even so I still say that public money would be properly spent by the commission in assisting them to rehabilitate or rebuild their homes. There are certain safeguards in the ordinance. I don't think the money would be unwisely or improperly spent or the scheme improperly applied—not for one moment. But because urgency is sought and because of that alone, I believe the legislation must be much more specific and must relate only to the urgent situation. If the sponsor of the bill refuses to consider my amendments and wants the all or nothing of the present bill, then I oppose urgency. I want a lot more time to really investigate what this would mean and I believe it the right of out of town members to have a good look at their own electorates and see what it would mean there.

Mr KILGARIFF: I support the bill strongly. The first concept that members of the Assembly must get into their heads is that this bill is designed for the Territory and not for a particular section of the Territory. The honourable member for Nightcliff and I have crossed words on this issue before. I can go back 10 or 11 years when a former member for Nightcliff, Mr Fred Drysdale, introduced this concept into the Legislative Council. In those days it was a necessary bill and in these days it is still a very necessary bill. When Mr Drysdale introduced it, my recollection is that somehow or other the Government talked him out of it. Later on in the year, when I picked it up and introduced it, it was defeated mainly by the nominated members block which was in the Legislative Assembly at that time. I don't think they did it for any other reason than that they were not prepared to extend the powers of the Housing Commission. The commission at that date was

developing reasonably and was doing a good job for the community but I believe that because of jealousies in government departments they frustrated its development. I introduced a bill for the second time, I clearly outlined that surveys had shown that nearly all housing authorities throughout Australia had the power to build a house on private property by negotiation with the owner. But the government would not accept the bill.

The government is still not accepting the right role of the Housing Commission but has continued to frustrate its development. The Public Accounts Committee many years ago said that the Housing Commission must be allowed to enlarge and become one housing authority because it would be only commonsense, it would be an economic thing and would assist the Territory. Since then this thought has been put forward time and time again but because of the jealousy of government departments this move has been frustrated. The last time it was introduced was last year or the previous year. Once again I found that government nominated members voted en bloc. I think it came to an even vote—one member was out of the Chamber—and the President then ruled in the negative which is the correct procedure, so it was lost again.

This matter is urgent and has been urgent for 10 years. You must get away from the concept that a person owning a block of land is a wealthy person who is going to use up the funds of the Housing Commission to get a house built over an extended period at a lower interest rate. Get the thought out of your heads that this bill is for that type of person. The bill is designed for young married couples, those people we want to encourage to put roots down into the Territory. We want to encourage the families that exist in the Territory now to own their own bit of land and own their own house. These people, after having purchased their block of land at auctions, often through the nose because of having to compete against others because the Government has not put up sufficient land, have handed their blocks back because they cannot borrow sufficient money. They find that because of the cost of living, and the cost of rearing their families, they cannot save sufficient money and they can't get bridging finance either because that is too expensive. They can't get sufficient money. Having borrowed the maximum $12,000 from the Home Finance Scheme, they can't get sufficient money to build their home. The cost of homes has gone up dramatically in the last few years. It was not so long ago that you could build a house in Darwin under $20,000 and in Alice Springs under $15,000. The scene has changed and houses in Alice Springs are much more expensive and we know the incredible cost in Darwin. The young couple do not have the finance. Because, by the covenants, they have to improve their lease in one year and commence building by the second year, they are forced to toss it in. That is a very depressing thought for them because they wanted to own their bit of land in the Territory because they wanted to remain in the Territory. They want their own home but, because of insufficient money to finance the building of their home, out goes the block.

If the Legislative Council over the last 10 years had passed the legislation that was introduced originally by Fred Drysdale, there would be many people and families in the Northern Territory who would be much better off now. They would have saved around four thousand dollars on their block of land and then been able to negotiate with the Housing Commission to build them a house.

The Housing Commission would look at the ability of the young couple to repay and one would presume that the loan would be for a maximum period of 45 years similar to the Housing Commission scheme where they sell houses. Perhaps, they may like to pay it off at a shorter period and that would be negotiated with the commission. Look at the other benefit of this scheme. The couple would be able to choose from a set of designs and yet their house would be built within a Housing Commission contract with a tremendous saving in cost. The commission has the ability to build houses in groups whereas the young family would have to find a builder to build one house and that is getting very difficult to do these days.

The debate has raised some questions. How will the whole thing work? What about the supervising costs? What about the Housing Commission plans? What about the administration costs and the time that is taken up by the commission in negotiating with these people? All those various costs are included in the cost of the house. It will not cost the Housing Commission any more money; their costs will be covered in this negotiated price. The Housing Commission would have to ensure that the funds allocated for this type of housing would not be robbing the other types of

housing that the commission is responsible for. It would be a new concept and it would be expected that funds would be made available by the government for the funding of this type of housing.

Over the years, I have pressed for this legislation and I congratulate the Honourable Member for Community Development for bringing this in this bill. We have to cater for all types of housing. This concept must be part of the Northern Territory housing scene. I would hope that we can provide housing for the people that they can look upon as their own and not belonging to a government authority.

Mr ROBERTSON: I would like to support the bill but more particularly, I would like to attempt to put at rest the honourable member for Nightcliff. The honourable member is well aware that I am one of those out of town members who very jealously guards the position of urgency on bills that are applied post Cyclone Tracy and when they affect the whole of the Northern Territory. I would agree with her stand on the question of urgency normally and I would point out that her stand on the question of urgency is stronger than that of the Majority Leader. The fact is that urgency does exist in this case. That urgency is more apparently obvious in Darwin than it is elsewhere. However, the urgency exists in the rest of the Territory in perhaps not so obvious a form. Certainly anyone who had the opportunity as I did about 3 weeks ago to speak to the Land Branch covenants inspector, would get some idea of the seriousness of the hand back of blocks situation. Admittedly there are some areas where housing is progressing well. However, it is quite obvious that the Lands Branch inspector was very concerned about the high rate of hand back.

I would like to refer to some remarks made by the honourable member for Nightcliff. She talked of what effect the operation of this law would have on the Housing Commission's finances yet she remains quite willing for it to operate within the Darwin area. It would seem to me that either she is quite prepared for Housing Commission funds to be used for the reconstruction of Darwin to the detriment of the rest of the Territory or she really doesn't believe it is going to cost the Housing Commission anything anyway. It is one of the two. I tend towards the view that she really doesn't think it is going to cost the commission anything, but it is going to be derogatory towards the commission's other numerous roles. I point out to the honourable member, as the Executive Member for Finance and Law has done, that the operative wording is "on such terms as shall be agreed upon". Clearly the commission's role will be that of architect. It will provide the plans and the specifications; it will provide the normal services and facilities an architectural firm would and included in this is a fee to cover all other expenses. In any event, even if–and I don't consider this is a possibility–even if there is some cost to the commission surely that is a cost that any housing authority should be perfectly willing to pay and the community at large should be perfectly willing to pay in assisting the people to be properly housed. I support the bill as an out of Darwin member and I support the concept of urgency.

Debate adjourned.

MOTION

Delegation on Aboriginal Land (Northern Territory) Bill 1975

Dr LETTS (by leave): I move that this Assembly is of the opinion that the passage of the Aboriginal Land (Northern Territory) Bill 1975 at present before the Federal Parliament should be delayed until at least the last week in November to allow the people of the Northern Territory to express their views on it; that a delegation comprising Dr Letts (Chairman), Mr Pollock, Mr Tambling, Mrs Lawrie and Mr Withnall be appointed to attend upon such ministers of the Federal Government as they deem necessary for the purpose of conveying to them the views of this Assembly and of the people of the Northern Territory on this matter; that the Majority Leader be empowered to appoint additional members to the delegation should he deem it necessary; and that the delegation be authorised to undertake travel which it deems necessary to inform itself of the views of the people of the Territory and to convey those views to the Government.

I seek leave to continue my remarks on the resumption of the debate.

Leave granted.

Debate adjourned.

ADJOURNMENT DEBATE

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

Mr PERRON: At question time this morning I asked the Executive Member for Finance and Law if the Attorney-General's Department was refusing transcripts of evidence at inferior courts in Darwin. The answer was such that persons who did not have some form of direct interest in the court case could not get a transcript. Unfortunately I haven't conferred with him further on this matter since his giving me that answer. The matter was raised with me by a solicitor who had represented a certain body in a court case and could not obtain a transcript himself. He informed me that he was refused a copy of the transcript and that is rather unfortunate because I would like to be able to refer to the very sure facts of the transcript in proceedings here. However, I will refer to statements made to me, which I believe to be true, instead of that transcript.

At a court of summary jurisdiction last month, the Corporation of the City of Darwin charged an individual with littering and refusing to give name and address. The magistrate expressed, during the proceedings, surprise at the power of inspectors to demand name and address and perused copies of the legislation relating to these charges. Although the defendant admitted depositing a traffic ticket in the gutter and refusing to give name and address to the council inspector, the magistrate ruled that he would not proceed on conviction on either account. I would like to point out that it is the function of this legislature to make laws for the peace, order and good government of the Northern Territory and I would like to remind the magistrates that their function is surely to administer justice in accordance with that written law. This legislature will decide if a local government inspector or anyone else should have power to take a person's name and address. I ask the magistrates to give us their co-operation and not obstruct the city council's attempts to keep the city clean or to remove undesirables from taking over our beaches, or any other matter which the elected representatives of the Territory decide should be regulated.

I refer to another question to which I received an answer yesterday. I asked the question of the Majority Leader 6 months ago and I received a reply yesterday which, in about 32 words, said no. The question was: "Will he make available information which has been supplied to the Animal Industry and Agricultural Branch containing details of the persons involved in a decision to bury livestock and equipment on Mr Syrimi's farm after Cyclone Tracy". Six months after asking that question I received a long drawn out answer which basically said that information would not be supplied: "No information can be provided regarding action which was taken on the emergency situation at the Syrimi poultry farm after Tracy and which is the subject of a claim on the Government". I allege that the Government is trying to dodge its responsibilities in this aspect. I will recap some of the events which led me to ask the question of the Majority Leader and I don't blame the Majority Leader for the answer which was supplied to him by a government department over which he has no control whatsoever. I would like to read from a letter which Mr Syrimi wrote to the Director of Emergency Services on this very subject. Mr Syrimi says:

> The day after cyclone Tracy, we requested the use of a generator to enable us to give our fowls water as the watering device was all run electrically. We were told that nothing was available. On the second day after Tracy, we let all the fowls out of the battery of cages to give them some chance of survival. In doing this, they could get water from the ground and seek shade as some of the sheds had been damaged and some of the birds had no protection from the sun. On the fourth day the Department of Health were trying to bury dead birds and manure as they felt there was a health risk to combat. Next a team arrived from the department and commenced to bulldoze and bury the sheds, manure, birds etc., to combat the health risks. This demolition took approximately two weeks. The Animal Industry and Agriculture Branch then took over and destroyed all remaining birds as they now had no protection at all as cages, buildings etc., had all been buried. We believe the decision to demolish the sheds etc., was taken by various heads of government departments and evidence of these instructions from the departments concerned is with the Department of Animal, Industry and Agriculture Branch here in Darwin.

The letter goes on to list something like $294,000 of damage which was done partly as a result of the cyclone to sheds etc., but mostly as a result of the emergency action which it was decided to take in destroying the birds and—the part which is a little bit more difficult to understand—to bury the farm's entire equipment. I believe that they not only buried the farm's equipment but they ruined the land as well as material is sticking out of the ground all over the place from 15 foot holes which were dug.

We were assured after the cyclone when we were discussing emergency powers legislation

that there would be compensation paid to people who suffered as a result of emergency action taken. The emergency legislation was extended to cover certain actions which were taken immediately after the cyclone. In this particular instance, the gentleman concerned made a claim to the government for some of the damage which was done as a result of official decision and they want him to prove that the decision to bury the poultry farm equipment was made by government personnel, yet they just don't want to part with that sort of proof. The proof is with the Department of Animal Industry. They have proof on file yet they refuse to part with it and they refuse to give the applicant the information which he requires to proceed with his application. The situation is absurd and a travesty of justice.

Mrs LAWRIE: I rise to raise the small matter of the disappearance of $70,000 of Darwin people's money. There were advertisements placed in the local newspaper from a company advertising that a house would be up with in 11 weeks and so many days. In response to this advertisement certain people contacted the principals of this firm and unfortunately 36 groups of Darwin people paid deposits. I am quite prepared to name the firm. It is Seatoun. I have ascertained that the company account was at least $70,000 and I believe it was a few thousand more. When a few dissatisfied clients approached the local representative complaining that they weren't exactly seeing their houses erected as promised and asked about their deposits, the change in the bank balance was quite dramatic. One day there was over $70,000 and the next day there was $7. The two people who had been collecting the money were no longer in Darwin. The gentlemen have returned to Bjelke-Petersen land—Brisbane.

I suppose it was inevitable that, following massive destruction and with Australia-wide publicity given to the fact that an entire city was to be rebuilt, characters of all shades would come to Darwin and attempt to cash in on what they believed was going to be a bonanza. By and large, the people who have come to Darwin have acted honestly. I wouldn't say they are exactly improverishing themselves. In fact, I would state that all the builders who have come to Darwin are determined to do very nicely and, unfortunately, it is the citizens of Darwin who are paying for this. We are fortunate that more Darwin people haven't been taken for a ride by a number of fly-by-night companies. I hope that this fraud is confined.

I have gone into this matter fairly carefully with lawyers of other Darwin citizens and, because I have established a pretty fair case, I intend to name the people and this is something which I rarely do in this Assembly. I have named a company—Seatoun. I advised the Assembly that 36 clients of that company made deposits from $1,000 to $5,000. The General Manager in Darwin for Seatoun was a Mr Clive Cunneen. Unfortunately, he is no longer with us. The Managing Director of the company was a Mr Gary Stephens, also unfortunately no longer with us and presently believed to be in Brisbane. Seatoun now has no representative in Darwin neither does it have in Darwin the $70,000 deposits it took from Darwin people. No-one is too sure where the $70,000 is other than it is no longer in the company's Darwin account.

Several people affected by this unusual flit are taking what action they can to secure the return of their deposits. They have been singularly unsuccessful. I have good reason to believe that many people have been attempting to contact Mr Stephens in Brisbane for some days and they either get no answer or what can best be described as a complete "brush-off". Certainly, they get no indication that their deposits would be returned, only vague statements that he was dissatisfied with the parent company Family Joy Enterprises and was considering action against them. Family Joy Enterprises is the actual parent company of this particular type of housing. Seatoun was operating on a franchise basis for them but it has been clearly established that, when Family Joy Enterprises became a little suspicious of Seatoun and withdrew their right to accept deposits on the principal company's behalf, Seatoun still continued to accept those deposits. This was at the least unethical and may be considered misrepresentation or fraud.

Family Joy Enterprises, and I have had no complaints against that company, are now put in a very difficult position. They have been badly let down by Seatoun and are suffering because of this—but I doubt if they are suffering to the extent of the Darwin people with the loss of $70,000. Seatoun's ex-representative, a Mr Dwyer, who is now employed by Family Joy Enterprises, said the agreement between the two companies came to an end because Seatoun was unable to get the houses up on time. Apparently, Family

Joy have now engaged a better and more efficient builder. They can hardly be worse than Seatoun who apparently haven't built a blasted thing.

One of the problems facing the people endeavouring to get their money back is that given a pretty substantial case built up for the return to Darwin of Mr Stephens and Mr Cunneen it has been reported to me that to ensure the return of these people they would have to pay the cost of these gentlemen's expedition to the Territory. I think that is most unfair that they be throwing good money after bad. The Seatoun company should be or the representatives should be brought back to Darwin to face the music at public expense because it appears on the face of it that they have perpetrated a mischief on the public of Darwin, not simply on the 36 affected people but a rip-off on the community which is struggling to rehabilitate and rebuild under less than ideal circumstances. I strongly recommend that the police be given whatever money is necessary to bring these men back to Darwin not to have to rely on the 36 disadvantaged people. The police should be given every assistance from any other police force in Australia from any other police intelligence branch in Australia to go through the case thoroughly, as cases of fraud demand the most detailed attention and as our legal friends here would know, white collar crime is probably the hardest to detect and the hardest to successfully prosecute. It is my belief that sufficient evidence has already come to light to demand the return of these people but I state most strongly that their return should be at government expense. If they have nothing to hide, if I and the 36 people and various legal people engaged have been grossly misled, then I am sure the gentlemen would be delighted to return to Darwin on the next available flight and advise us of that fact. But, Mr Speaker, I doubt very much if they are going to do that. Family Joy Enterprises has sent up another representative to try and find out what the hell is going on in Darwin. I wish him luck. I do realise that that parent company is a separate issue from the misadventures, put it simply, of Seatoun, but let's see the Seatoun people back here, hopefully with the $70,000. I hope they can be extradited with little problem from Brisbane and we don't have to start looking for them in Brazil.

Mr KENTISH: This morning I asked a question concerning the state of road access from southern states, to the Northern Territory as compared with the state 2 years ago. In the past 2 wet seasons the Territory has had very unusual and copious rains which put the roads out of commission for many weeks on end. In February 1974 the roads were cut from Queensland and South Australia which caused a good deal of inconvenience and a good deal of consternation and I think it was at that time the Prime Minister even became interested and promised that there would be a 4-lane highway. In about March he promised that—just previous to the May election—a 4-lane highway from Port Augusta to Alice Springs. I don't think that is completed yet but when it is it will be a very great addition. There were also promises made about the railway that Dr Coombs had kindly put on ice saying that it was an unwarranted expense and not required. So work ceased on the railway during 1973, nothing whatsoever was done on that. But it was conceded in 1974 that work should recommence on the railway to make it an all-weather rail link between South Australia and Alice Springs. Now we see that that has commenced but as we all know it is still not a viable rail link. However, the road position is nothing but reprehensible. After 2 years we still have no guarantee, in fact little has been done towards fixing or improving the areas that go out year after year as the rains come. They are not big areas, not large in extent as far as the Territory is concerned. On the Queensland side it is more difficult perhaps. The Newcastle Water area is the main one and some areas around Tennant Creek and Alice Springs perhaps. There are only a few areas, a few parts of the road, that cause this trouble but in 2 years nothing substantial has been done and this could be regarded as nothing but reprehensible by the people who undertake to look after the affairs of the Northern Territory and govern the Northern Territory from a remote distance in a most inefficient and inept manner that could possibly be imagined.

I asked a question at the last sitting: "What is the total amount paid to housing consultants and accountants by Aboriginal housing associations or town councils in the Territory since 1 January 1973 and what is the number in value of houses or other buildings built as a result of their advice?" The answer is startling. The total amount paid to housing consultants by Aboriginal housing associations

since 1 January 1973 is $1,259,594. This comprises $375,249 paid to accounting consultants and $884,345 paid to technical consultants. Aboriginal housing associations have not undertaken valuation assessments on their houses or other buildings so I am unable to provide any information in this regard. Records show a total of 103 houses completed at 30 June 1975 and a further 152 under construction. This is a total of 255 houses for a cost of around $1¼m in advice and accounting processes. This runs out to close to $5,000 per house for advice and accounting processes. This question was prompted by my movement around the Territory and particularly my electorate and information volunteered to me by certain people. One told me, "We paid $80,000 to consultants and we don't have a house yet". There is a saying that free advice is not worth much but the cost of this advice seems to be phenomenal, outrageous in fact. I have been at Roper River recently. Building is going on there, shops, buildings, administration buildings, and so on but Aboriginal housing I found had ceased altogether. I asked what was the position with Aboriginal housing and I was told it had ceased. I asked why and they said they could not find what has happened to our housing association funds; no one knows where they have gone. Perhaps they don't have any, perhaps they have been spent. They can't get any information but the general impression seems to be out there that they do have housing association funds but they have disappeared somewhere, no one knows quite where. There may be nothing at all dishonest about this but it is not satisfactory that these people can't find out where their housing association money has gone and building has come to a halt at that place. Enquiry may reveal that everything is quite above board and in order, but the fact remains that no houses have been built for the Aboriginal people.

I am quite dissatisfied with this position. Of these 255 houses that have been built we would expect there would not be more than 8 or 10 designs and if an architectural consultant found that one design, after consultation with the Aboriginal people, was suitable that should cover then about one tenth at least of the houses, presuming that there were 10 different designs for houses. If it cost him $5,000 to find out that one design was suitable that then should apply to all the rest of them and you would think all the houses of similar design would cost nothing at all. It may be even worse than that. There may only be 3 or 4 designs among these 255 houses. But every single house of the 255 has cost $5,000 in consulting and accounting. It would appear to me that an enquiry is due. An enquiry should be mounted to show that the Aboriginal housing associations are not being milked or that the Australian taxpayer is not being milked in some foul manner. I leave that thought with the Assembly.

Mr TAMBLING: I would like to comment on the choice and availability of cinema films in Darwin. This year we have seen a rather unusual situation where it is dreadful to reflect that some 90 per cent of the films available through cinemas in this city are not classified as G or suitable for children. The statistics are such that 24 per cent of the film programs shown in this community this year have drawn a restricted classification; 33 per cent have drawn a mature audience classification; and a further 33 per cent have drawn a not recommended for children classification. There have only been 5 G programs at the 3 cinemas in Darwin where both films on a particular session have been classified as "General" this year. Admittedly the Darwin Cinema has gone further and has arranged, creditably, a large number of matinee programs, some 21, specifically for junior children. But my area of concern is basically the teenage person and the thoughts of the parents in the availability of suitable recreation and suitable entertainment for those children.

If we look specifically at the Friday and the Saturday night programs that have come across this year—and this would be the area, from my memory, that most teenagers would want to attend—what sort of programs do we get?

At the drive-in—and I believe a drive-in is a family film place where you should be able to take children of all ages—this year in some 33 Friday and Saturday night weekend programs, we have been confronted with 21 "M" classification evenings, 10 "Not recommended for children", 1 "R" and 1 "General" classification and I believe that one was "Jesus Christ Superstar". At the Parap theatre where they have been operating for some 20 weekends so far this year, the statistics are a little better perhaps. We have had 2 "General" programs, 2 "Restricted",

12 "Mature audience" and 4 "Not recommended for children". At the Darwin Cinema, again on weekends, we have had 1 "General" classification out of some 34 weekend sessions and that was the good film, "The Great Waldo Pepper". There have been 7 "R" films, 12 "M" and 14 "Not recommended for children". So I ask, where do teenagers go for Friday and Saturday nights and what sort of an input are they receiving from this sort of entertainment?

When I classified the programs earlier, and I did it on a percentage basis, where I said 90 per cent fell either into the Restricted, the Mature, or the Not recommended for children categories, that was just on the straight programs which were available, the 249 programs between January and September at the 3 Darwin cinemas. That did not take into account the actual screenings, the number of night performances. I am sure that if I had had the time to sit down and do that sort of calculation, the percentage screenings would have been a much higher sector in the "Rs" and the "Ms" than I have been able to ascertain so far.

The responsibility for this sort of program choice obviously isn't solely that of the local cinema management. They must have a role to play in choosing these particular programs, but there is obviously also an Australian or international problem that film production is no longer on a basis that is in tune with what the community would like to see. It is what the spectacular, the sexy or whatever other classification might be thrown at an audience that will create a commercial box office appeal. I've got no beef with the particular classifications. The "R" the "M" and the "NCR" are appropriate forms of censorship classification and if I want to go and see an "R" film I believe I have that right, but I don't want to have my choice restricted to such an overwhelming degree. I do not believe that is good for the total community.

Members: Hear, hear!

Mr TAMBLING: On a separate issue, I seek leave to table the minutes of the Northern Territory Building Board for the period January to August 1975 as indicated in answer to question 694 on Thursday 16 October.

Leave granted.

Mr EVERINGHAM: We have read in the newspaper recently that the Government is going to be drawn by action being taken by the Senate of the Australian Parliament into a situation where public finance and the payment of government accounts will break down. Mr Speaker, let me tell you that public finance in Australia has broken down already, and the reason for this is that the Government embarked ambitiously and in too much hurry on its programs such as Medibank without making conservative estimates of the costs that these programs were going to entail. A minister attempting to sell to the Australian press and people and his political opponents has given us an optimistic estimate of the cost of Medibank, but we are finding that doctors are waiting months for payment when they bulk bill. I have an example of a patient who was treated in Darwin on 18 July this year. The account was sent with the Medibank claim form to Adelaide and I have seen the account. It has come back with a Medibank stamp on it saying, "Processed August 1975", and "Your cheque will be sent to you from Canberra". This person has still not, on this date, 21 October, received a cheque from the Australian Treasury. Now, if Medibank is working, them I am a Dutchman.

Secondly, we see the much vaunted Telecommunications Commission; they are going to revamp our telephone services. The Postal Commission is going to revamp our postal services. All they are good at, I find, is not speed and efficiency in installation of telephone service; they are only good at sending out their accounts. Apparently the Postal Commission is no good at delivering accounts sent out by the Telecommunications Commission because in the last 2 days I have received a number of telephone accounts for my various phone services, and the accounts all bear the inscription on the bottom, "This account must be paid within 14 days of 3 October 1975". Not one of these accounts reached me before 17 October, yet I am liable to have all my telephone services, my 4 lines at my office, my home, anywhere else, cut off because these accounts did not reach me in the time that they have stipulated for payment, otherwise cut off. This is an intolerable situation. Something has really got to be done about postal services in Australia. It is taking one week for a letter to get from my electorate, Jingili, to be put in my Post Office Box 548 in Darwin Post Office—7 days from date of posting—Casuarina to Darwin; it's unbelievable. What it is I don't know. I've spoken to the Postal Manager and he says their procedures are efficient but I cannot

understand how any efficient operation could take a week to get what used to be a 5c envelope, now 18c, to Darwin from Casuarina. There should be an urgent enquiry into postal services in Australia and I make that recommendation seriously to the Federal Government. The creation of the Postal Commission has not done anything to alleviate the position; it has just meant a change of name; it has not meant a change or improvement in service.

Mr RYAN: I would like to bring up a matter concerning a bill which I had hoped to present during these sittings. It is a pity that the honourable member for Nightcliff and the honourable member for Port Darwin are not here. I hope they are in earshot so that at the next sittings I am not accused of pushing something through. The bill is an amendment to the Traffic Ordinance with regard to the speed detection device known as the amphometer. The amphometer cannot be used by the police because of the changes to the ordinance regarding metrication, so I will be presenting this bill at the December sittings. We were unable to have the bill drafted and printed because of the excessive strain put on the drafting section at the moment due to shortage of staff so I will be presenting it in December and I will be asking that it be dealt with during the December sittings. It is an important piece of legislation as our police can no longer use this speed detection device because the legislation is not in line.

While on the subject of traffic, I would like to comment on a couple of things which have happened around Darwin and over the past few months. The traffic situation is not good in Darwin. There are, in my opinion, several contributing factors. One is that drivers in Darwin and the Northern Territory, but Darwin in particular, because of the volume of traffic, are becoming less courteous as time goes by. Because of this lack of courtesy on the road, we find that accidents, deaths and serious injuries are occurring in greater numbers. This may be put down to the number of interstate drivers we have in the Northern Territory who are unaware of some of our laws although these are fairly much in line with those in the other states. We do find that driving habits and abilities vary from state to state so obviously those drivers coming from a state where a lack of courtesy is fairly much to the fore continue to act in the same manner once they arrive in Darwin. I realize that it is difficult for the police to stop drivers every time they show a lack of courtesy.

Another factor which is contributing to this is the sudden upsurge in Give way signs that have proliferated in various parts of the city. I would be the first one to admit that a Give way sign is most advantageous on a dangerous corner, however, we have seen signs appearing on streets which do not really necessitate such signs. A Give way sign can cause confusion and increase the danger on a corner. Many visitors or people unfamiliar with the area are not aware that there is a Give way sign on the corner. They may be on a road which has the right of way but, having got to the corner and seeing a car on their right, the tendency is to stop and you then have a stalemate of two people looking at each other. You then have the situation where a person having stopped at the Give way sign tends to take chances in getting his vehicle into the traffic again. Because he has to give way to traffic coming from either direction, he sometimes becomes impatient and, if he does happen to see a small opening he then tries to get into the line of traffic and a lack of judgment on his part can result in a serious accident. As chairman of the Road Safety Council, I feel that I can involve myself in this area and hopefully we can get some sense of direction with the Give way signs. I don't think it is necessary to have Give way signs on those corners which are still reasonably safe.

The give way to the right law has always worked in the Northern Territory. It takes a little bit of getting used to when you just arrive in the place but, having been here for a while, you know that the rule is to give way to your right and that is definite. Because of the uncertainty put into the system by Give way signs and the number of interstate drivers, there has been a tendency to slack off on this give way to the right. Unless something positive is done to stem the tide of accidents due to the failure of giving way to the right, I am afraid that our loss of life will increase in years to come.

Mr BALLANTYNE: I rise to speak about the content of the TV programs in Gove. We have a closed circuit television system which is there by the grace of Nabalco and is controlled by the Nhulunbuy Corporation in conjunction with the company. It is a reasonable type of system operating on about 100 watts and we have a reasonable picture for an isolated area. We can't get used to the idea

that we see "current" programs that happened 2 or 3 weeks before. I refer to programs such as sporting programs. Video tapes are made of these and the unedited tapes are forwarded by the Mining Industry Council in conjunction with the Australian Government and the ABC. There is an agreement to supply all mining areas with TV programs that are as current as possible. These films come from WA and we are at the tail end of the process; we receive the programs after Groote Eylandt and, for the life of me, I don't know where they go when they leave us but I suppose they go to the archives of the ABC film department.

Recently, some people in Nhulunbuy complained to me that they were dissatisfied with the content of the programs. When we do see a movie, it is usually very old; I saw one the other day with Bob Crosby and Bing Crosby. I think that the young people don't even know who they are when they see them. They are enjoyable for me in a way because I can reminisce but for the younger people it is not very good entertainment.

One person wrote a letter to the ABC in Adelaide. I will read the answer that he received:

Under the agreement between the Australian Government, the Australian Mining Industry Council and the ABC, we supply tape recordings of television programs for transmission at a number of mining centres including Gove. Under this agreement, we only record programs as they are transmitted on our metropolitan country networks in the South of Western Australia after our schools broadcasts have finished on weekdays, at about 3.30 p.m. and from approximately 2.30 p.m. on Saturdays and Sundays. Also, under these agreements we do not provide recordings of news and This Day Tonight for mining centres. We do not control the times at which the various programs are shown in the mining centres but, of course, such centres must follow the standards laid down by the Australian Broadcasting Control Board as regards the hours during which programs of various censorship, classification may be transmitted. I sympathise with the situation that has been created in the mining centres through our direct telecasts of the test matches in England. Normally such programs are shown during the day time but the time delay means that play occurs during our evening and therefor during the period in which we record for the mining centres. I appreciate your comments regarding the sociological nature of areas like Gove but under the agreement, the ABC is not required, nor does it have the facilities, to provide special programs for the mining areas. It would require very much more than just "a little effort" on our part to do so. We are already overstraining our engineering resources and facilities in order to provide the present service. Even if technical facilities were available we do not have the production resources to provide special programs such as edited highlights of test matches for the mining areas. When we buy or produce programs, we usually do so on a contractual basis which restricts the number of times they can be replayed. Because of the cost involved, we cannot repeat program series for one area alone. Again, because of extremely high costs, we have not purchased any feature films for some years. Although I realise this is no solution in your area, it has been ABC policy in recent times to expend a significant proportion of its budget in the development of Australian productions, leaving the movie field largely to the commercial stations.

I don't know what you, Mr Speaker, and other members of the House think about that, but it looks to me as though they need to get a few experts in there to have a look at their finances. I don't even know why they enter into contracts. They get a fairly substantial amount of money to run the commission. I'm sure there is expertise there that could help in editing these video tapes for the mining areas. I wouldn't be so concerned, perhaps, if I lived in Western Australia as the time delay would not be so great. Where we are situated in northeast Arnhem Land the time factor does mean a great deal, particularly when you read in the newspaper that something has happened and a fortnight later you look at the TV and there it is being replayed. I am bringing to the attention of the Assembly all types of programs which have been sent over to Gove. Some of them are outdated; there is no modern thought put into editing techniques, and I'm sure that if they went elsewhere in private industry they might find someone who could give them a reasonable method of editing films. Perhaps we should leave it to the commercial stations, but because it costs so much to do this, I doubt whether the people in Nhulunbuy could afford it.

Motion agreed to; the Assembly adjourned.

Wednesday 22 October 1975

PETITION

Telephone and postal services at Warrabri

Mr VALE: I present a petition from the citizens of Warrabri requesting an improvement to the telephone and postal facilities at the settlement. The petition is courteously phrased, bears the Clerk's certificate and is in accordance with standing orders. I move that the petition be received and read.

Motion agreed to.

To the honourable the Speaker and members of the Legislative Assembly

The humble petition of the undersigned citizens of Australia respectfully sheweth that the people of Warrabri do not have access to public telephones or a post office. Your petitioners humbly request your support in the establishment of adequate postal and telephone facilities and your petitioners, as in duty bound, will ever pray.

MOTION

Health Services in the Territory

Mr POLLOCK: I move that this Assembly express its deep concern at the serious difficulties facing those responsible for the provision of health services in the Territory and the possibility that some services may have to be curtailed because of staff shortages, and that this concern be conveyed to the Prime Minister and Ministers for Health and Northern Australia.

This motion and debate are not in any way designed—and I trust will not be so construed—as an attack or a belittling of the health services of the Northern Territory that are being provided at the moment by, I am sure, a dedicated staff, a group of people who are managing against great difficulties to provide us with a service of the standard we desire here in the Territory. The point behind the motion is that this band of people, whether it is the Director of Health, the doctor in the hospital, the nursing aide, or the health inspector, they are all being frustrated in their endeavours by what we could perhaps describe as the system. By the system I mean the controls which are being placed upon the Northern Territory by certain levels of administration mainly in Canberra by people such as the Minister, the Public Service Board and a seeming multitude of people who appear to lack any understanding or desire to understand the difficulties which are besetting the Northern Territory Medical Service.

During this sitting and at previous sittings we have heard some of the difficulties facing the service. Prime amongst these has been the general staff situation of the service, more particularly the difficulties being experienced in trying to get professional staff to adequately man our hospitals, whether it is an anaesthetist at the Darwin Hospital or a nursing sister at Gove. Perhaps I could advise the House of some of these staff difficulties. At the Darwin Hospital, there is a shortage of some 15 doctors. Although the bed rate at the hospital fell following the cyclone, so has the number of private practitioners in Darwin. In consequence there has been a greater load placed on the hospital. This and Medibank has brought the Darwin Hospital outpatients numbers up to figures comparable to pre-cyclone. In September there were some 9,760 outpatients treated at the Darwin Hospital of which 5,880 saw a doctor. Many of these people had to wait hours to be seen by a doctor and the community can hardly afford the time which is taken up by numerous people waiting for hours to see the doctor, whether it is in Darwin or Alice Springs or other places. Whereas before the cyclone another doctor could perhaps be diverted into the outpatients area to assist and shorten the time of waiting, with the present staff this is just not practical.

In other Territory centres, the medical staff supply is a little brighter, but nursing appears to be a greater problem outside Darwin. As we heard the honourable member for Nhulunbuy remark the other day, a serious nursing problem is arising there; the staff is 10 below the authorised strength of 45 nursing staff, and I believe that there are some five resignations pending in the pipeline. At Katherine Hospital there is also a shortage of nursing staff; they are 9 or 10 below the authorised strength, and in Alice Springs they are some 50 below the authorised strength of about 220.

The Darwin figures are well down in nursing staff but also at present there is a reduced bed rate at the hospital and perhaps it would be a little unfair to reflect the figures to the situation. However, there is a serious shortage of theatre sisters and, as I told the House last week, there will be no anaesthetist on the staff as from the end of this month; the hospital will be relying solely on locums—anaesthetists brought from southern hospitals for a few weeks and months, perhaps a little longer, on a locum basis. This results of course in high

cost to the department in airfares, accommodation, travelling allowances and fees. The locums' fees are much higher than staff salaries. In consequence the health service of the Territory is paying through the nose for these services, which we must have.

In other areas the health services are also in difficulty with staff. Darwin has only 3 dentists of its authorised strength of 8. There is a waiting list of about 7 months to see the dentist in Darwin. In Alice Springs, where we have no private dentist, the waiting list is in its thousands. Thousands of people there are waiting to see the dentist; the waiting list is more than 12 months. Admittedly, in Alice Springs at the moment, the actual strength of the dental staff is above the authorised strength of 3 but the authorised strength itself I believe has not varied for 8 or more years, during which time the population of the town has doubled. The situation there has been one of concern for many years and I do not think the waiting list has been much less than 12 months for some considerable time. At the moment it is getting longer and longer.

The Northern Territory has about half its strength in health inspectors. At a time when health vigilance in Darwin, where there are a great number of caravans, is important, the demand on services provided by the health inspectors is higher than we would normally expect. With less than half the authorised strength of health inspectors available, the situation is quite dangerous.

It can easily be seen that our health services in the Territory, from the medical staff to the health inspectors, can be described as being on the brink of a serious crisis. We wonder how people in the service can be expected to continue to work and provide the services they do when they face this crisis. The situation is one which really only generates the problem. People will not stand for it. They see opportunities elsewhere in Australia and so the wheel turns and we go further into the mire. We ask ourselves why it is we are having these difficulties in the service. Why can't the Northern Territory health service recruit the doctors, the health inspectors, the dentists and other professional people that we need? The plain truth is that the service offers the lowest salary of anywhere in Australia. Salaries and conditions in some areas are so far behind they are almost out of sight. This aspect is one which has been continually hammered in this House by myself to the Minister for Health, by, I believe, the Northern Territory Health Department to its headquarters in Canberra and, I have reason to believe, some officers there to their appropriate authority, namely the Public Service Board and its interwoven structure of arbitrators and others, some inside the board others from the Prime Minister's Department or the Department of Labor and Immigration—and in every case meeting a blank wall. It just doesn't seem to get across that the Northern Territory service, to survive, must have staff and to get staff they must be properly paid.

Perhaps I could give some examples of disparities in relation to salaries. In the Northern Territory, a district medical officer's salary range at the moment is between $11,230 and $16,480. In the Northwest Medical Service of Western Australia the beginning of the salary range starts higher than the highest salary paid in the Territory; it starts at $16,893 to $20,762 per annum. In Queensland, the salaries paid in the Aboriginal Health Program to district medical officers is $15,834 to $19,098. In the Australian Capital Territory Health Commission community medical practitioners start up at $20,100 to $23,600. How can the Northern Territory possibly attract officers to its service when it offers such low salaries as compared to elsewhere in Australia? Health inspectors at the moment are the lowest paid in Australia also, with a salary range of some $7,270 to $8,647. Recently they were offered a rise to the $10,000 range and they accepted the rise. However, big brother got into the act somewhere down the line, the offer was outside the lines of indexation, and now they are offered, and I believe they are accepting for the time being, a lower rate of $8,050 commencing salary. In Western Australia, in the town of Canning, the authority there is paying $9,617 at the beginning of the range. This is in Western Australia, not far from Perth. They are paying $1,600 more than we offer similar persons in the Territory. In fact I believe there is a surplus, particularly in Queensland and Western Australia, but to overcome the shortage in the Territory we must offer them proper salaries, conditions and so forth.

In the past week or so, accompanied by a fistful of colour brochures depicting the pleasures of living in the Riverina of New South Wales, this brightly coloured little pamphlet was circularised to all dental officers in the Northern Territory: "Available, dental practice at Hay, New South Wales. No capital required. Premises, equipment and

instruments are provided by the Hay Shire Council at a rental of $22 per week. Residence, 4 bedrooms, available at the nominal annual rental of $10. Council will pay an establishment subsidy of $5,000 at the conclusion of 12 months, subject to satisfactory service and a renewal of the lease etc for a further 12 months". How can the Northern Territory service possibly compete, with its present salaries and conditions, with offers like this? They even give an after-hours telephone number to ring up the town clerk to grab the job. All you have got to do is front up with your material, some stuff to fill in a few gaps, and you have a ready-made practice there in New South Wales.

To get our staff we must be prepared to offer conditions that will attract them. It has been said that staff ceilings on the department will hamstring it in providing services. If you can't recruit anybody, you will never reach your staff ceiling, so at the moment we don't have a desperate worry about staff ceilings. Furthermore, we were advised the other day that we did not have much money, none in fact, to advertise to get the staff.

The effects of the situation have a prospect of affecting every citizen in the Territory, whether it is Darwin, or, say, Papunya Aboriginal Settlement in the centre where they are building a $1.25m hospital to be completed shortly. Such facilities would not be provided if they were not considered necessary. If we are unable to obtain staff to man them, we are wasting our time in many respects in building these facilities although they are much needed. We know we need the staff and people elsewhere have got to realise that they must be prepared to offer proper salaries and conditions for the Territory medical service. If staff numbers are not kept at a high level, the services of the Health Department cannot continue at a satisfactory level. The waiting list at the outpatients department must increase. I believe at the moment at the Darwin Hospital it can take 3 or 4 hours to see the doctor, and in Alice Springs the situation is not much better. If you happen to be injured at football or something like that at the weekend, it can take a considerable time to see the appropriate medical officer and be properly treated. The surgery waiting list must increase. The waiting time for dentists must increase further.

The concern of this Assembly and people in the Territory is a very real one. I hope this debate can in some way be used to convey this concern to the appropriate person, such as the Prime Minister and the Ministers for Health and for Northern Australia. Our dedicated medical staff cannot be too highly praised. Their devotion to duty and the work that they are putting in cannot be too highly praised and I would not like it seen in any way that we are knocking the endeavours of that fine body of people—nurses, doctors and so forth. What we are greatly concerned about is the inability of the service to get on with the job, its being hamstrung by southern control, in many respects, in being able to provide proper conditions, salaries for medical officers, for the whole range of the medical service. In consequence, the whole service of the Territory must face a crisis and in many ways endanger the situation which we have enjoyed over the years.

Mr KILGARIFF: I support the motion. For many years now the medical and hospital services of the Northern Territory have been under continued stress. As the Executive Member for Social Affairs has said, we can be very thankful for the people in the Health Department who have gone beyond the call of duty in endeavouring to give a reasonable service to the people of the Northern Territory.

In May 1971 the Legislative Council, because of the problems that were developing within the health services of the Northern Territory, felt that it was most urgent that an inquiry be set up. There was a board of inquiry established of 3 people who covered the length and breadth of the Northern Territory, met many people and inspected all facilities. Their report was extremely critical of many aspects of the facilities being provided to the people of the Northern Territory. It was not a report critical of the staff; it was a report critical of the facilities, the salary ranges, the lack of equipment and so on. The report made 168 very firm recommendations. It was tabled and it remained tabled—very little action appeared to be taken on it. The result was that for the first time—it was somewhat of a precedent—a sessional committee on hospital and medical services was created by the Legislative Council to oversee the report. The sessional committee lasted for the life of the Legislative Council. It commenced the enormous job of going through the report and identifying each recommendation. It then went to the health authorities and to the people in the medical field in private practice, to the hospitals and to the community. Out of

that, after continual negotiation with the authorities, the 5th report on the committee in May last year indicated that 88 of the recommendations had been completed and 68 needed further investigation and further work. It was anticipated that quite a lot more work was needed.

At this juncture, in May 1974, there was a very good liaison between Dr Gurd of the Health Department and the committee. There had been some friction before, but after a period there was a good liaison and quite a lot of work was done. Now we find that, despite the work of the sessional committee, despite the inquiry, despite what the Health Department has done in fulfilling the recommendations of the report, a year later we are in a situation where this legislature feels that a further motion is required to point out to the Prime Minister, the Minister for Health and so on that the health facilities, the hospital and medical facilities in the Northern Territory, are still wanting.

One of the main recommendations that was fulfilled was that relating to the setting up of a health commission. It was a very strong recommendation in the original report that in the Northern Territory there should be an autonomy and local responsibility, regional responsibility, which would allow the Health Department to operate more efficiently. The board of inquiry felt that by the setting up of a health commission the health facilities, and the medical and hospital facilities of the Northern Territory, would be improved. The sessional committee took up the matter with the Health Department in Darwin and in Canberra with the Minister for Health. At that particular period, in May 1974, there were a lot of confusing statements coming out of the Health Department as to what work was being done regarding the setting up of the health commission and there were some conflicting statements made at that time. It is worth noting some of the comments made in the 3rd, 4th and 5th reports of the sessional committee. Without going too deeply into the matter I just make some comments on it.

In September 1973, the sessional committee was advised by the Minister for Health that a preliminary investigation of the proposal would be made. "With the Joint Parliamentary Committee's inquiry now under way, it is considered that this investigation should be held over, at least until the Joint Parliamentary Committee recommendations are published". A further report by the sessional committee to the Legislative Council said that the departmental feasibility study on the health commission would be completed by April 1974. A progress report from the Department of Health in December 1973 said: "The future organisation of health services in the Northern Territory depends on the recommendations of the Joint Parliamentary Committee inquiring into constitutional reform in the Northern Territory". What has happened since then? The sessional committee went out of being at the end of the Legislative Council. There was really no follow-up then except that in the change to the Assembly we have an Executive Member for Social Affairs who handles health matters, and no doubt the honourable member has been pursuing this point to a degree. But it is unfortunate that the services of a sessional committee as we had in the Legislative Council are not available to this Assembly because I believe these sessional committees can work on behalf of the Assembly without crossing the duties and responsibilities of the executive members. However, this is a matter that can be debated later. The department and the Minister decided that, before setting up an authority in the Northern Territory, they would wait for the Joint Parliamentary Committee's Report on the Northern Territory. When the report came out, page 45 related to health and education. The committee proposed: "Some functions of local significance be transferred to a local executive but that the major functions of the provision and staffing of hospitals and schools should, for the time being, remain the executive responsibility of the Australian Government. There will, of course, need to be close and continuing consultation between the national and Territory executives on all aspects of health and school services. The committee commends to the Australian Government the greatest possible community involvement in both health and education services; this might be through the establishment of a health commission and of an education committee which would formalise local involvement and which would be responsible to the Australian Government for the operation of each of these services in the Territory". Thus, the committee suggests very firmly that a health commission should be formed in the Northern Territory.

Where do we stand now? I understand that an interdepartmental committee was formed.

Mrs Lawrie: God preserve us!

Mr KILGARIFF: This committee was formed by senior departmental people to make recommendations to Government on this report. It is my understanding that the people on this committee who made recommendations to Cabinet spoke against any local responsibility in the Northern Territory. This is my understanding and I have not had it refuted. This is a remarkable situation. On the one hand, the Minister for Health and the Health Department say they are waiting for the report before taking action yet, on the other hand, we have people who go to Government and say that there should not be a transfer of health and education to the Northern Territory. I would like the honourable the Executive Member for Social Affairs to confirm this but it is my understanding that the Health Department has made a report to the Minister relating to the possible setting up of a commission. I spoke to the Director-General and the Minister some months ago and they indicated that a report was to be made available. We have these confusing statements coming from ministers, the Health Department and interdepartmental committees.

The Government said that they were going to support the recommendations of the Joint Parliamentary Committee Report on the Northern Territory but now they have obviously gone cold on the whole matter. It has been clearly indicated that to overcome many of these problems within our Health Department of the Northern Territory, we must have a say in the local affairs. A commission would be a much more efficient organisation for the direction of health services in the Territory. There is one in Canberra in the ACT and I understand that it is operating very well there.

The health commission won't be able to overcome all the problems. One of the problems is the fact that the salary rates are not in keeping with the demands and responsibilities on the staff in the Northern Territory today. You only have to compare conditions with those in the northwest of Western Australia to see that ours are inferior. While a commission will bring about a more efficient operation of the Health Department, we must ask the Government to have due concern for the conditions of our health authorities in the Northern Territory. The health authorities have many problems confronting them to-day. One looks at the liquor problem and the fact that we have probably the highest death rate in Australia per head of population. We have more crimes of violence and many of our isolated communities need more health facilities. All these things are a continual drain on our present health authorities.

I support the motion. We look to the Prime Minister and the Minister for Health, Dr Everingham, who is a very competent person, to rectify the health problems in the Northern Territory.

Mrs LAWRIE: I support the motion wholeheartedly. I think it is well phrased, to the point and expresses the concern of this Assembly and the people of the Northern Territory adequately. I applaud it for ideological reasons which may be at variance with some other members of this Assembly. I firmly believe in a basic health care being made available to all Australians, not simply regardless of income or ability to pay, but regardless of where they may happen to reside, whether it be a rural area or 2,000 miles from another capital city. When I first attended the Darwin Hospital in 1960, I was surprised at the services they offered. I remember arriving in Darwin from Alice Springs and deciding that I should have a vaccination. I went to the hospital one day and was promptly given one free. Any other treatment required in 1960 was promptly attended to and in fact the service offered in the Northern Territory was superior to any other public hospital in Australia. I must also state that the service given under difficult situations in Alice Springs in those years was excellent.

Unfortunately, the work of the health services has not kept pace with the growth of the population. It is surprising to me that the Labor Government, committed to health care for all Australians at little or no direct cost, can close its eyes to a developing situation in a dependent territory. When I originally said the motion was well expressed, I was referring to the opening couple of lines: "That this Assembly expresses its deep concern at the serious difficulties facing those responsible for the provision of health services in the Territory". I am well aware that the local Director of Health, his Assistant Director and the people spread throughout the Territory who are responsible for the provision of health services are just as concerned as we are. They are dedicated people; they are aware of the needs of a community which, besides 3 or 4 urban centres, has a scattered population. There are enormous difficulties of distance and travel in

less than ideal climatic conditions. The departmental people are aware of this yet they can't get adequate recognition from a Canberra-based government which has expressed its intention to provide these very services.

It is fitting that this Assembly should bring to the notice of the responsible body the fact that the services it promises to all Australians are not being provided in the one place where it has ultimate authority to provide them. The Member for Finance and Law has discussed the pros and cons of the health commission, and has said that this would be a superior way of administering health services. Administratively, that may well be so but I am concerned that such a commission would be adequately funded and that it would not take over an ailing and decrepit health service. It would be simple for a health commission to be established but if we did not have adequate staff and adequate funding, it would fail.

Other honourable members have spoken of various sections of the administration of public health in the Northern Territory which are already tottering on the brink of collapse. I would point out that, to the best of my knowledge, there is one dental mechanic in Darwin and he has been offered far better employment elsewhere. For some time in Darwin the Department of Health were fortunate in having a first grade orthodontist and a very good dental surgeon, but these people need the back up skills of well paid and recognised technicians such as dental mechanics. It would be ridiculous to have to send casts of people's mouths to Brisbane or Adelaide or Canberra for a dental mechanic to make artificial teeth. That is the very real position that faces us at the moment because these important links in the chain of health care have not been well paid and have not been afforded the proper recognition which is their due. Why should they continue to stay in the Northern Teritory, underpaid, overworked and not recognised for the very real skill which they possess?

Health inspectors are in a similar position. In other places, health inspectors have been recognised as health surveyors but the Australian Department of Health still maintains the title of "health inspector" regardless of the fact that a large percentage of their ranks are highly qualified people in various aspects of that inspection such as public health, buildings, food etc. It may seem a trivial point but in fact it is not, it is part of the respect one has for one's job and the incentive to go into the field to work hard and to safeguard the public health standards in the Northern Territory. Again, they are underpaid like so many other Department of Health staff. I will quote some figures. In the Australian Department of Health a first year health inspector is paid a basic salary of $7,532; in Western Australia, $9,297; the Brisbane City Council pays its inspectors $10,631. For the second year inspector, Australian Department of Health $8,103; Western Australia $9,528; Brisbane City Council $10,778. This is ridiculous because the same qualifications and the same dedication or more is expected from the people in what is quite an arduous and sometimes hazardous occupation. Health inspectors are called upon to undertake a large range of activities and some of them are very unpleasant yet the Australian Department of Health inspectors are paid at a far less rate than their counterparts interstate. We might be living in the Territory and we may feel that it is God's gift to the world but you can't expect everyone else living and working here to have the same dedication to say that they will stay no matter what. You cannot expect these people to disregard the fact that, if they moved interstate, they would be far better paid and have far better conditions. That is completely unreal. It is incredible that an Australian Government committed to this basic standard of health care throughout the country cannot recognise the fact that one sixth of Australia's land mass for which it has ultimate responsibility is in danger of facing a situation where the health services are curtailed to such an extent that there is a real risk to the community.

I have spoken specifically of dental mechanics and health inspectors and we find that surgeons and anaesthetists are in exactly the same boat. Honourable members are aware of the difference between radiologists and radiographers. Radiographers are the technicians who take the pictures and the radiologists are specialists who interpret them. They have already completed a general medical degree and have gone onto a further specialty such as psychiatry, surgery and other branches of the medical profession. It is an additional recognised skill. They do not have adequate facilities in Darwin and I believe the overtime payment is about to cease and this is regardless of the present constitutional crisis. These necessary people with a vital skill will

be curtailed in the provision of health services to the Territory.

There has been mention of Medibank in this Assembly and I applaud the introduction of Medibank. To my knowledge, the normal payment of claims is about two weeks but this does not allow for undue postal holdups. Before the introduction of Medibank our family contributed to a private health fund. I have waited six months under that fund so I can't say that, as far as payment is concerned, Medibank is better or worse than the provisions existing before its introduction. From my personal knowledge, I found payment to be quicker. Having introduced Medibank, I am bewildered and distressed that the government is allowing this urgent situation to develop in the Northern Territory.

I spoke yesterday of the provision of health services to outback centres. Honourable members are well aware that a health commission in the Northern Territory will cost more than a health commission in Canberra. Canberra is just one little city with centralised services; it will be far more difficult in the Northern Territory. That is not to say I would not welcome it. However, I do realise we must have extra administrative staff and that there are extra difficulties in administering a health service in a land mass like the Northern Territory. They must face similar difficulties in Western Australia and Queensland where there are large urban centres and vast tracts of sparsely populated country. The provision of health services in this situation is very expensive but it is a basic right. It is my contention that the population at large recognise this and are willing to fund the provision of these services through their taxes.

I am not raising the bogey of socialised medicine or any other form of ALP policy on this. I am saying that those services provided to the outback people under any government will be funded by the taxpayer throughout Australia. I am quite sure that the taxpayer recognises that and pays up happily. Without it, there would not be any health services in the outback because it would be unreal to expect private medical practitioners without any other assistance to set up in completely isolated areas. They would not have the clientele to make it viable and, if they adjusted their fees to cover costs, no one could afford to visit them. To cover costs, a consultation fee at Halls Creek would be about $60. No one expects anyone to meet that and no one expects private practitioners to have to charge that amount to match their overheads. Consequently, whether we like it or not, we do have a leavening throughout Australia to contribute to the cost of health services in outback centres.

The Tennant Creek Hospital for years was a blot on the Australian health scene. The Alice Springs Hospital has become woefully inadequate. Although the service was excellent, it was inadequate in 1960 when I lived there. The Darwin Hospital has fallen further and further behind the demands of the community. It has been through a lack of forward planning and neglect by successive governments, not particularly the present one. However, I do say to the present one: "Given your ideological commitment to this basic provision of health services, you of all governments should be more aware, more alert and more responsive to the need for additional funding for health services in such places as the Northern Territory".

One could go on ad infinitum talking on this subject but I think I have adequately expressed my views and the views of my electorate. I fully support the motion, I commend the courteous way in which it was framed and I feel that the full support of this Assembly will be given to it. I hope that it have some impact upon the present Australian Government.

Miss ANDREW: In supporting this motion, I would like to draw your attention to the state of dental health services in the Northern Territory. They are both criminal and critical. If you doubt my word, I suggest you do as I did and stand outside the Dental Clinic at 8 o'clock in the morning or 1 o'clock in the afternoon to see the line up of people hoping for emergency treatment. Health in any society today must recognise three things: first, that it has a role to play in preventative medicine; secondly, its role in curative medicine; and thirdly, its role in education of all aspects of medicine. Six people filling 16 vacant positions in Darwin cannot in any way fulfil any of the functions. Cairns, a town of similar size, has 17 dentists; we have, I repeat, 6. The state of this dental clinic is appalling. I commend those people working there. However, if each gentleman spends two and a half hours at a minimum every day merely coping with emergencies as they shuffle through the clinic, what kind of professional satisfaction is he achieving. These dentists are patching up other people's work and making do in a totally unsatisfactory situation.

The administration is top heavy. Around the world in education circles, it has been recognised that no longer can we afford to make clerks out of professionals. The professionals must be left to operate in the system at which they are expert. We simply cannot afford to lose expertise. I would suggest that the government look at restructuring the dental services in the Territory. Some attempts have been made by those concerned directly with Territory services but they have been thwarted by such organisations as the Public Service Board. Job satisfaction is simply essential and this top heavy administrative organisation where people expert in their field are working as clerks is criminal.

In the schools, according to my information, we have 2 therapists. There are over 10,000 children at schools in Darwin or attached to educational institutions and 2 therapists to cope with the preventative, curative and educational facets of dental health is criminal. It is about time that the government looked at itself and what it is doing in the overall field of education which must involve dental health. It must reorganise its current organisation.

We have only 6 positions filled and it has been brought to my attention that resignations are pending from 3 out of the 6. Pay rates are now behind yet 3 years ago they were adequate. Because of the restrictions placed by the Public Service Board, they are simply not attracting the kind of professionals we need. One person working at the dental clinic was told when he accepted the job that he would be unable to bring his wife out from England for 12 months. I recognise as well as anyone the shortage of housing in Darwin but I think we have to look at what are essential services. To put a man in a room at the hospital for 12 months, involving 12 months separation from his wife and family is certainly not going to attract any others to the scheme.

To my knowledge, there has been no real campaign in advertising for vacant positions. It is about time the Government stopped spending money on some of its more ludicrous advertising schemes and poured it into areas where there is a real need. The amount of money spent on advertising for Medibank was ludicrous. The campaign was totally ineffective. We could have had whole page advertisements to fill all vacancies in the medical services in the Territory.

I have mentioned several times that dentists in the Territory are simply not getting any job satisfaction. They are not following their patients, there is too much red tape and they can just try to cope with day to day essentials. Usually government dental services attract either young graduates looking for experience or older men or women who no longer want to live under the pressure that a private practitioner is quite often required to live under. We are not attracting either at the moment. With advertisements like the honourable Executive Member for Social Affairs referred to attracting dentists to Hay, what hope have we got?

Similarly, we get back to the problem of housing for essential people. Pre-cyclone we had 6 private practitioners in Darwin and now we have 2. It is essential that the government establish a long term policy on what it plans to do in the field of dental health in the Territory. At the government dental clinic you pay $1.35 for a consultation and $4 to $7 for a filling. Because there is no means test applied at the clinic, if it were operating satisfactorily, a large percentage of the population would go to the clinic rather than to a private practitioner which would obviously cost more. I feel very strongly that the expounding of policy would be of great advantage in attracting private practitioners to the Territory where, although potential profit is unlimited, in actual fact the draw of the dental clinic would not attract people of the calibre which we want.

I would like to draw attention to 2 specific aspects: firstly, the fact that there is no real service; if you have dental problems and if you do get in on the waiting list which I now believe is something to the tune of 9 months, you will not see the same dentist—as I said earlier, you would not get any real care—and secondly, the plight that all Territorians are in because there is neither preventative nor educative dentistry being practised. I support the motion.

Mr TUXWORTH: I support the motion. As has already been stated by previous speakers, the area that I come from, the area that I represent, Barkly and Tennant Creek, has a health service that is a blot on the nation's copy book—that is not an avenue that I wish to pursue this morning—although steps are being taken to build a new hospital, and from the new hospital I think that we will see greatly improved health care facilities in our town.

The problems of finance that have been raised by every speaker this morning apply to Tennant Creek and to the Barkly and they have particular relevance because they create niggling problems and frustrations for the staff. They could quite easly be eliminated and the elimination of these annoyances would improve the health services quite considerably. We have 2 very fine doctors in Tennant Creek. Unfortunately we always have to have a married team. We can't afford 2 houses for 2 doctors and 2 families, that is a luxury that we don't run to, but we can afford one house for 2 doctors and we have a married team. They are doing a remarkable job under the circumstances but they unfortunately get quite a lot of criticism and abuse from time to time. I would like to refer to some of the sacrifices that they make and some of the trials and tribulations they have to put up with in carrying out their duties. Both the doctors we have come from India. When they practised in India, 4 doctors would sit around a table and 200 people would file past them every morning between 9 am and midday. They wouldn't carry out any examination other than to ask questions of each patient, and they would try and concur on a diagnosis for the patient, put a pill in his hand and send him on his way. One of the reasons these doctors left India was that they felt this was a shocking way to dispense medicine, after spending 12 years studying to get a degree. Now they have come to Tennant Creek where they find themselves in much the same position in that they are limited to 10 minutes per person per consultation, which they feel is very restrictive. On the other hand, they realise that if they gave more time to each person, only half the town would ever see the doctor. They are not in a position to have on the spot tests carried out. Tests such as pap smears have to sent away and there is a week's delay in getting back a report. They can't be sure that the x-ray result is satisfactory as the machine is so old. They can't carry out any minor operations because the anaesthetic equipment is so old. All these things cause frustration to the doctors, enormous delays in the operation of the health centre and great discomfort for other people in the town. The doctors work very long hours. They are on call the 24 hours of the day 7 days a week. If they can get a week away every 2 months they regard themselves as being very well off. It goes without saying that anybody in any profession in this position would sooner or later start to crumble at the edges and not be quite as alert as they should be. I can only express to this House the appreciation of the majority of the people in Tennant Creek for the doctors, for their work under the conditions they work in.

We have always had a problem recruiting nurses. In Tennant Creek, we have feasts and famines with the nursing staff, but the most difficult problem to overcome and one that has already been mentioned by the Executive Member for Social Affairs, is one of professional reward. Our hospital and our health services in the area generally are considered as a giant first aid station, a first aid service. The nurses are unable to start with the patient as he comes in and nurse him until he goes out, the patient having received operative care and all the things that go with it. Unfortunately all the interesting medical cases are sent to Alice Springs or Darwin. The mundane things are kept in Tennant, in the local area, sometimes for reasons of financial convenience to the patient and other times through necessity in that the Alice Springs Hospital can't take the patient either. But the fact remains that the nurses get very little job satisfaction and it is one of the biggest deterrents to anybody taking up a position as a nurse in the area. They find themselves forced into things like geriatric maintenance. This is quite an admirable part of the nursing profession, but a person who has a triple certificate and is interested in midwifery and general childcare, gets very little satisfaction out of geriatric nursing. However, they do it and they do it with a smile, and they do it well.

One of the great disadvantages that we suffer from is that many of our nurses are wives of men who work on the mines. The men work shift work and the nurses work shift work and it is not uncommon for many of them to be walking into their houses as their husbands are walking out or vice versa. This goes on month in month out and their family life is disrupted to a very great extent. They put up with incessant departmental foulups over wages and conditions and late payments, underpayments, but they, how I don't know, always seem to accept this as a part of the norm. They go on from week to week—some of them go from 6 to 8 weeks without getting the right pay and some of them wait for up to 6 months to get their overtime, and they still grin and bear it. Full marks to them.

I have pointed out some of the problems that exist. The paramedics, the people involved in x-ray and physiotherapy, the orderlies that take care of the cardiographs, setting up the patients and what have you, also suffer great disadvantage; they get a flow on from the doctor's problems; they can't help him properly because they haven't got the facilities. The x-ray machine that is used every day to take x-rays of men's chests to check for TB and silicosis before they work underground is not adequate to detect whether a man has TB or silicosis. The technicians realise this when they take the x-ray and they realise that they might be doing the man or his employer a great disservice by saying that the x-ray has this or that on it when they know full well that there could be a totally different situation in existence.

Our cardiograph machine seems to be used pretty regularly but unfortunately it is moved from point to point. These machines are not supposed to be moved and as a result it is not very accurate. We now have got to a point where the patient is hooked up to the telephone with a certain wiring system and the cardiograph is taken over the telephone and relayed to Darwin and read by a doctor in Darwin. This is a tremendous feat in technology, that this has got to the point of perfection where it can happen and happen every day. But for this to happen we have to wait until the normal day telephone traffic is over. It has to be done late at night which means dragging a doctor out of bed in Darwin late at night and other staff in our area are up late at night to carry out the same function.

We keep on coming back again to this problem of housing mentioned by every other speaker. On the departmental housing list, paramedics are of very little consequence and are not held in very high esteem. Consequently they are the last to get housing and the first to leave because they don't get it. In recent months we have had people such as physiotherapists and x-ray technicians, radiographers, staying in hotels and motels on the promise of a house or a flat. The promise never eventuates, so they pack their bags and leave, and no one can blame them for it.

There is one particluar area which has already been mentioned by previous speakers and is of concern to myself. This is the health inspectors. It has already been pointed out that there is no shortage of health inspectors in Australia and although our salaries for health inspectors are not great, we do attract sufficient numbers of them. However, they won't stay in the department. The most common complaint I have heard from the long stream of health inspectors who have been through our town is that they give the job away because the department won't support them with prosecutions of people who contravene the Health Ordinance and Regulations. Whether this is a financial problem at head office or whether it is an adminstrative problem, until it is solved, the turnover in health inspectors is going to be continuous and get greater.

We have a rural health establishment that operates on a different basis from the Alice Springs one. In Alice Springs they have a very big childcare unit for Aboriginal children. In our area we have to send the sisters out into the bush in their vehicles. They are working in a hopeless situation because the medicine they give and the treatment they give is not understood or appreciated by many of the recipients. Consequently when they go back the damage is as bad as it was so there is no hope of improving the health and hygiene of the Aboriginal people in bush conditions. Unfortunately we have only too many of them living in the wurly conditions around the town. These women are pioneering a new phase of medicine and are truly the Florence Nightingales of this century.

We have heard already about dental problems and again money is the reason for a lot of our dental problems, but we do also have bureaucratic messes which cause problems and dissatisfaction for doctors and dentists. Our dentist was promised a house 12 months ago and is still living in temporary accommodation. But he works in even more difficult conditions in that the dental surgery that was built in the new health centre—and it is a magnificent establishment; it has just about everything one could want—was built for a left-handed dentist. It was built in a very confined area and when they found out that they had a left-hand chair and a right-hand chair, they had to change the chair but weren't in a position to change the plumbing and the electrical fittings. So we have a right-handed dentist working on a right-handed chair in a left-handed surgery. If you have never seen a dentist carrying out work with his right hand, standing on the chair with one foot, the other foot on the patient and trying to keep balance by hanging on to the top of the chair, then you had better come and have a look because it is an expert feat—and he does it all day long. It

is just one of the annoyances and frustrations that drive people out of this place. They don't leave—most of them are driven out. I would like to pay tribute to the tremendous school program that our dentist is carrying out. It is the first time ever that we have had a continuous school program. He is doing a tremendous job under difficult circumstances and the community appreciates him and his presence very much.

I also pay tribute to the domestics who put up with very trying conditions. They are respected greatly in the town because of their responsibility. Recently, when hospital domestics throughout the Territory went out on strike, ours didn't. They stayed at the hospital and worked. Without them the hospital would have been in a very difficult position but they realised their responsibility to the town and they accepted it. They are held in very high regard for this reason. The domestics in the hospital put up with the shortages of food and non-arrival of perishables, extreme heat conditions which exist in the hospital and its working surrounds because there is no air conditioning except in the wards. These conditions exist in many other hospitals in the Territory. We have an unfortunate situation where the orderlies have to put up with a morgue which is too small. When you have to put 3 or 4 bodies in baths and keep on changing the ice every few hours for days it is a very distasteful job and not one that many people would like to be bothered with but one that is done; and they get up in the middle of the night to do it. It is time somebody paid tribute to the staff who work in the hospital as well as knocking the Government for causing the frustrations that these people put up with.

We need money. When we are going to get it I have no idea, but I have given thought to some of the areas we could save money in. We have a Department of the Media and it has so many people on the staff it has been creating in the last 2 years we have lost count. The Darwin Director of the Department of the Media draws more than a doctor. We have embarked on a uranium investigation program in the Northern Territory to the tune of $4m this year and we've got more uranium than we can sell in the next 4 years. We have a welfare hand-out system being bestowed on sections of the community; it is making mendicants out of one section of the community because there is no need for them ever to work again, and it has been responsible for a form of genocide on another section of the community. There is no legitimate reason why our hospital and health services should be short of money. There are plenty of areas we can save money in. It is just a matter of priorities and I suggest that the priorities of this Assembly are greatly different from those being handed out by Canberra.

Mr BALLANTYNE: I support the motion and the remarks of the other speakers who covered all aspects of the problems that we have in the Territory with the medical and the dental services that are thrust upon us. I look at the Director of the Health Department here, Dr Gurd and his staff, and I would say that they ought to get a medal for the work they do and have done, more particularly over the past few months and more particularly during the cyclone period when they were working in very hard circumstances with limited staff and I believe they lost some of their staff during that time.

Now we have settled down to a year where we have faced Medibank and we don't have to say much more about that. The money that was spent on Medibank advertising alone would help to assist the problems here. It is only due to finance that most of the problems occur. Not only is it due to finance, it is due to the underpaid staff that we try to attract to the Territory. The staff that we do attract come from other countries, from around Australia, nursing staff, doctors, young people and some near the retiring age. They come to the Territory to help us. They bring their experience, their expertise, their knowledge and experience, but what do we really offer them?

It was appalling to hear the remarks of the honourable member for Barkly about the conditions in his area. Tennant Creek has been established for a long time and I feel a little bit embarrassed in a way. I come from a very unknown place, a small place called Nhulunbuy, and it has one of the best hospitals in the Territory and also one of the best dental clinics. We can't boast of a left-handed dentist but we can say that we have all the facilities there. We have all these facilities but we haven't got the people to man the equipment. We have the best physiotherapy equipment in the whole of the Territory but no one to operate it. I went there one day to get some treatment and they said, "Just come down here and turn this switch on and turn it off in half an hour's time". I had to treat myself because they had nobody there to man the equipment.

We certainly have a big problem here in the Territory with regard to medical and dental services. It is no wonder we don't get the doctors—they are so underpaid. The Executive Member for Social Affairs showed us a pamphlet issued to attract people to a hospital in a southern state. It is no wonder we do not get the experts up here. We are lacking in specialist treatment here. The cost in airfares in sending people down south I would not like to hazard a guess at but I would say it would cost thousands to send people down there each year. I know it does from Nhulunbuy when we cannot be fortunate enough to have the specialist visit. During that month or 2 months, we have to send people over by the aircraft on a warrant.

I remember the Prime Minister of Australia getting up and saying that Medibank will not cost us a cent. It does cost more than a cent; it costs a lot of money to fly from one place to another, and that is the biggest problem here in the Territory. You cannot just get in a car and drive 10 miles down the road to see another doctor, you have to fly thousands of miles if you want to get specialist treatment. Those are the most annoying factors, transportation and the distance between one centre and another. That is where the budgeting for these services has to be looked at in a realistic way so that we do get our proper allocation of money and our staffing is brought up to scratch.

We had 3 dentists over at Nhulunbuy at one stage. We have lost one of them now. He has disappeared in the system somewhere and he will not be back for 6 weeks or 2 months. That is the sort of thing I am upset about.

I know that in a lot of centres the equipment is not there. How those doctors operate and how the nursing staff put up with it I do not know. The Territory is an old place, it was not just born yesterday. Some of the buildings, some of the quarters, that the nursing staff and the doctors that are serving in these communities have to live in are appalling. I doubt whether we would be able to live there ourselves if we were given the opportunity to.

I consider the biggest problem is in Darwin at the present moment. They are treating just as many outpatients there as they were last year when they had a population of nearly 50,000 people. So Medibank in that sense has increased the outpatients. You only have to go down there and have a look at the number of people there each day. I have been down there myself in the last few weeks. People wait for 2 to 2½ hours. They may even wait for 3 hours by the time they go to the various departments to have an X-ray, go to pathology and go to the pharmacy. All those sorts of things have got to be speeded up. I don't mean pour them in and push them through one door and push them out the other. That is not the easiest way to do it. The best way to do it is to increase the staff, to get the specialists up here, to get more roving specialists around the area so that you do not have to wait 3 and 4 months for special treatment. Perhaps a lot of people have lost their lives because of this. They can't get in the car and drive up to a major centre. They can't get an aeroplane and fly because they can't afford it. They can't do that unless they get a warrant or a referral slip from the local doctor and sometimes they are reluctant to do it because the system will not allow them to do it.

Those are the things that I am upset about. I am very sorry to hear of some of the adverse conditions that staff are living in. As the Executive Member for Finance and Law said, the sooner we form this commission and get the whole thing investigated and get a larger allocation of money, the sooner we will provide the services, both dental and medical, that we need to help the people. I still say I object to the Prime Minister's statement over the national radio and television that it won't cost us a cent.

Dr LETTS: The medical and paramedical services in the Northern Territory are sick. I don't think there is any argument about that, and it is quite right and proper that this Assembly should bring the sickness to the notice of the government of the day. We have heard a lot about the symptoms of the sickness. We have heard about the staff shortages and, in part, the reasons therefor—insufficient salary levels and inadequate conditions. We have heard about faults in equipment. These things are all symptoms of the sickness. The sickness is not new, it is as old as the Northern Territory and I think has been particular since the days when the Commonwealth Government, the Australian Government, has had responsibility for the Northern Territory. It is right that we bring the fact that this state of affairs still exists to the concern of the present Government, even though it is not their fault; their only fault in the matter is that they have not significantly corrected a long-term running sore. But I think we should also spend a

minute or two suggesting what the basic cause is and what the cure is, and members have touched on this.

The fact of the matter is that professional and technical services in the Northern Territory, of all kinds, have never been adequately recognised by Canberra governments throughout the course of history. It becomes more evident with the medical service because it affects peoples lives and day-to-day health. The same thing is true of land administration. The same thing is true of agriculture and just about every other functional field you look at. But it is more evident and more critical with the medical service because it affects the very lives of people in the Territory, that this lack of care and recognition of what is required to run a professional—I use the term state-type service—has never been properly recognised by Canberra. In some cases it has not been recognised by local administrators in the Northern Territory. I remember that when Captain Bishop, who was then the Chief Veterinary Officer for the Northern Territory wrote to the Administrator in the late 1920s and asked whether he could have a motor car to get about the whole Territory which was his beat, the Administrator wrote in the annual report that he could not see any reason why Captain Bishop should not continue to carry out his work with his pack and saddle as he had for the past 10 years. This is the kind of attitude and governments have been reminded of it constantly.

In the Payne-Fletcher report of 1937 which is, I believe, 38 years ago or thereabouts, one finds words such as this: "All Australia is not equal, yet we are governing Australia as if all localities are equal. Little or no special encouragement is given to those who are trying to develop the less favoured areas of the continent; the government standards for the populous areas are, willy-nilly, applied to the whole. This position should be altered, and in no part of Australia is the need for alteration more pressing than in the Northern Territory". Payne-Fletcher went on to say under the heading "Government of the Northern Territory, general administration": "Modern government is a matter of tremendous complexity and difficulty, the real test of its success or otherwise is the measure of sustained co-operative effort it inspires in the community. Confidence, stability, co-operative effort, progress and the regular employment, health and happiness of the people are the highest manifestations of good government". If that is the test, Canberra governments have consistantly failed in the past as far as the Territory is concerned.

In later sections, the Payne-Fletcher report goes on to talk about the advantage which would accrue from the establishment of advisory boards in the Northern Territory to advise government on a number of things.

The Forster committee on the subject of agriculture back in 1960 drew attention to the same inability of a Canberra government to handle state or regional type technical matters. This is what this health problem is all about. In my own electorate I have the East Arm Hospital which has been neglected. It is one of the most important aspects of Aboriginal health—not entirely Aboriginal but predominantly that—and it has been neglected and not properly provided with equipment for a decade or more. We have got the situation at Wave Hill that I have spoken about in this place before, where nurses are asked to work under absolutely intolerable conditions and where a contract can be let go 2 years from its supposed completion date without anybody apparently being able to do anything about it; it is not until the Prime Minister's attention is drawn to it that suddenly, perhaps coincidentally, some faster actions seem to happen. You have the situation at Hooker Creek where the hospital is built beside the sewerage ponds. Now the sewerage ponds have to be moved. You have example after example—the situation at Pine Creek where quite an expensive hospital was built, most of which has never been used since it was opened a couple of years ago. It will never be used because it was not designed for the requirements of the community at Pine Creek. There is the waste of a couple of hundred thousand dollars at least there which could have been used for development elsewhere in the Territory. It is not just the matter of money not being provided for certain essential services, there are cases after cases where money provided has been mis-spent and would have been better used in other directions.

Members: Hear, hear!

Dr LETTS: The whole problem comes back to local administration and a local say in the matter. It has been so well expressed by this task force that I have spoken to before, set up under Dr Coombs' royal commission. I will read a couple of lines from it:

Proposal to modify Australian Government ministerial authorities in the Northern Territory. Current situation: ministers are unable to devote more than token time for personal on-the-spot evaluation in the Northern Territory of departmental decisions. Decisions are also delayed or incomplete due to the fragmentation of administrative control suffered by Territorians. This is divided between the Department of Northern Australia, the Administrator, the Legislative Assembly and local corporations, together with many other Australian Government departments.

Requirements needed to create conditions for the opportunity for a prosperous and satisfied community in the Northern Territory: the opinions of the community at large should be considered and not as at present, mainly the public sector, as occurs under the present system. There should be a singular resident authority which is responsible to the community on day-to-day affairs with the autonomy that this responsibility requires.

Recommendations: Recognition of regional government for the Northern Territory. Australian Government Minister for Northern Australia to be the sole government administrator on all state-type matters within the Territory during the period of transfer of responsibilities. Creation of Ministerial Under Secretary for the Northern Territory who should have no other ministerial duties except to frequently visit the regional government of the Territory in Darwin to confer and assist with the transfer of responsibilities and can negotiate on matters of finance, policy etc between the governments.

This is the root cause of this problem in the health services. We find people, committees, consultants, commission after commission, all drawing attention to the same thing. Now we have the taskforce saying the same things that Payne-Fletcher said 38 years ago in a different language. And no government apparently is able to recognise this and deal with it because of personal selfishness and lack of understanding of the needs of the Territory and protection of their own interests and empires and areas of responsibility by Canberra-based ministers.

I do not know how we break this, but that is the answer. The answer lies in the move towards the thing that the A.C.T. has been successful in doing in having its own health commission. That is one of the first steps that should be taken. It is all set down there and there is no reason at all why we should not move into that area. It should cost less than the present administration of the health services. It should ensure the participation of Northern Territory people in decisions relating to the standards required and the conditions under which the Northern Territory health service will operate, and it should ensure that the Australian taxpayer's money is spent much more to the benefit of the people of the Northern Territory and the satisfaction of the health service itself than it is being spent at the moment. This motion and this debate are a vote of confidence in the people working within the health services of the Northern Territory and a vote of no confidence in the system under which this service has laboured for the past 60 or more years.

Members: Hear, hear!

Mr POLLOCK: The problems which are besetting the health services have been well aired this morning and perhaps I should comment on a couple of the matters which have been raised by members. In relation to the health commission, members will recall that last week, in answer to a question, I advised the House that I had been informed that the final draft of the working papers in relation to a health commission for the Northern Territory were with the Minister for Health, Dr Everingham, for his final clearance. I have been advised today that these papers have been cleared by the minister and are in the process of being printed with a view to a wide distribution throughout the Northern Territory and that copies of a discussion paper on the establishment of a health commission for the Territory should be with us in a few days.

As far as the attitude of the interdepartmental committee is concerned, my information is only what the honourable member for Alice Springs has heard: that the Minister and some persons have adopted a dog-in-the-manger attitude towards the transfer of executive powers generally to the Territory but just what their stand is in relation to health is not particularly clear. Perhaps these working papers on the health commission may clarify that point.

The matter of overtime was raised and I have received an assurance from the Department of Health that there is no ban being placed on overtime for prime medical care. Overtime is being controlled in line with most government departments, more particularly in relation to administrative and non-essential services provided through the department.

Advertising was mentioned and all I can say is that, if we had the money, we could perhaps advertise till the cows come home. However, if you do not offer adequate wages and conditions you will not get any response.

It has been said that we are to get good facilities in Tennant Creek to replace the hospital there which is a blot on Territory health services. A multi-million dollar hospital will be built there and tenders have recently been let. In Alice Springs, we have a new hospital almost completed and another

year or so should see it in service. We have a multi-million dollar hospital at Casuarina under construction. There are a multitude of other facilities being built and, over the last few years, there has been considerable capital outlay made for health services in the Territory. However, it does not matter how much brick and mortar we have if we have not got the officers and the staff to fill those buildings and to carry out prime medical care. We have got the bricks and mortar but we lack staff.

This House has expressed its concern and I trust that this concern will be conveyed to the Prime Minister and the Ministers for Health and for Northern Australia. We do not want a memo in reply saying that they share our concern, we want them to get on with the job of providing us with adequate medical services.

Motion agreed to.

DARWIN TOWN AREA LEASES BILL

(Serial 74)

Bill presented and read a first time.

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

Section 28A and subsequent sections of the principal ordinance restrict any dealings in a lease until the expiry of a statutory five year period after purchase. This covers the purchase of houses by government officers and leases obtained at restricted auctions etc. These provisions are causing some hardship and concern at present with the problems associated with the rebuilding and resettling following cyclone Tracy. This bill will not solve all of those problems but will ease the effect of those sections in a reasonable manner which will still enable whatever policy is behind those sections to be enforced without imposing unreasonable restrictions. There are grounds stated in the principal ordinance under which transfer of title is possible. This bill will merely add to those grounds transfers between spouses and between the parties to a dissolved marriage. The first situation would permit a property purchased in the name of a husband only, for example, to be put into the joint names of husband and wife. The second provision will permit a title to be transferred to a partner of a dissolved marriage. The power to make an order to this effect presently lies with the court but it is preferable to empower this situation in the ordinance and remove the need for a court order. I point out that those powers are presently in the Housing Ordinance. They are a reasonable and necessary power and I am sure they will receive the support of all members.

Debate adjourned.

CROWN LANDS BILL

(Serial 73)

Bill presented and read a first time.

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

This is a companion bill to the one that I have just introduced. All of the comments that I made with regard to the Darwin Town Area Leases Bill apply equally. The only differences are probably the technicalities with regard to section numbers and those sections relating to section 68 of the principal ordinance.

Debate adjourned.

MOTION

Delegation to the Federal Government on Aboriginal Land (Northern Territory) Bill 1975

Dr LETTS: Within the last twenty-four hours, I have circulated to all members of the Assembly both a copy of the bill as introduced in Federal Parliament last Thursday and also the Minister's second-reading speech. At the outset, let me reiterate my support for the concept of the rights of Aboriginals to own and hold titles to their land both within and outside Aboriginal reserves. I believe that a somewhat different approach is needed to Aboriginal land ownership at this time than we have come to accept for European land ownership. In other words, there should be a community ownership concept in the case of Aboriginals.

Some of the things that I say this afternoon could be taken in some quarters to be expressions of anti-Aboriginal land rights views. I do not think they would go so far as to label me a racist, but let me try to establish briefly my credentials to speak on this matter. First, in relation to land matters generally, I was seven years a member of the Land Board of the Northern Territory and for some of that time the Chairman of the Northern Territory Land Board. My association in particular with Aboriginal land claims and applications is fairly wide, probably as wide or wider than any present member of this Assembly. I accepted an invitation of the people of Millingimbi to prepare a land claim on their behalf some years ago and appeared before the

Northern Territory Land Board on their behalf. Similarly with the Maranungga people of the Wagait Reserve, I accepted an invitation to do land claim work on their behalf. I have given advice on land claim matters to a number of Aboriginal groups throughout the Territory, including people at Hooker Creek, Wattie Creek and a number of others, and I have been highly honoured to have Aboriginal groups and individuals come to me and ask for my advice and assistance. I appeared with the Maranunggas before Mr Justice Woodward and I appeared separately before him and gave him certain of my views. I do not believe that very many of my views were reflected in his final report. I have a great affection for Aboriginal people and I have enjoyed their friendship and confidence over quite a long period of time. I have never heard any of them level any allegations of racism at me.

The first point I would make is that legislation to give effect to the policy of Aboriginal land rights and titles should be made in the Territory by this legislature either as fully operational legislation in this field or as companion legislation to federal legislation. It should be made here with the full consultation and co-operation of the Australian Government, the Aboriginal people and all other interested parties. The Prime Minister of Australia has commented on this business of making laws for the Territory in other places and as recently as the Canberra Times of October 15 this year Mr Whitlam is reported as saying: " 'Parliament should not be preoccupied with laws related to the Australian Capital Territory and the Northern Territory', said the Prime Minister Mr Whitlam yesterday. Replying in the House of Representatives to a question from Mr Fairbairn (Liberal, New South Wales), Mr Whitlam said elected representatives of the people in the Territory were entitled to make whatever ordinance they see fit". The Joint Parliamentary Committee Report on the Northern Territory has something to say on the question of Aboriginal policy, this legislature and the national executive under the general heading of "Relationship between the national and Territory executives". The report said "Consultation and co-ordination: the evidence before the committee stresses the need for continuing and close consultation and co-ordination of effort between the national and Territory executives on the wide range of matters of interest to both parties including Aboriginal affairs". The end of that particular section says: "The committee wishes to formally record and stress its view that, without closer responsible co-operation between the national and Territory executives, this brave experiment in self-government in the Northern Territory is doomed before it even takes the bow". That was said by the Joint Parliamentary Committee in November last year. It was said with special application to Aboriginal policy yet we find that this legislation has been introduced into the federal parliament without any consultation with this Assembly or its embryo executive and without copies of such legislation even being available to the people of the Northern Territory and the members of this Assembly at the time of introduction or for several days after.

The fact that a referendum in 1967 gave to the Australian Government a vote of confidence to remove discrimination against Aboriginal people in Australia does not make it a necessary sequel that all things to be done about Aboriginal people can only be done in Canberra by the Federal Government. We quite accept the vote in the referendum of the Australian people and I am prepared to accept that the Australian Government should have final authority and the final formulation of policy on Aboriginal matters. However, unless there is delegation to regional areas where the Aboriginal people live, unless there is consultation with the Aboriginal people and the European people who live in those regions before action is taken, we are set on a disaster course.

I remind the Assembly that we already have on the statute books of the Northern Territory legislation relating to Aboriginal land rights. That is contained in a whole part of the Crown Lands Ordinance—Part 3A Leases of Land in Aboriginal Reserves. In fact, some 11 pages of this Ordinance are devoted to Aboriginal land rights in Aboriginal reserves. I do not believe that that legislation is wide enough or up-to-date enough or covers all the needs that we can see about us in the Territory or that Woodward saw. Apparently no consideration whatever has been given to the thought that this legislation might have been updated and broadened or new legislation be introduced in this legislature. That possibility has been discounted.

The reality is that this bill has gone into the House of Representatives, will be passed in the House of Representatives and will go to

the Senate. I do not believe that the present opposition will attempt to defeat the bill. I do not believe that, once it has been passed, any new government coming into power will attempt its repeal. Whether we like it or not, we will be saddled with a Canberra bill that relates solely and specifically to Aboriginal land in the Northern Territory. If one is to be realistic, it may well be that the most that this Assembly and the people of the Northern Territory can do is to bring to notice any serious imperfections which this legislation may have and to ask the Federal Parliament to look at our representations objectively and to make any corrections which might make this thing more practicable and perhaps remove some of the serious long-term consequences as far as the Territory's future is concerned.

The bill derives from the Second Report of the Aboriginal Land Rights Commission, a report which both the Government and the Opposition have accepted in principle. However, it is a very broad jump from acceptance of the principles contained in a report and the subsequent translation of those principles into a complicated piece of legislation. The fact that expressions of acceptance in principle have been made is not a mandate to then say, "There is the bill. Accept it in its entirety". I understand that what has been introduced into the Australian Parliament is in fact a fourth draft of the legislation. There has been a good deal of revision of the earlier drafts and I understand that was brought about by the concern and the protests of other government departments and branches who have to work and live here in the Northern Territory and have to assist the Aboriginal people in their endeavours for advancement. For example, in some of the earlier drafts, the laws of the Northern Territory, were virtually completely bypassed—laws on soil conservation, laws on stock diseases, laws on everything except the Stock Routes and Travelling Stock Ordinance which would have had no application in relation to this land legislation at all. My brief consideration of the fourth draft indicates that some of these aspects have now been corrected but I am not yet certain as to how far the corrective process has gone.

I think it is fair to say that the fourth draft of the bill has been introduced into the Federal Parliament in haste. It has been introduced before all the departments concerned have finalised their views to the Minister for Aboriginal Affairs on any further imperfections that they see. I suppose it is understandable in what was considered a week or so ago a pre-election situation that important legislation which was likely to be used and evaluated for electoral purposes should be introduced in a hurry. Further evidence of that haste is that no copies were available for us at the time that it was introduced.

The question that really concerns us now is how good or bad is the fourth draft. I cannot answer that satisfactorily to myself or to this Assembly because of the very limited time I have had for consideration of this present version. It is the fundamental purpose of this motion to gain time for further consideration not only by us but by all the people of the Northern Territory and to provide some sort of machinery which can bring together ideas expressed in the community in some sort of form in which they can be fairly quickly collated and passed on to responsible ministers.

I am going to give my first impressions of parts of this bill and I am only going to pick out three or four things to illustrate why I see a need for us to proceed in the way that this motion suggests. There are a number of things in this legislation which the Aboriginal people of the NT themselves, or some communities of them, will question and possibly dispute and certainly there are others which the non-Aboriginal communities will disagree with. I turn first to the things which Aboriginal people will question. Clause 3 deals with definitions and the first definition "Aboriginal" means "a person who is a member of the Aboriginal race of Australia". That is subject to all sorts of interpretations; certainly, it includes Aboriginals from all over Australia. That has to be read in turn with the functions of the Aboriginal Land Commissioner set out in Clause 5. The first 2 functions are the key functions and these are related to this definition: "The functions of the Commissioner are (a) to ascertain and report to the Minister on the needs of Aboriginals whether as individuals or communities, for land in the Northern Territory to be used for residential, employment or other purposes; (b) to ascertain and report to the Minister on the availability of land to satisfy the needs referred to in paragraph (a)". My interpretation on a brief study is that our NT Land Commissioner, on receiving applications from Aboriginal people and perhaps part-Aboriginal people from Victoria, South Australia, or

New South Wales, will have to examine those needs and the land availability in the NT to see if the two things can be put together.

I know that there is some concern among the tribal Aboriginal communities in the NT about the possible interference with their legitimate and traditional claims and that there could be an influx of claims from Aboriginals in other parts of Australia which could complicate the issue. It may be said that it is up to the Commissioner to set priorities and to make administrative determinations but the fact that that is there will be a cause for concern amongst Aboriginal people.

The whole approach in this bill fundamentally rests on the concept of land councils. Individuals from the various communities in the northern part of the Territory or the southern part of the Territory will constitute a land council which has certain very important responsibilities in relation to this legislation. Clause 23 deals with the functions of the land councils and it lays down a number of functions including 23(1)(a): "To administer Aboriginal land in its area that is held by a land trust". In relation to the administration of land, the land council is the parent body and the land trust, the community group, operates only under the aegis and final control of the land council. I have already discussed this with a number of Aboriginal communities in anticipation of this bill. I found that there was a good deal of misgiving and concern amongst the communities that the way that they use their land subsequently and sub-lease it to other individuals or communities within their area should be subject to the final control of the land council.

Clause 23(1)(g) says: "To issue and revoke permits to persons other than Aboriginals entitling them to enter and remain on Aboriginal land in its area and impose conditions to be complied with by holders of permits so issued". This means that the final authority for the operation and implementation of the permit system passes out of the local community where, to a large extent, it rests at the moment and into the hands of the Northern or Southern Land Council. Again, I have discussed this concept with a number of communities who do not accept it. They say that if somebody wants to come to Hooker Creek then it should be the Hooker Creek community who examines that situation and decides on the conditions for the permit, not a land council on which they may have only one member and be outvoted 19 to 1. When one goes on further into this legislation, off-shore coastal areas are included in the definition of "land" and we are going to have a land council deciding who is to be given permits to go into an off-shore area. Woodward's original concept was that traditional fishing rights for the particular group was the important thing. I can see a strong possibility of conflict and a lot of misgivings by Aboriginal people on these particular provisions.

Still within clause 23, we find that the land councils become virtually the registrar of titles for Aboriginal land in the NT. If you look at clause 23(e) and clause 24, you find that the land council "shall compile and maintain a register setting out in relation to each group of traditional Aboriginal owners a description of the boundaries of the land of which they are such owners etc". This is where we find a dual land system evolving in the NT: one registrar being a land council holding Aboriginal titles, the other registrar being part of the system that we have been used to all along. I know that some of these concepts are going to be very hard to change because they were included in the Woodward Report.

I have just picked one more example of an area which will concern not so much the Aboriginal community but the non-Aboriginal community. This relates to clause 74 of the bill: "Territorial sea adjoining Aboriginal land—Subject to this section, where Aboriginal land adjoins the territorial sea or internal waters of Australia appertaining to the NT, that part of the territorial sea or internal waters so appertaining that is within two kilometres of the boundary of the Aboriginal land shall for the purposes of section 73 be deemed to be part of that Aboriginal land". There is no doubt in the world that Territory people are going to be very concerned about that clause and I think that the whole of Australia should be concerned about it. When one considers that there is over a thousand miles of Territory coastline and more than two thirds of that total coastline is at the moment adjoining Aboriginal reserves, one realises just what an effect this provision will have on our coastline. This will mean that their land title will go right down to the shore, onto the beach, past the low water mark and two kilometres out to sea. Not only will people be excluded from the beach area but, to go into the sea area, you will require a permit from the land council as the final authority. My concept is that the beach and the beach fishing areas really belong to all the

people of this country, black, white, brown or whatever mixture. When we start to depart from that concept and some of the others I referred to before—the separate land title system, separate registration of land—I'm afraid that I must say that what I find in this bill is a white man's version of what will suit the Aboriginal need and an over reaction of conscience using the NT as the base for that conscience. The bill is wordy and, in places, beyond my understanding and quite often beyond the understanding of the Aboriginal people. The most serious danger arising in these parts of the bill is that of dividing the community in some respects and taking us in the direction of apartheid.

I have raised just a few points of concern to show that there is a need for the people of the Territory, Aboriginals and others, to examine this legislation and to have time to do it. I suggest that the last week of November is the minimum time because that will be the penultimate week of the present budget session of the Federal Parliament. Five weeks will be little enough time for us to try to get some objective and useful cross-sectional opinions from the people of the NT. I believe it is our responsibility in this Assembly to try to do this. I have then suggested some kind of machinery for bringing the views together and taking further action on them. I suggest it take the form of a delegation which in some respects resembles the kind of joint committee which the Federal Parliament set up to examine other aspects of the NT over the last couple of years. It is a committee comprising a couple of members of my party, a couple of members who are not of my party and myself as chairman. The concept I had was essentially that of a joint committee. I would have preferred to have seen the Federal Parliament set up its own special joint committee and to come to the Territory to check out what the people up here think of it. The situation in Canberra is such that it would be virtually possible at this stage to arrange for such a committee to come up and do this as a short-term job. If the mountain won't come to Mohammed then Mohammed will go to the mountain; we will have this committee.

We will have to work as the Joint Committee did on some occasions—singly, in pairs or as a total group depending on the situation. We will have to work over the next 4 or 5 weeks to try to establish the various views and then be prepared to take our case down to the ministers. You will notice in the motion a rider which allows for the co-opting of other members. There was some uncertainty as to who would be available to serve on such a committee. For example, the honourable member for Tiwi has not been with us last week or this week because he has been quite sick. As far as I know, he has still not fully recovered. He is the sort of person whose view is important. He may well be co-opted onto this committee from time to time when he is available to add information to it. Because I was uncertain as to the state of his health, I didn't write him in the first instance. The people whom I have written in are the Executive Member for Social Affairs as Aboriginal matters come within his portfolio, the Executive Member for Community Development as he has urban land in his area and this bill will affect urban land and myself because I look after rural land. Another person who springs to mind as a co-opted member is the honourable member for Arnhem because he has the biggest population of Aboriginal people in an electorate in the NT and he has a great deal of experience, wisdom and contact with those people. I am certain that this delegation will be using his knowledge and services to the fullest extent possible.

We have to do something and this is the best way I could see of approaching the problem at very short notice, without having a copy of the bill available in advance or even at the time of introduction. We now have to get into action and, in the next four or five weeks, we must try on behalf of the people of the NT to avoid long-term friction, disputes and difficulties. The difficulties are already evident and they might be multiplied a hundredfold within the next 12 months. For God's sake let's try to find out what people think about this legislation and convey that view to the federal ministers. That is the least we can do.

Mr WITHNALL: I have had this bill in my hands for 24 hours and, unfortunately, the copy I have is not quite complete because of difficulties in duplication. The Minister for Aboriginal Affairs has apparently made some sort of claim that he has consulted all interested parties. I do not know whom he has consulted or whom he has not consulted but it is quite certain from my inquiries that he has consulted nobody in this legislature, and I would have thought that the members of this legislature would have been interested parties. What is more, upon the introduction of the bill, the Minister did not even provide a

copy for any member of this Legislative Assembly to look at. There was no copy I could even inspect until yesterday afternoon when, through the grace of the member for Victoria River, I was given a copy of the bill which he had made from a copy which came into his hands. I do not know whether it came into his hands as a direct communication from the Minister but probably not. As far as we are concerned, there has been no copy of the bill provided to this Assembly and no consultation with this Assembly in any way. So much for the Minister's claim.

In 24 hours, I have not been able to understand this bill. I have been able to get a glimpse of its intentions and to form a tentative opinion of its content but I have not been able to understand exactly where it is headed. I have also had difficulty in collating the bill in the last 24 hours with a number of other pieces of legislation which apparently the Commonwealth has before the House of Representatives—a bill referred to in the definition section as "The Aboriginal Councils and Associations Act 1975" and these Aboriginal councils are referred to in a very large part of this bill. At the moment, I feel myself somewhat bewildered. I have insufficient information and insufficient time to pass an opinion upon this bill.

The bill itself, so far as my investigation has proceeded, seems to be based upon an inexact, inaccurate and improper consideration of the use of land in the NT. One must take into account the existence of the "Aboriginal Councils and Associations Act 1975" which presumably will be passed with this bill. In the last 5 minutes, I have received a copy of the bill for that act and I find that it sets up Aboriginal councils all over Australia. The provisions of the bill relating to the grant of land to Aboriginal councils means that there will be granted to Aboriginals, including Torres Strait Islanders, all over Australia land in the NT. This is probably the greatest political piece of mayhem and rubbish that I have ever heard. The Government of Australia have decided that the NT is the only place they have any control over and they are going to carve it up and hand it out to the Aboriginal people—not in the NT, although there are provisions in this bill which relate to people having traditional rights to land. Because of this provision relating to Aboriginal councils, people in Tasmania, South Australia, Western Australia, New South Wales, Victoria and Queensland can all have a piece of the NT.

When the Minister made his speech on the bill, I am informed that he said, "I regret that I cannot introduce this law into some states". What he was really saying was: "Look fellows, we do not have to carve up NSW or any of the other states but we have got the NT and you can have it. We will carve it up and you can have it because we are going to create these Aboriginal land councils in the states and they can be given land, not in the states, but in the NT". This is the refuge of the Commonwealth's policy about land for Aboriginal people. We are to finish up having the NT carved up not to satisfy the needs of the people who live here but to satisfy the needs of the people also who live in Victoria, NSW and the other states of Australia.

An Aboriginal is defined in the vaguest of terms: "A person who is a member of the Aboriginal race of Australia". There was a decision in the High Court made with respect to the Aboriginal people of Papua New Guinea in which the High Court said that courts were well able to determine what the words Aboriginal native or Aboriginal person or Aboriginal occupier meant and the courts would take that statement and apply it according to the circumstances. This definition goes a little further. It says that members of the Aboriginal race of Australia, and I expect around the suburbs of Sydney there will be people who may be one-sixteenth Aboriginal claiming, and succeeding in their claim, that they are members of the Aboriginal race, who will form an Aboriginal Land Council and apply for a grant of land under a land trust, not in Sydney, not in New South Wales, but so help me, in the Northern Territory which they have never seen, which they do not understand and with which they have no affiliations whatever. It is going to happen of course.

In addition to the Aboriginal councils bill, there are 2 other bills, the Aboriginal Loans Bill, I understand, and another bill which is related I think to the Aboriginal Benefit Trust Account. I am not quite sure of that title but I did take a note of it. Apparently in addition to the Aboriginal Benefit Trust Account which will be established by this bill, there is another animal called the Aboriginal Advancement Trust Account. The old account of course was called the Aboriginals Benefit Trust Fund. That was a trust fund which was concerned with advancing the interests and purposes of the Aboriginal people of the

Northern Territory, but these new accounts are going to be concerned with the advancement of the Aboriginal people of Australia not just the Northern Territory. So the moneys which come in from mining at Yirrkala, from mining on Groote Eylandt, and perhaps from mining in the uranium province, will be paid into an account which will not be paid out to the people of Yirrkala or the people on Groote Eylandt or the people in the area where the uranium mining may be carried out. No, they are to be available for the Aboriginal people of Australia, all of them, and it would not matter if they are one-sixteenth or full-blood, they will be able—and I stand to be corrected—to share the whole of that money with anybody in the Northern Territory who may have traditional rights to the land.

If you look at the provisions relating to the Aboriginal Benefits Trust Account you will find a significant statement in section 64: "There shall be paid out of the trust account from time to time for distribution between the land councils which are land councils in the Northern Territory in such proportions as the Minister determines having regarded the number of Aborigines living in the area of each council an amount equal to forty percentum of the amounts paid into the trust fund in accordance with subsection 63(2) or (3)." These relate to the Aboriginal Benefits Trust Account. The land councils get 40%. Who gets the 60%? Aboriginal councils, of course—the people in Sydney and Melbourne, the people in Tasmania, perhaps, if they can find any, and they probably will; and the people in Adelaide. These are the people who are going to get the 60% but it all comes out of the Northern Territory. The local people who are concerned, who have tribal rights with respect to the land, are likely to get 40% of whatever the trust fund has in a particular year and 60% will go outside the Northern Territory to satisfy the Commonwealth Government's concern for the other Aboriginals in the states. I will tell you what, I thoroughly agree with the Minister for Aboriginal Affairs, I am sorry he has no power over the states because the Northern Territory Aboriginal people are going to be fleeced to satisfy the Commonwealth Government's idea that they should spread the money over the whole of the Aboriginal people of Australia.

I think that this is a crazy, improperly considered piece of legislation. Its co-ordination with other legislation is, to say the least, suspect; and I do not for the life of me understand how the Commonwealth Government could possibly be prepared to force this legislation through within days or weeks. The subject matter is too important, it's too far-reaching to be dealt with by the Commonwealth Parliament in a hurry. We have not been consulted. I think, with the honourable member for Victoria River, that we are entitled to be consulted and we are entitled to insist upon being consulted.

Members: Hear, hear!

Mr WITHNALL: This motion is an insistence that we have not been consulted and we damn-well ought to have been. The Minister may use large phrases, almost certainly written for him by his department, about his consultation but I would have thought—and I know the honourable gentleman quite well personally—that, if he was half the person I thought he was before the introduction of this bill, he would have at least come up here and said, "Look fellows, this is what we are going to do". He has not said that. He has not even given us a copy of his bill. He has not come up here and is still apparently not prepared to do it.

Somebody said to me, when the Country Party achieved the 17 to 2 victory at the last election that the Labor Government would give this part of the world away, and here is your evidence that it has. Here is the evidence that they do not give a damn about the Northern Territory. They are not concerned about it politically and consequently they disregard it administratively. They are prepared to destroy it, and to destroy this Assembly so far as the enactment of legislation is concerned. This, Mr Speaker, is the worst example I have seen in the whole history of the Labor Government in Australia of its complete failure to be in touch with the people. It is the worst example I can see of the flagrant flouting of the recommendations of the Joint Parliamentary Committee which recommended consultation on this sort of legislation. This represents a government cocking a snook at the Northern Territory and saying, "You can go to hell; we do not care who you are or what you are; we will do it, we will take our idealistic programs to the full conclusion of those idealistic ideas without regard to you and without consultations with you". The Legislative Assembly, by the introduction of this bill last week into the Parliament, is told that it is nothing, is told that so far as this government is concerned it will do nothing.

Mr KILGARIFF: One could feel dismayed and filled with concern over this bill which has been introduced into the Federal House but those feelings are overcome and one can only express anger at the contemptuous and arrogant way the Federal Government has treated the people of the Northern Territory. I suppose we can keep on going over and over saying the same things. The honourable member for Port Darwin has said that in all his experience in the Legislative Council, which now runs into close on 20 years, this is the worst act he has seen of the Federal Parliament and its attitude towards the Northern Territory. It is a patronising attitude. They have ignored the people of the Territory, both the Aboriginal people and the white population.

One starts to think now of what is going to happen. The first implication is that the Northern Territory could well become an area put aside for Aboriginal people, but not our Aboriginal people—it can mean Aboriginal people from any part of Australia, it means that they are going to have a priority over land that now belongs to the people of the Northern Territory.

Mr Withnall: The Aboriginal people here have been sold out.

Mr KILGARIFF: Last week I had discussions with Aboriginal people in Alice Springs, members of the Southern Land Council, and those people who are endeavouring to work out a situation in the Alice Springs area as far as the acquisition of land for camping facilities and those facilities that are desirable for the fringe dwellers of the area. The move has come this time, not from the urban community but from the Aboriginal people themselves. They have had many difficulties to overcome because it is only in the last few years that Aboriginal people themselves have been able to move freely in the Northern Territory because of the restrictions of their own laws on tribal grounds. In Alice Springs there have been many people coming into the area whom we did not see 20 years ago. But the Aboriginal people are working it out for themselves. They have a common blood in them, if one can use that expression. They are the people from that particular area but this legislation means that people can come from any part of Australia and demand land in their own right. The local Aboriginal people are going to resent it and there is going to be much trouble in the future. I know a lot of the Aboriginal people in the centre, whether they be full-blood or part-coloured people, and I have noticed continuously over the last 2 or 3 years the deep resentment that they express about those Aboriginal people interstate who endeavour to interfere in their affairs. There is going to be trouble. In this day of tensions within the Territory, when we have different races endeavouring to live together, a system of co-existence, as I have said so many times in this Assembly, is what we have all got to strive for. This is what it is all about, the ability to bring about a co-existence and this law is not going to assist.

It is most regrettable that not one person in this Assembly and, as far as I know, no one in the Northern Territory, other than perhaps some favoured few, has seen the legislation. No one has had the opportunity of scrutinising it but in a matter of weeks it is going to be passed and become a law of the land. I expect there will be an outcry in the Northern Territory and I would expect it would come from all people. If the Federal Government is so insistent on passing these laws, surely the Senate could pass it back to the Territory for consideration but I doubt that will happen even. It is going to be a mad, indecent race to push it through and to hell with the future.

In the Northern Territory, as the Majority Leader has said, there was a way of doing it and there still is a way of giving more recognition on Aboriginal lands. He has referred to the Crown Lands Ordinance. It can be developed here. There is the basis and in fact it has gone a long way already. There is absolutely no reason for the Federal Government to make laws for the Northern Territory when we can do it here and develop it within our own crown land legislation. I support the motion and I am sure that the delegation that will go to Canberra on behalf of the Assembly and the people of the Northern Territory will make a genuine attempt, but they have some trials and tribulations ahead of them.

Mrs LAWRIE: I support the motion and express my acceptance of being included in the delegation if that is the wish of this Assembly.

The principles which were espoused in the Woodward Report were accepted as reasonable by members on all sides of the political spectrum; this varied from extreme rightwing opinion to extreme leftwing opinion. But there is a vast difference between acceptance of principles and acceptance of proposals in

detail. I think the Minister, Mr Johnson, has taken the acceptance of the principle to automatically mean acceptance of the detail. Of course he is quite incorrect. It has been a source of embarrassment and sorrow to members of this Assembly who have been vitally concerned that the proposed legislation was not made available to them, if not before it was introduced to the Federal House, which may have proved difficult, at least on presentation. I most sincerely support the contention that such legislation should not be pushed through with speed—of course, this is my contention with all legislation in whatever house it be presented—pending consideration by all members of the community. In this instance, it should be considered not only by members of the Northern Territory community, whatever shade of skin they may have, but by people throughout Australia. It is true that the Australian government is seeking to put, in my opinion, the collective responsibility of the people right throughout Australia on the shoulders of those who happen to reside in the Northern Territory and hold some interest in land here. It is obviously of the utmost importance for Aboriginal people in the Northern Territory to be given time to study the actual legislation in its entirety, if necessary with expert legal advice as to its implications. I do not believe that this has been the case. Obviously with our vast distances and tremendous disparity of opinion, not only between what could be termed "non-Aboriginal Aboriginal" people but amongst the Aboriginal people themselves—given that tremendous disparity, there must be adequate time for them to study this bill in detail.

The main quarrel I have with the legislation as given to me through the good auspices of the Majority Leader is that it seems to have a basic principle that certain people have ultimate rights to land in certain areas. I think it is only fair, as I am proposed as a member of a delegation to consider this aspect, that I should state my very strongly held view that no people at any time in any place ever have ultimate rights to the land. On many occasions, I have spoken of my preference for a leasehold versus a freehold system. Unless there are certain controls on freehold land, even in a municipal area freehold tenure has unfortunate connotations. There is a presumption by people holding freehold titles that they can do what they like with the land. Of course this is incorrect, they are still subject to zoning restrictions. But because of this presumption, I have always reserved judgment on the ultimate propriety of granting freehold title and have always come down on the side of leasehold title, be it leasehold in perpetuity; that I accept.

Fundamental to my whole concept of land use is the right of the land to exist above and beyond the right of any people in any place to have ultimate control. I have spoken of my regard for national resources being a national responsibility and for conservation being broadly a national responsibility. I repeat them here because it is in context when studying this land rights legislation. Both of those concepts by and large, other than token lip-service, have been ignored. What we are seeing sought to be enshrined here is a principle that a group of people—I do not care whether they are Aboriginal or not Aboriginal or anything else—should control almost to the nth degree land no matter what the fragility of that land may be, no matter what other importance on a world or Australian scale that land may have. This is particularly important—aside from mining and I agree that there is an overriding right of the Australian Parliament to override an Aboriginal veto on mining if shown to be in the national interest—when considering the conservation angle. In this legislation there is to be set up a committee presumably to balance Aboriginal interests and conservation interests but again it is a committee where there is conflict.

Time and time again in this legislation, we see the principle that in consideration of the title to be held by Aboriginal people all other considerations are negligible. Simply because they are Aboriginal, the title they hold will far exceed the title held by any other group of people for any other type of land in the Northern Territory. That is unacceptable to me. In looking at land legislation which is probably amongst the most fundamental legislation we cannot be too narrow. This is 1975 not 1875. It is accepted that there has been settlement of Australia. Probably there has been settlement from time immemorable with a mixture of races coming in. I remain to be convinced that there is any race in this world which is ultimately pure, which has not been to coin a phrase "contaminated by some other". I do not mean that in its worst connotation, I mean that I am cynical when a group of people claim to be immune from any outside influence. I did accept the principles of the Woodward Report. The Aboriginal

people of Australia have been denied certain land rights for far too long. I welcomed the Woodward Report because it would have seemed to have redressed that wrong, but this legislation goes far beyond that.

In consideration of land legislation there are other considerations—world population trends, grain supplies, protein supplies, wet lands—under threat all round the world, especially in Australia, preservation of coastlines, dune areas, mangrove areas, migratory birds, migratory birds because we are a signatory to the international agreement have been spoken of in the schedule. The matter was alluded to in the Minister's second-reading speech but not in any great deptn. He has not considered the other very fragile aspect of land use especially in the northern parts of the Northern Territory such as those of which I have just spoken—wet-lands, mangrove areas, etc. All land rights legislation should have an overriding clause giving protection to the land itself, to the natural resources, to its fragility.

Section 74 of the legislation reads: "Subject to the section, where Aboriginal land adjoins the territorial sea or internal waters of Australia appertaining to the Northern Territory of Australia that part of the territorial sea or internal waters so appertaining to within 2 kilometres of the boundary of the Aboriginal land shall for the purposes of section 73 be deemed to be part of that Aboriginal land". That would have more credibility if they were restricting the area to the rights to the harvesting of the area. There is mention made of forfeiture if a person is found in such an area with fish in his boat. I find that acceptable. I would support a concept that gave certain harvesting rights to people with an adjoining land area, that they have prior claim to the fishing rights to the area pertaining to that land. But I will never support the concept that they have ultimate rights and that people swimming in the area, swimming in the sea, rowing across that area, are guilty of an offence under this proposed legislation. I think the penalty is $1,000.

There is mention in the Minister's speech and in the legislation to careful consideration having to be given to international agreements. This is one area which will gain my fullest attention. I have expressed the view time and time again—and I believe have had either unanimous or nearly unanimous support—that beach areas and the sea pertaining to those beach areas shall be open to all. I bitterly oppose leases of beaches being given to any group of individuals, any individual, any sporting association, or any other such type of activity. There has been a proposal that the entire coastline of Australia is in urgent need of protection and I support that; that there should be legislation passed to provide such protection, and I support that. Indeed, there have been proposals that there should be no further residential subdivision of land for half a mile inland from the high water mark. I support that and have done, and it is community support which I express. In the face of that, in legislation which unfortunately can only be applicable to the Northern Territory with its thousand miles of coastline, we see a direct attempt by the Government to say that the principle will be ignored, that a group of people may be given rights to the foreshore, to the land between high and low water mark and, disgracefully, that extends to a distance of 2 kilometres seawards. I find it difficult in 1975 to accept such a concept for any group of people.

The land rights legislation has to be looked at very carefully, given the definition of Aboriginal Councils which appears in the Aboriginal Councils and Associations Bill which I understand is to be introduced. The definition appears to be: "Where 10 Aboriginals living in a particular area who have attained the age of 18 years desire that an Aboriginal Council be formed in respect of that area they may apply in writing, signed by each of them, to the Registrar for the constitution of that area as an Aboriginal Council area with a view to the establishment of an Aboriginal Council for that area". As yet I have not had time to seek expert opinions but if this is limited to the formation of Aboriginal Councils among people who have a traditional occupancy of such an area, that may be fair enough; but if the concern which has been expressed by other members is correct, that people who have lived for the past 50 or 60 years in Sydney and Melbourne can form a council and then claim land in the Northern Territory, then I see the greatest outrage being expressed, not by white residents of the Northern Territory—they can do as they see fit—but by the Aboriginal people. Like the Majority Leader and some other members here, the member for Arnhem, I have had fairly long contact with various Aboriginal groups although not to the extent of those members, and I know very well the sense of outrage they

would feel if strangers came and tried to lay claim to land in their area. And in that case I would say they extend the definition of their area to a large part of the Northern Territory. There are conmen of all colours in this country. I will be concerned to seek expert opinion as to whether that could occur or not, as to whether there is a limitation or whether, in fact, people with no prior interest in the Northern Territory could come and seek title in this place; and the title is far-reaching as has been shown.

I express my support for the motion and I indicate most clearly my fear that the land itself is being ignored to provide a convenient outlet for public opinion in other places. I express my view that the land is of more importance than any group of people or any single person.

Mr TAMBLING: I support the motion. It will provide the vehicle for Territory people to make known their thoughts, their opinions and their criticisms of legislation such as is now being proposed by the Federal Parliament.

Mr Robertson: That is already been done according to Johnson.

Mr TAMBLING: Maybe according to Johnson but this is not what we have seen. It is quite obvious from the limited community response which has already become evident that there will be criticism right throughout this community. It will come from all sectors of this community and we will be one of the facilities, through this committee which has now been proposed, that will channel those thoughts, opinions and criticisms. I am sure that we will get deputations from people and interested parties connected with Aboriginal welfare throughout the Territory and from particular Aboriginal communities.

I consider it almost an insult that there is not today an adviser of the Department of Aboriginal Affairs sitting in the gallery. Everywhere else you go, if there is ever in any other community, a committee or group looking at an Aboriginal issue, you are inundated with 22-year-olds out of theoretical schools, anthropologists, advisers and experts. They do not bother to come to talk to us. This is obvious and apparent from what has emerged in the detail of the bill. It is in many instances, I am sure, inconsistent with recommendations of the Gibb Report and the Woodward Report. There will be wide-reaching social implications, not only to Aboriginal communities in their own right but also to the commercial, mining and the environmental issues of the whole Northern Territory.

The bill talks, in one small part which I have had time to take particular note of, about disputes between Aboriginals, between land councils, land trusts—Aboriginals themselves, but it in no way tends to assist or help in that there will obviously arise disputes between Aboriginals and Europeans. Is this consistent? What really is this bill creating? Is it the disguise perhaps for a homelands policy? If we look a little bit further at the land administration, and perhaps broader administration when you dig deeply into some of the actual clauses, there is almost a completely new form of bureaucracy that could divide the Territory in two.

I would argue that it is probably more open to manipulation than any other bill which has gone through this Assembly or the previous Council. When we look at the composition of the proposed land councils, just what is the dependence of those land councils on European advisers? I am very wary of that issue because there are varying degrees of sophistication and advancement, in our terms, throughout Aboriginal communities in the Northern Territory. It was very evident recently at the environmental studies of the Jabiru area that the judge had to call into line the submissions of the Northern Land Council because they were wrongly interpreted and put forward by European advisers who had not sought the appropriate Aboriginal consultation.

Let us look also at some of the advice that gets handed around in some of these land councils. Do we take the point that someone should have to advise a meeting of Aboriginals, meeting as an interim land council, that they felt that any difficulties or any misunderstandings of the bill could just as easily be ironed out after the bill was passed? Or perhaps, a further sort of advice, that they could come up with a better system of trusteeship, and that could be implemented after the bill had been passed? I think we are all aware of the details and the frustrations and the manner in which we have to get legislation passed. Is it correct for some European to advise a less articulate group of Aboriginals that this is the way they should deal with legislation which is going to affect their whole environment, their whole life, their whole issue? We know that it would take a year, or

perhaps two years to get appropriate alterations made at any time to land bills once passed.

I am very concerned that the bureaucracies proposed in this type of legislation will not meet the requirements of Aboriginal communities and European communities in the Northern Territory. I am more particularly concerned that there will perhaps be a black back-lash. We can always anticipate perhaps a little white back-lash when an issue such as Aboriginal land rights comes up; we are all aware of the politics and the situations which cause that. But in this instance Aboriginal cultural interests in the Northern Territory are really being called into question. Let me refer to the August edition of a magazine entitled "Aboriginal and Islander Forum" and a lead article on land rights. This is the sort of comment that is coming out: "Have nothing at all to do with the Department of Aboriginal Affairs. Bypass them completely and hope that they show no interest. Interference from bureaucrats is deadly". They are awake-up. Further on is: "Get as much of your case as possible into the local press and remember that no publicity is bad publicity. Reporters and cameramen are generally unable to relate to Aborigines and must be spoonfed. Do not allow them to turn issues into personalities which is how the papers prefer to approach a story. Publicity should be a means to an end and not an end in itself. Beware of this. Mild police confrontations can strengthen the cause depending on how tactful your local police force. Do not get side-tracked by disputes with the police who should not interfere in a political matter. Wherever possible turn the other cheek so that police obstruction will not confuse the land rights issue you are fighting about". A bit further: "Southern visitors may fly in so show them around. Their interest is a great encouragement. Do not let their enthusiasm distract you from the realities of the local problem. If possible get these visitors and any "liberal" supporters involved by organising a quick demonstration or deputation if this is appropriate". And then they recognise one of the important aspects: "In some parts of Australia today there are so many professional workers amongst Aborigines it may be almost impossible to start a local land rights movement such as has been described". These are some forewarnings of the type of criticism which are inherent.

The honourable member for Port Darwin referred to the local government type provisions and the fact that we have heard of the Aboriginal Councils and Associations Bill which was tabled in Federal Parliament on the 30 September. The Minister and the Department of Aboriginal Affairs have not shown us a copy or given us the second reading speech on that bill. Were they going to hope it would just drift in alongside an Aboriginal Land Rights Bill? I view probably with equal concern the provisons in that bill. Here is a complete system of local government for Aboriginal communities in the Northern Territory and it is being legislated for in the Federal House and not in this place which is far more appropriate for any form of local government. I fully recognise the various degrees of difference we would have to accommodate for Aboriginal local government but I think this body, with 8 or 9 electorates representing big numbers of Aboriginals, is the more appropriate place for at least the companion legislation if that is what they sought. No approach was made to me in my executive function to perhaps introduce it here. I have had absolutely no consultation and the only draft copy I have of that bill is one obtained from unofficial sources.

I would like to raise the issues related to and tied up with compensation. We all know and recognise the political priorities and financial practicalities of trying to get money out of a government. Darwin electors all know this because of the Darwin Reconstruction Commission's activities this year. Is somebody going to wave a lovely "money wand" and make changes that are going to affect the whole of the Northern Territory to meet the responsibilities which are inherent in this bill? I think they are putting more than a carrot in front of these Aboriginal communities—in fact they are tending to show them a very wrong colour in a lot of political sense. I fully support land rights but I support this motion in that we must make sure that it is totally consistent with the requirements of the whole Northern Territory community.

Mr POLLOCK: I support the motion. I am going to speak briefly because I think most members have covered many of the important aspects of the bill which are causing concern. My main plea at this moment is in relation to the time that this Assembly and the people of the Northern Territory need to consider fully the provisions of these bills. I do not think we need to be told that generally

Aboriginal people take some considerable time to consider these matters. They like to have the matters discussed with them and sit down and think about it amongst themselves, not just overnight or for a few days, as many of us do in our European community, but for weeks and weeks. It is sometimes months and even longer before they are prepared to come back and tell you what they really think about it. Therefore the motion asking the Federal Parliament to delay consideration of the bill until at least the end of November is very conservative in my opinion and I would strongly suggest to the Federal House that it give consideration to delaying consideration of this bill beyond that stage. It is going to take a member such as myself who represents a large rural electorate, an area bigger than the state of Victoria with some dozen or more Aboriginal communities scattered all over that electorate, some considerable time to get around them, to discuss the provisions of the bill and get their views and the views of the general community in the area. I therefore say that the motion is conservative when it asks that consideration be delayed until at least the last week in November. It is important that people in the community do not leave till tomorrow what they can really get done today and that they all endeavour to get copies of this bill.

I notice from in the second-reading speech that it was July 1974, some 16 months ago, that drafting of this bill was begun. I can only say that I, as the Executive Member for Social Affairs responsible for Aboriginal Affairs within that portfolio, have not been consulted in any way about the matter. The secretary for the Department of Aboriginal Affairs has assured me on a number of occasions over the last three or four months when I have pressed him for information concerning the bill: "Yes it is being considered. I am sorry I cannot discuss it with you but as soon as it is tabled in the House, I will have a copy there for you." Even a fortnight ago when I was onto him again about the matter, he assured me that, as soon as the bill was available in the Federal House copies would be here for the Legislative Assembly. What did we see? One copy was sent after a request by the Majority Leader on Tuesday morning. I do hope that people throughout the Territory do rally quickly to discuss the bill amongst themselves and come to the committee which is formed by this motion. I am not going to go into the provisions of the bill because they have in many respects been covered by previous speakers.

Mr TUXWORTH: I support the motion and I offer to the members of the proposed committee my heart-felt hope that they will be very successful in having it dumped exactly where it belongs and that is in the rubbish bin. Territorians have had absolutely no say in this bill, we have heard here this afternoon none of our people have been consulted and no one knows of any other persons having been consulted. The bill on first glance appears to have very little relationship to the Woodward Report. Justice Woodward's name is thrown quite loosely around but if one has a close look at his recommendations and the implications of this bill, one will see that, in some cases, they are very much opposed. In other cases where the bill has an intention in mind, it has gone right away from any recommendation that Woodward has made at all.

This bill is going to give a special citizens status to Aboriginals in the Northern Territory, a special citizens status to people who have not asked for it and who do not want it because it will make them the butt of community resentment. It will give them grants of land in fee simple when no one else can get it; it will give them mineral royalties in their land when every one else finds that mineral royalties are vested in the Crown; it will give them two kilometres of sea from the low water mark and, in the gulf, that is a large area because the tide goes out for along way.

The bill's attitude towards the continuation of forestry projects is nothing less than irresponsible and a complete waste of taxpayers' money. It has no relationship to Justice Woodward's recommendations; it is completely deplorable.

The reference in the bill giving Aboriginals access to and squatting rights around natural waters and bores on stations is going to cause hell in the countryside because I have not met any station owners yet that will have anything like that go on on their property. It is only going to cause friction in our community. We have come to a disappointing time where we have outsiders, dogooders, would be's if they could be's, who are dividing our community into two camps, the black and the white. That might be their intent but I am sure it's not the intent of the people in the Northern Territory; I am sure it's the last thing they want to see. We have seen in the last 25 years so much racial strife on this earth in places like Ireland,

the Arab states, the southern American states, Africa, and in every case that strife was caused because one group was legislated into special status at the expense of another group. We are heading on exactly the same road in the Northern Territory.

Mr VALE: I support the motion. I won't speak to the contents of the bill because that has been adequately covered by other members. My main reason in support of the motion pertains to the last comment of the Minister's second-reading speech where he says, "The government's decision to legislate for Aboriginal land rights is the expression of a long standing Australian Labor Party policy and this bill is the result of a lengthy process of consultation with Aboriginals of the Northern Territory, investigation of their wishes and consideration of the views of the pastoral, mining, environmental and other community interests". The best way I could describe that would be that it is a fabrication of the truth. The pastoral industry in Central Australia, the mining industry in Central Australia, the oil exploration industry in Central Australia and a large number of Aboriginal groups have not been consulted. It is unfortunate that we have only a month to get information back to this committee before this bill will be passed. I think it is essential that the contents of the bill and its ramifications be referred back to all Northern Territory residents and their wishes be made known to the Federal Parliament.

Mr BALLANTYNE: I rise to support the motion. The bill covers many aspects of the Woodward Report which was a reasonable way of overcoming a very big problem. The honourable Majority Leader and other people with considerable knowledge of Aborigines are appalled by the fact that the Aborigines haven't been consulted in the right manner. They have been spoken to by committees, and anthropologists have been going onto reserves and looking into their eyes and at their fingers trying to find out what makes these people tick. We know what makes them tick. They are people like ourselves and, in most cases, very friendly and happy people. The contents of this bill disrupt their lives. Let's face it, if we had to make decisions on land, how would we go about it? These people are not very articulate and they don't have a good knowledge of English; they don't know some of the terminology in that bill and I am sure there are many people here who can't interpret it correctly.

I would like to read the first few lines of the Minister's second-reading speech where he says: "In the field of Aboriginal affairs, this is undoubtedly the most important legislation ever to be introduced into the Australian Parliament. It will provide for freehold title over all reserves and certain other lands to be vested in the Aboriginal ownership and give Aboriginals control over what happens on their land including control over mining developments". I don't think the Aboriginals really know the meaning of those words. I am very disgusted because I live near an Aboriginal community and I have to go back to these people now and try to talk to them. They knew this was coming through but no one had access to it. They may have had talks through the land council representative, I don't know. There are some capable advisers in the Department of Aboriginal Affairs who could perhaps advise them. The Regional Adviser is a very capable man but I feel a little bit put out by this matter. I am sure we will have to do a lot of talking in the next month or so to get an understanding of the Aborigines' feelings. We will have to ask many questions and so will they but it takes time to do this. A month is not enough time to do it. A thing like this should take one year at least so that everyone has an understanding of it.

There has been a lot of talk about the coastal rights for 2 km from the low water line off Aboriginal reserves. There could be a small island within that 2 km and it could be taken over by the Aborigines and rightly so. However, there could be another island 2 km from the first one and you could extend it to 10 km out to sea. Who is going to patrol that water and stop people from going there? Will small shipping vessels around the coast and the navy ships have to get a permit to go 2 km off the shores of Arnhem Land? I think it is absolutely ludicrous.

There are many provisions helping Aborigines but it says nothing about a European being helped. I can see many problems for the missionaries where they are given less than 12 months to virtually get out of the place. They will have to be reimbursed for the buildings and other materials that are left behind. One of the biggest problems to come out of this will be the issue and revoking of permits to persons. This is very hard to control. At the moment the Aboriginal Affairs Department are doing quite a good job, particularly in Nhulunbuy. We have a very good system

which comes under the Social Welfare Ordinance and the permits are controlled quite adequately. If these councils don't have offices in all areas, it might take months for us to get a permit to do something which we have to do and which would be very important to those Aboriginals. If we go on that land, we stand to be fined one thousand dollars if we do not have a reasonable excuse. I don't think there is any provision there for allowing members of the Legislative Assembly or government officials to go on the land.

I am not going to say any more. I hope that, in the next few weeks, we can get some information from the Aboriginals themselves and leave it to the expertise of the committee which has been suggested by the Majority Leader to carry our case to Canberra.

Mr KENTISH: I support this motion.

At the beginning, I should mention my qualifications to speak on this matter. As the member for Arnhem, I represent a preponderantly Aboriginal electorate, perhaps the greatest congregation of full blood Aboriginals in Australia. There are about 14 major Aboriginal centres in Arnhem and many minor centres also. I was elected with a two to one majority and my opponent was classified as an Aboriginal woman so I feel that I have the confidence of the people whom I represent in this electorate. I have a letter written on 14 December which further helps my qualifications. It was written from one of the missions off the coast of Arnhem Land.

> Dear Rupert, Thank you for your letter and the enclosed extract from Hansard. Your speech, if I may say, is a classic. Congratulations! I have never seen so much truth on this matter put together so well and so convincingly. You know these people of the NT and you think as they think especially in your last paragraphs where you say: "They see our ulcers and they do not like them. Speed is something foreign to this solidly traditional people". God bless you for your stand. Father So-and-so.

I regard that as a further qualification to speak for the full blood people of Arnhem Land. My convictions about land rights for these people would be well known. Several times in this chamber I have fought for the inviolability of their reserves and the retention of the permit system which was the only thing that made them feel that they possessed the land. They would remember those occasions where we have upheld the land rights of the people in the reserves and land rights means the ability to say that they own the land and they don't want trespassers on it. That is what the permit system was about at that time. Thus, I have a background of having upheld the land rights since about 1970 in this chamber. Outside the reserves, I believe that substantial groups are now building up; these should have living areas, and where it is warranted, economic areas as well.

This is an important bill for all people of the NT and, unfortunately, it is being decided by other people in another place. It is one of the most fantastic propositions in this modern world that you could ever find perpetrated upon a people. It is being decided several thousand miles away by people who have nothing to do with the Northern Territory except for one man who is the member for the Northern Territory and who perhaps will be overwhelmed by the views and votes of many other people. I claim to represent the views of the people of my electorate but I hardly know how I can represent those views. The people know that they want land rights; they know that they are pleased with the prospect of having title to their land and ownership which will not in the future be disputed. As for representing their views on this bill or on the Woodward Report, the best thing I can say is that they either have no views or they are very much confused. They have little or no understanding of all this hash that is presented to them.

Much the same applies to the Land Council which are the people who have been nominated from communities to agree with and advise the lawyers who have represented them. I spoke on this matter in the Supreme Court in February 1974 when the lawyers presented their findings to Mr Justice Woodward. I spoke extensively on the report in our hand for a few hours. I mentioned to Mr Justice Woodward that although the lawyers purported that the report that they were presenting was the will of the people of the Northern Land Council, I had grave doubts about that. Sitting behind me in the court while I was addressing Mr Justice Woodward was a member of the Northern Land Council who was a contradiction to the idea of some anthropologists that the Aboriginal's land was so dear to him that he would never want to sell it. I said: "This man can hardly wait for this business to be concluded so that he can dispose of his land. He has a buyer waiting. While I am telling you this, this man is sitting behind me and is supposed to know what is being presented by the lawyers, he does not understand a word of what I am telling you at

the present time". That was the case with perhaps three quarters of the Land Council; they did not know what it was all about. I know this from other sources because they keep coming to me and asking me what it is all about.

There is very grave doubt as to whether all of this junk is the will of the people. There are many excellent provisions in it and many of the provisions are already in the Aboriginal lands ordinance of the Northern Territory and have been in force during the years 1971, 1972 and perhaps 1970, provisions for living areas on cattle stations, the provisions for pastoral leases, home leases, business leases in Aboriginal communities; during those years, 60 of those leases were issued quietly. There is already adequate provision in this lands ordinance to provide for Aboriginal land applications in the Northern Territory and this was proceeding to the entire satisfaction of the people at that time.

That was a very simple process embodied in the Northern Territory lands ordinance and I happened to be on the Aboriginal Land Board at that time. I had a lot to do with the issuing of those leases and the examining of people who made applications for leases. The departure from this process of issuing Aboriginal land leases has had a most disturbing and confusing effect on the Aboriginal people of the Northern Territory. It has been largely responsible for creating inter-clan tensions and hostility which had not existed in many areas for 30 years before this Woodward Report came in to confuse the issue of the land applications. For some peculiar reason, undesirable and insular clan attitudes have surfaced. Careful examination of these situations and attitudes would, I think, be able to reveal a way in which they could be corrected but there is no doubt that they exist and they are largely responsible for these new provisions which have been thrust upon people often far beyond their understanding of what is happening.

In referring to Aboriginals my definition of an Aboriginal is what a Northern Territory Aboriginal would call an Aboriginal, not what the Redfern people or the Perouse people call an Aboriginal nor yet the Canberra people call an Aboriginal. I refer to people who are known as Aboriginals by the people in my electorate, and that doesn't necessarily mean all the time full-bloods; it can mean mixed blood people who are indigenous amongst them and have their language and their culture. As you would know, Mr Speaker, and others with experience in the Territory would know, there are relatively few people of mixed race in the Northern Territory who qualify in the view of the tribal Aboriginals of the Territory. The inclusion of coloured, multi-racial people ad infinitum in this new bill, the Aboriginal Land Bill, all these multi-racial people of any sort of extraction at all, their main qualification being that they are "off-white"—and that could mean anything almost—has been very confusing. It has placed a grub in the core which will eventually destroy the whole apple. It is one of the greatest mistakes which has been made in the implementation of this bill.

This has happened in a strange way. People will remember that when the Woodward Commission was first advertised it was advertised as being how best to give leasehold to Aboriginals of the Territory. A little while later the advertisement was changed to how best to give freehold title to the Aboriginal people of the Territory. The Labor Party in the meantime had changed its platform, I presume, on the matter of freehold land titles. Another strange thing happened. I attended a meeting of the Woodward Commission at Maningrida during 1974, towards the end of the wet season. My wife had gone there by request of a special letter by a group at Croker Island and Goulburn Island because the men of the group had been wiped out in various ways and an old man who would have been the logical spokesman had lost the use of his legs. My wife was asked to represent their case as the next person there. We went there and finally Mr Justice Woodward came to land in the Apagunaki region and he asked, "Is there anyone who is a spokesman for this region of the country?" My wife went forward to present the letter of authority from the clan and group and Mr Justice Woodward said, "I don't want to talk to you; we're dealing with Aboriginal people today. Perhaps at another time I will see you in Darwin." My wife is a half-caste as you know, Mr Speaker. But the next time that Mr Justice Woodward came to the Northern Territory he was talking to people from a light cream up to dark brown and dark black. Something again had happened in the meantime—I don't know what—and he was willing to talk to anybody this time. He did talk to my wife that day. He read the letter and raised his eyebrows and Silas Roberts, the chairman, whispered a few

words in his ear; he changed his attitude swiftly about that. Funny things have gone on in this respect but, by and large, the Aboriginal people do not recognise the mixed-blood people or any strange mixtures from anywhere in Australia as being claimants to their traditional tribal lands.

A member: Especially New Zealanders.

Mr KENTISH: According to this bill, and against the understanding of the Aboriginal people of the Territory, and my electorate in particular, against their understanding, traditional owners are not the full-blood Aboriginals who own the land or whose ancestors owned the land, the traditional owner can be anyone who is descended from Aboriginal people. As this bill has to apply to the whole of Australia, I wonder why the Labor states have not shown us a lead in this respect; they would have no cause to hold back as it is their policy to divide up land in this nature. I would have expected South Australia and Tasmania to beat us to the punch with this. However, we have this position where traditional owners can be the descendants of traditional owners; they are traditional owners by descent and they may be people with very little Aboriginal blood in their veins. That will shock the Aboriginal people of the Northern Territory and different people when they come to understand it.

The word "inalienable" is used in the second-reading speech of the Minister and it is a very strong point in this bill that the Aboriginal lands will be "inalienable"—they can't be sold, they can only be transferred to another person who qualifies as an Aboriginal and so on. It is a strong point, it is based on the emotional dedication of an Aboriginal to his land and the many features of his land. It is connected with his spiritual life, with his folklore, music and legends and it is an important thing with him; therefore it is inalienable but the grub in the core of the apple is there again. You try and tie this stipulation to people who could be more correctly described as brown Europeans—they have European language and culture and none of the myths and legends and folklore and customs of the Aboriginal people. They will take up land and under this inalienable provision and that is perhaps where the rot will begin. They are not attracted to the land for emotional or traditional reasons. They are not farmers, these people. Very few of the mixed blood people are farmers or graziers but some of them are keen businessmen, and if you can get land for nothing and sell it again, that is money. I would be willing to take bets any time now—although we do not take bets in this Chamber; outside perhaps—that this inalienable provision would not stand up more than 5 or 10 years. No federal government would stand against this inalienable definition for more than 3 months if a campaign was conducted in the right manner through the media. You can imagine a campaign which says, "We are second-class citizens. We've got land. We own the land of Australia. Our ancestors owned it. But we are forbidden to sell it; we are not allowed to turn it into money". You can imagine a petition to the United Nations about this. It is the coloured people who have no tradition, no folklore, myth or legend, who will sell out the full-bloods. I am quite certain that no government will stand against the pressure that would be put on them to make this land saleable once enough of it has been annexed or broken off.

The open-ended provisions of this bill provide the framework for the complete annexation of the Northern Territory on a freehold or leasehold basis, perhaps mainly on a freehold basis, by a small private sector of the community. The only qualification will be a colour question. There will be no qualification concerning ability to work the land or experience in connection with the land, the only qualification will be colour. The framework is there to completely alienate the whole of the Northern Territory to a small sector of the population.

We must consider that the authority which owns the land in the state, nation or country must ultimately become the government of that country. It is unthinkable that it could be otherwise; the people who own the land will become the government of the country. I don't think enough thought has been given to this situation at all. We could have a Northern Territory minority racial government. It would appear to be at the present time opposed to the policy of the present Federal Government that such a thing could happen. We have in this open-ended bill the framework of an Aboriginal state, possibly an independent nation, with its own immigration laws etc. Already provision is made to give them their sea frontage, international water rights, which are not given to normal landholders but would be the prerogative of the state. That provision is already made, sitting there ready for such a time. Someone has been far-sighted in this respect.

I am quite sure that the Aboriginal people of my electorate have no thought or vision of what is ahead in this respect. They could not understand these things; it would be beyond their conception. I say this without denigrating the people. Their understanding of English is limited and it has not been their habit to give strong consideration to abstract things. All these things would come as a surprise to them.

If the implementation of this bill is pushed fast it could lead to a bad situation in our community. It could lead to a great deal of racial tension, some of which has already been generated by contentious land claims about the city of Darwin. Some of the cumbersome, careless provisions of this bill could be a major disaster to all the people of the Northern Territory, black and white. I don't like its cumbersome nature. It reminds me too much of the cumbersome setup which came in with a blare of trumpets for the Darwin Reconstruction Commission, and I said so about that bill at that time—a lot of wind and urine and no action. We have had to put up with the wretchedness of that bill ever since. This is another one that the Federal Government in its wonderful wisdom has cooked up for us. I think it will be just about as unworkable and useless and troublesome as the Darwin Reconstruction Act was for the NT community. The most fantastic and wicked thing about it is that it is all done by people who don't belong to the Northern Territory, who have nothing to lose in the Northern Territory except their reputations—which may be lost already anyway. It is just incredible that this sort of thing can happen in the modern world.

I suspect also that the Government are also looking on the Northern Territory, as has been mentioned by a previous speaker, as a way of ridding themselves of their southern Aboriginal problem, getting those fellows off the lawns of Parliament House in Canberra. They could offer them $5,000 and one of these demountables from here, when they've finished with them, a piece of spinifex somewhere and a handsome settling allowance. They would be rid of those fellows on the lawns at Parliament House in Canberra, and perhaps some of the ones in Redfern who are causing a bit of trouble occasionally. I should say that in some sections of this bill quite a lot of deep and penetrating forethought has been exercised but it is no good for the Northern Territory, not for the Aboriginals or the white people of the Territory.

I may sound critical at times of the Aboriginal people and I know their limitations very well. I have been amongst them now for nearly 38 years. I married amongst them; I am related amongst them and I have six full-blood Aborignal children who call me Dad, and if I am critical it is in a kindly way, realising the things they need to help them along, the guidance they still require.

This bill has provisions to replace the Crown as the major landholder in the Northern Territory. The Crown could be replaced almost completely in the Northern Territory and we would not hear any more about crown lands. We would be hearing only of Aboriginal lands. In that case, the land councils would be the collectors of crown rents. Again, this makes me nervous because a government which owns the crown land in a country is responsible for the well-being of industry and progress in that country. It is responsible for a lot of things as the holder of crown land, but if the Crown goes out as the holder of the land and we have an interest which is only interested in collecting rent and has no particular responsibility concerning good government or progress, the viability of industry and things like that, we would be heading for great disaster. In fact disaster would come along before then. I don't think that has been thought out by the people who prepared the bill. For that reason I would strongly recommend and urge that final consideration of this bill by the Federal Parliament be not undertaken until some time in the New Year, perhaps in the March session of the Parliament. Our communications are poor in the Territory. It takes a long time to get around, particularly in the wet which has started now, and people want more time to consider this bill. It can be a dangerous bill, not only for people of the Territory but for the whole of Australia. I support the motion.

Dr LETTS: The debate has been an extended one but a number of very good points have been made. Those points themselves will be useful to members of this delegation because I don't expect that federal parliamentarians will read the full text of this debate. As usual, the honourable member for Arnhem has made a number of very pertinent points. The important thing from what members have said is that the delegation will be acting throughout the Territory and dealing with government ministers and parliamentarians in Canberra knowing that it has the unanimous support of this Assembly in saying

that time is required, and that attention is required almost certainly by amendment to certain aspects of this legislation.

Motion agreed to.

LOCAL GOVERNMENT BILL
(Serial 44)

Mrs LAWRIE: I am not in complete accord with this legislation. I understand very well the philosophy behind its presentation and I understand that it is only giving discretion to the local government organisations to do as they think fit with certain restrictions regarding allowing concessions on rates. I point out that, to survive, these local government organisations have to raise an amount of revenue. If rebates are going to be allowed to various associations, as suggested under the amending legislation, the balance will have to come from the normal ratepayers; it is not going to come from the air. I have been singularly disappointed that more publicity has not been given to this proposed legislation. I have attended several meetings of sporting bodies, in the past 10 days particularly, and there has been some mention of the burden borne by these bodies in trying to meet council rates. Every time I have mentioned the legislation presently before the Assembly, there have been completely blank looks from people who should have known all about it and the only comment is, "Eh, what legislation?"

I do not think that this is a facile and simple bill. It may appear to be but in fact it is not, it has far-ranging consequences. I asked the sponsor of the bill if I could have a list of organisations within the municipality of Darwin holding special purpose leases. He very kindly obtained such a list and had it tabled. However, the list is headed: "Special purpose leases within the municipality"; it is not further delineated into those particular people holding SPLs or organisations who would benefit. Having a look through we see such bodies I would imagine as the Royal Antediluvian Order of Buffaloes Grand Lodge of Western Australia under the Grand Lodge of England Incorporated, perhaps the Catholic Church of the Diocese of Darwin Incorporated, Darwin Trailer Boat Club Incorporated, Darwin Bowls Club Incorporated, Catholic Church of the Diocese of Darwin Incorporated, Arafura Bowling and Social Club Incorporated, Darwin Gun Club Incorporated, Catholic Church of the Diocese of Darwin Incorporated, the Greek Orthodox Community of North Australia Incorporated, the North Australia Baptist Homes Trust Incorporated, etc. I don't intend to bore the Assembly proceeding through this list.

Dr Letts: Some are already exempt.

Mrs LAWRIE: Some of them are indeed already exempt—an exemption which I don't support. Most of the leaseholders who are exempt are churches, amongst the richest organisations existing in society today, both in Australia and internationally. These people are exempt from paying rates while the normal Darwin ratepayer, I speak specifically of Darwin, is struggling to meet an ever-mounting rate bill. I find this abhorrent and absurd. I have indicated my reservations on one aspect of this legislation; I would now like to speak on another.

The proposer of the bill has outlined that it is only giving the corporations the power and the circumstances for a determination which will lower the amount of rates to be paid. But my worry is that the deliberations of the Corporation of the City of Darwin in these instances are taken in committee. The public will not know. There is not a provision in the bill—which I noticed too late to my sorrow—that when an association applies, if this legislation goes through, for concessional rating there should be public notification of that application. In other words, an incorporated association, under the terms of the bill, can apply to the corporation but the public will very likely not know about it although they will eventually foot the cost because the leeway has to be made up somewhere. The deliberations, at least in the Corporation of the City of Darwin, will be done in committee, in private. The only deliberation which will be taken at the full council meeting is "That committee resolution number so-and-so be approved". That will be the full story, as far as the public knows it, of any such debate. I would have been more inclined to express my approval of the legislation had I thought that proper public information would be available when any such incorporated association applies for such a concession. Unfortunately, given the history of local government in Darwin, this will not happen. Because the debate will not be public and there will be no proper information system, I cannot unreservedly support the legislation.

Mr TAMBLING: In reply and closing the debate, I think it is important to point out that the provisions of this bill relate primarily to

the bodies that are incorporated under the Associations Incorporation Ordinance and hold a lease granted under the Special Purposes Leases Ordinance. Whilst the list which I tabled the other day, and to which the honourable member for Nightcliff has referred, does include a number of bodies operating special purpose leases for various reasons in Darwin, it is easy to see that, whilst a body is incorporated, it need not necessarily meet the criteria that local government would consider in looking at rate rebates of any nature. It is important also to recognise that in the bill are provisions that the council has at its discretion to determine that proportion of the rate to which public use is being made of the property for the recreation and amusement of the public. The honourable member referred to the fact that a number of church organisations held leases under the Special Purposes Leases Ordinance and she referred to them as some of the richest organisations in the world or in Australia. Be that as it may, it is also, I would point out, a responsibility written into the bill that the corporation in determining the rate rebate applicable shall have regard to (a) the financial state of the association, (b) the privileges enjoyed by members of the public, (c) if the association charges a fee to members of the public for admission to the land, the amount of the fee and the use to which the revenue so derived is put, and (d) such other matters as, in the opinion of the council, are relevant. Therefore, whilst the corporation has the discretion to determine the percentage rate rebate applicable, it also has the responsibility to take into account the public use of that particular property.

The honourable member referred also to her private concern that deliberations of local government were perhaps in private or in camera or in committee. This will always be a contention amongst the community in which we live and we must recognise that the municipalities have the right to determine how they will conduct their business under the terms of the Local Government Ordinance. I don't want to enter into the argument of which is right and which is wrong or which is more appropriate. It appears that the honourable member for Nightcliff would always have everything totally open and all considerations made public. Sometimes this is appropriate and sometimes it is not. It is always important to seek adequate press and media cover for any governmental or executive-type action that is being taken, but there are times when this is not possible and I believe that local government has the right to determine the way in which it will run its affairs, not necessarily at the dictate of the honourable member for Nightcliff.

The Municipality of Alice Springs has written to me to say that it fully supports the proposed amendment and asking me to take the necessary action. I also sought the advice of the Tennant Creek Town Management Board, as that board would have, under future proposals for local government, a natural interest in this. The secretary of that board has written to me and said that the proposed amendment had been discussed and board members had expressed their agreement with this proposal. I have had the opportunity also to discuss the provisions with members of the Corporation of the City of Darwin and I know that their views are also in accord with the bill.

Motion agreed to; bill read a second time.

Mr WITHNALL: I move that the committee stage be later taken.

I do this because, while I am behind the proposals made in this bill, the view that I have formed of it is that the discretion given to councils is far too wide. Some amendment of the bill is clearly necessary and I don't think the committee stage should be taken precipitately.

Motion agreed to; committee stage to be taken later.

PRICES REGULATION BILL

(Serial 49)

Miss ANDREW: Owing to comments which I have received from the community in general and certain sections of the community in particular, I must in making this speech in reply take the opportunity to look briefly at the history of price control in the Northern Territory. The Prices Regulation Bill was introduced into the newly formed Legislative Council of the Northern Territory in 1949. At that stage, the number of official members out-numbered the number of elected members by one. The legislation was government-sponsored. Unfortunately the debates on the introduction of the bill are not available as the meetings of February, June and August in that year were not recorded. Although anyone was allowed to introduce legislation, then, as it is now, assent would only be given to legislation which the Government approved. That is: "You may pass any laws you like, but we

will only allow what we want". This strong power of veto has been with us all these years.

This legislation was wartime legislation based on a South Australian act which brought in price control in 1948. Not only was it designed to stop prices skyrocketing beyond our ken, but also to stop manufacturers and retailers from hoarding supplies by forcing them to sell to the public. This ordinance has remained untouched since its passage by the Legislative Council in 1949. In 1954, power was given to the Administrator rather than to the Minister. This was really a nominal change rather than bringing any real localised control. The ordinance was not implemented until 1973 when a department was set up under the first Price Controller, Mr Brian Walton. In 1974, after two years of operation, the honourable member for Arnhem attempted to bring in some amendment to the ordinance to facilitate better operation. His bill had 2 main objects: to substitute a prices control commission of 3 members instead of a single-man operation, and, secondly, to institute a limit on the time that people waited for an answer to an application for a price variation. The member for Fannie Bay at the time, Mr Fisher, foreshadowed an amendment which was to set up a prices regulation tribunal to consider appeals and to vary the order or price set by the commission. After much discussion, this bill was defeated 10 to 6, official members not giving their support.

In presenting this bill, I have not attempted to touch in any way on the policy or concept of the ordinance as it stands. The points raised by the honourable member for Stuart Park and others have been noted. I can appreciate his concern and assure him that the total question of price control and the form of legislation is being examined. However, I must again bring to the attention of members the total lack of support staff in any form and consequently the difficulties involved in this process of examination. The bill before this Assembly is not directed to this question. I must stress this. Any legislation relating to that aspect will have to be the subject of separate presentation. I was pleased to note, however, that the honourable member for Stuart Park and others did support the amendment, which is merely made to give the opportunity to both consumers and retailers to have a definite appeal which can be substantiated to an independent body.

This bill has been widely circulated to interested organisations and individuals around the Northern Territory. The response has not been overwhelming. However, as a result of considerable discussion and talks with some delegations representative of these bodies, I foreshadow certain amendments which have been circulated and will be brought forward in the committee stage. Generally, the amendments seek to cause notice of application to be made, not only through the Gazette but also through the newspapers, and so give the general public wider opportunity to know what is going on. Similarly the tribunal's decision will be made known in the newspapers as well as the Gazette. Section 24T has been added to require the tribunal to keep records of its proceedings and of documents lodged with it in such a form as it itself determines. A new clause 6 will also be added to amend the principal ordinance so that any penalty which is not expressly provided for will be covered by $1,000 fine.

I must stress that this is not a rewrite of the complete ordinance, to change it, to adjust it to provide open hearings; it is merely to provide a means whereby the consumer and retailer, or any other interested person in the Territory, can appeal. Beyond that, it is removing the current provision which allows only for the review of any decision to be made by the Price Controller himself.

Mr SPEAKER: Before we go to the vote on the second reading, I draw honourable members' attention to standing order 49, Right of reply: "A reply shall be allowed to a member who has moved a substantive motion on the second or third reading of a bill and the reply shall be confined to matters raised during the debate". The honourable member wandered a bit although she did come back to remarks made during the debate. I do feel that honourable members aren't getting the right instructions, possibly from the honourable the Majority Leader, as to what the standing orders do allow them to do.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Clause 3:

Miss ANDREW: I move that the words "notice in the Gazette" be added to the clause.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 (by proposed sections):

Proposed section 24:

Miss ANDREW: I move that amendment 56.2 as circulated be inserted.

Mr Withnall: Tell us what it is.

Amendment agreed to.

Proposed new sections 24A, 24B and 24C agreed to.

Proposed section 24D:

Miss ANDREW: I move that amendment 56.3 be inserted.

Amendment agreed to.

Miss ANDREW: I move that amendment 56.4 be inserted.

Amendment agreed to.

Mrs LAWRIE: Referring to the amendment which has just been successfully moved by the honourable proposer of the bill, I understood her to have said in the second-reading that such notice should be published not only in the Gazette but also in the local paper. The amendment does not in fact do that. Is it proposed to move a further amendment or introduce amending legislation in the future? She did specifically mention the proposal that it should be published in the newspaper.

Progress reported.

HOUSING LOANS BILL

(Serial 77)

Mr SPEAKER: I have received a request from the Majority Leader pursuant to Standing Order 152 that the Housing Loans Bill 1975 Serial 77 be declared an urgent bill. I am satisfied that any delay in the legislation could result in hardship and, accordingly, I declare that bill to be urgent.

Mr TAMBLING: In reply to this debate, I would like to allay the concern of the honourable member for Nightcliff. I point out that any of the powers proposed in this clause and indeed in present section 8 of the principal ordinance are capable of multiple use. I do not understand why her attention in this respect should be related solely to the proposed paragraph (dc). These powers may be exercised only in accordance with the housing loan scheme which must be made by regulation and tabled in this Assembly. I draw the attention of the honourable member to the provisions of clause 1 of the present scheme as detailed in regulations 1973 number 18. Clause 1(a), precludes a loan to the person who presently owns dwelling house and clause 1(c) prevents a loan to any person who has already received a loan. There are exceptions provided but the scheme itself provides adequate restrictions to ensure that the loan facilities are not abused for commercial purposes. Obviously, new regulations will be made for the 6% concessional loan and I am confident that they also will contain adequate provisions to prevent commercial exploitation and they will be subject to the scrutiny of this Assembly.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

ADJOURNMENT DEBATE

Miss ANDREW: I move that the Assembly do now adjourn.

In doing so I would like to pay tribute to Mr Jim Gallacher. This morning in the early hours one James Eedle arrived from England to take over as permanent director of education in the Northern Territory and Jim Gallacher will return to his previously held position of deputy director. Jim took over at a very difficult time on 3 January 1975. He stayed here when his family was down south for a considerable amount of time. He has lived on the Patris under circumstances that most teachers would refuse to live under. He worked with the department short-staffed and in very difficult circumstances. At no time have I ever heard him complain or push his priority.

One example of some of the problems that Jim has had during this period is that in January he conducted a survey to see how many children would be expected back to Darwin to start school in February. As a result of this survey, he came to believe that there would be five hundred pupils and set out about making preparations for their education. By the second week the school was in operation, three thousand had turned up. This created all the problems that I have reported to this House time and time again.

During the last nine months, Mr Gallacher has had many difficult decisions to make in very interim circumstances. He has been in a very invidious position. He had no idea how long he was to hold the position. He had to make decisions on whether or not to carry out the policies of the past director or whether to implement his own without knowing who the

new director was going to be and what his policies would be. Mr Gallacher has spent 24½ years in the Northern Territory and I believe that he would be held as an Australian authority on the education of Aboriginal children. He has always put children and education in the Northern Territory and indeed the Northern Territory first. His understanding of the people and the problems has been demonstrated time and time again and a sympathy that I suggest we have not seen in many of the other directors of education. I am very sorry to see Mr Gallacher replaced. I publicly pay tribute to him for all he has done. In doing so, I wish James Eedle well and trust he can uphold the precedent that Jim Gallacher has created.

Mr EVERINGHAM: I should like to inform the public of the Northern Territory that the Northern Territory Police Force attitude is that it is quite legal for people to steal cars or caravans providing they tell the investigating police officer that they have repossessed them. They do not have to show the investigating police officer a repossession order; they just have to tell him that they have repossessed the cars and he will go away and tell the complainant that it is a civil matter and he should see his solicitors. The Northern Territory Police Force also say this when a husband has half beaten his wife to death: "It is not a grievous assault; it is a civil matter. Go and see your solicitor. We cannot interfere even though you are bleeding to death."

After years and years of wearing this, what has moved me to say something in this House is the operations of some gentlemen in Darwin at the moment. The gentlemen are Keith Hansen and John Cameron who carry on an unregistered business known as Independent Mercantile Agency. This business is not registered in the Northern Territory. Yesterday, a Belgian couple and a Belgian married woman, whose husband is presently absent from Darwin in Belgium tending to the sale of his house there, were referred to a legal practitioner in this town by the Australian Legal Aid Office. The story that Mr and Mrs Purlet and Mrs Ledieu told the legal practitioner was that they purchased two caravans from Millard Caravan Sales in Toowoomba at prices of $4,850 and $3,500 respectively. The terms of payment in each case were that $500 deposit would be paid and a further $1,500 would be paid during the month of August with the balance payable on or before 30 September. I make it clear that these were terms sales agreements. Property in the caravans passed from vendor to purchaser at that time. They were not hire purchase agreements, bills of sale or lease agreements. The caravans became the property of Mr and Mrs Purlet and Mr and Mrs Ledieu and this is not disputed at all by solicitors representing Millard or anyone else. Unfortunately, these people fell behind with their payments because money that they had been expecting from Belgium was depreciated when it got here; it was not fifteen hundred but twelve hundred and ninety. The sale of the house in Belgium has dragged on and Mr Ledieu has had to go to Belgium to try to expedite this.

Both families were living in the caravans at the Shady Glen Caravan Park. On the morning of 20 October Mr Purlet was at work and Mrs Purlet and Mrs Ledieu went into Darwin. They left the caravan park at about 9 am and when they returned at 12 noon the caravans were gone. They immediately went to see a Mr Avery of the Australian Legal Aid Office who made certain investigations. It appears that one John Cameron advised the police that he was repossessing the caravans on 20 October. The police accordingly considered that they could take no further action and, as far as they are concerned, it is a civil matter. It seems that Cameron was acting on instructions from a company in Toowoomba which company appears to be closely associated with Millard Caravan Sales. In a telephone conversation with a Mr Burrell of that company, Mr Burrell indicated that he had not given instructions to repossess the vans and admitted that the conduct was illegal. Mr Burrell further indicated that he did not propose to instruct the agents to return the caravans. I have got to wait till I have made this speech because it would be subjudice but tomorrow the summons will be issued.

Last night, these two families had to go and beg the Catholic mission to put a roof over their heads for the night. As far as I can see, this is plain straight out theft. These people are getting away with it. In my opinion, the word "thug" is perhaps not too strong to describe their conduct. This obviously requires urgent legislative action to remedy the position. We do not have any legislation to license people of this nature in the Territory and it must come as a matter of urgency.

Mr WITHNALL: I support the remarks by the honourable member for Education and Consumer Affairs. Jim Gallacher is a friend of

mine of long standing. I know what sterling work he has done and I know at what cost to his own family arrangements and to himself. I find it rather distressing that the work that he has done is not recognised by a permanent appointment to a position which he exercised under the most difficult circumstances and through which he came with flying colours. It really distresses me to think that a department in Canberra can be so unfeeling and unrecognising of the work that Jim Gallacher has done to go as far away as Great Britain to find someone whom they think is better than he. I do not know who the man is. If he does as good a job as Jim Gallacher, then I will pay him but I do not think that he could have done a better job than Jim has done and I regret indeed the department has not seen fit to confirm him in the position of Director of Education of the Northern Territory.

I come to consider the problems that have been raised in Darwin by reason of the action taken by the Senate to block the supply of money. Let me say at once that I do not approve of that action. I find it strange that an opposition which has had twenty-three years in office as a government should be so far lacking in the understanding of the way in which convention ought to be applied as to do the things that they are doing. But let that stand aside.

I have a very serious criticism to make of the present Commonwealth Government or perhaps it is only a criticism of the present Commonwealth Public Service. I am informed today that all the repairs to Commonwealth vehicles in the city of Darwin have been stopped. This applies whether or not these vehicles are dealing with emergency services or not. Ambulances will not be serviced; if fire brigade engines go out of action, they will not now be serviced. The people who have contracts to service these vehicles have been told that no further repairs are to be carried out because no money will be available.

This is a bit of nonsense. At least, the government could have said to these people: "Sorry old chap, we look like running out of money but if you like to carry us for a month or two go ahead." Or they could have said: "We will not be able to pay you for a while but eventually you will be paid. Would you please carry on with the repair of vehicles which are dealing with essential services?" Nothing has been done. Vehicles used for essential services are not being serviced. The net result is that if some ambulance breaks down, it may be that somebody will suffer. I appeal to the Government or the public servant—whether it is the government or the public service, I do not know and I do not care but I appeal to the person responsible for the decision to reverse it at least so far as the vehicles concerned with essential services are concerned. Frankly, I think the persons repairing vehicles ought to be able to say to the Government: "We know there is this political trouble but we will carry the account for a couple of months."

The third matter I want to refer to concerns the curious situation which has arisen in the Department of Works. I am informed and my information is quite reliable—I do not propose to disclose it here but, if any honourable member wants it, I will disclose it—that there is a curious person of the Department of Works, generally known as the Seagull, who has been endeavouring by threats, by insinuation and by exerting his office and personality to persuade members of the Building Supervisory Section in the Department of Works to apply for jobs in the Darwin Reconstruction Commission. The questions that I asked the honourable Executive Member for Transport and Secondary Industry have elicited the fact that it is not the policy of the Department of Housing and Construction to disband that section. The answer to the question that I asked the honourable Member for Community Affairs indicates that it is not the policy of the Darwin Reconstruction Commission to dismiss that section in the Department of Housing and Construction as its agent. This fairly indicates that this person is exerting an influence far beyond any authority he has. I have asked the honourable member for Transport and Secondary Industry to convey this to the members of that building section in the Department of Housing and Construction and he has agreed.

I do not think that the situation which has been created in the wake of the cyclone has helped anybody in the Northern Territory so far as the construction of houses is concerned. I particularly regret that such people as the man who was responsible for the re-roofing of houses in the emergency and who did such a magnificent job in the few weeks after the cyclone, is being told that his job is not there any more. I do not propose to name him; I think honourable members know him. He did a magnificent job and he is more responsible for the alleviation of suffering than any other

man in Darwin is or was at any time since the cyclone. He is now being harassed by this idiot animal from some other part of Australia who now comes here to tell him and us exactly what to do to reorganise this department. Mr Speaker, I cannot express myself too vehemently in this respect. As far as I am concerned, there are people in this country who have done a job of work. The man I have just referred to has done nothing except interfere and try to throw his weight about. As far as I am concerned it is about time the Department of Housing and Construction or the government itself or the Prime Minister said to him: "Listen son, get out. You are not wanted."

Mr TAMBLING: The honourable member for Nightcliff asked me several questions without notice relating to the Northern Territory Housing Commission. I seek leave to have incorporated in Hansard a detailed answer to those questions; I have shown a copy of these answers to the honourable member.

Leave granted.

QUESTION No. 1

What are the current prices of Housing Commission homes in Darwin?

QUESTION No. 2

How will future rents be determined and affected?

QUESTION No. 3

What will be the administrative procedures?

ANSWER No. 1

The answer is divided into two parts:

(a) for new houses;
(b) for rehabilitated houses

(a) The average contract price established in July 1975 was about $35,000 for a 3 bedroom house and $40,000 for a 4 bedroom house.

(b) Prices obtained in September 1975 for complete upgrading of Commission houses previously temporarily repaired were about $11,000 plus the cost of wall strengthening, which will be about $2,500, giving a total cost, excluding the cost of the initial temporary repairs of $13,500 per house.

ANSWER No. 2

With respect to those houses which were either completed or under construction at the time of the cyclone, future rents of these houses will not be affected by the escalated prices, providing the Government, under the Government insurance scheme to which the Commission is a party, agrees to meet the full cost of restoration to the new standards required post-cyclone.

So far as new houses are concerned, which have been commenced by the Commission in Darwin since the cyclone, rising costs will of course increase the economic rents of these dwellings, which based on the average contract prices quoted above will be about $54.00 per week for a 3 bedroom house and $60.00 per week for a 4 bedroom house, assuming that the funds are borrowed by the Commission from the Treasurer at a 4% per annum interest rate and providing the needs test upper income level fixed by the Treasurer is high enough to ensure the eligibility of the bulk of Housing Commission applicants.

It is considered most unlikely, however, that rents of the magnitude quoted will be charged immediately and perhaps not for some years, because providing the Commission is able to retain a sufficiently large pool of low rental housing, it will be possible to control the rise in rents of new construction by averaging against the existing lower rentals of the older Commission houses.

Future rents will be determined by the Commission with the approval of the Administrator's Council to whom the Commission is required to submit an annual rent review.

The Commission operates a Rental Rebate Scheme under which maximum rents payable are governed by the family income. Therefore, a side-effect of future increase in rent will be that rental rebates will increase unless the increase in family income keeps pace with the rate of inflation of building costs.

ANSWER No. 3

With the rapid increase in building and administrative costs, it will be necessary, at least annually, for the Commission to review both the economic rent of all Commission dwellings in Darwin and in other centres in the Territory and also the actual rents charged for all Housing Commission dwellings. Since the Commission is required to balance its revenue account, it will, therefore, be necessary for the Commission to recommend to the Administrator's Council revised rent scales on an annual basis.

Mr VALE: This morning I presented on behalf of the residents of Warrabri a petition calling on the authorities to install both telephone and postal facilities. I would like to speak in support of that petition. Warrabri which is situated some 250 miles north-east of Alice Springs and is only 13 mile off the bitumen is a very stable Aboriginal settlement in Central Australia with a population of over 800 people. It has both government industry and private industry. There is a co-operative, a bank, a dress factory and a farm area which exports lucerne to West Germany. The Executive Member for Social Services some time back supplied me with answers to questions concerning unemployment benefits and it is a fact that at Warrabri there are no people drawing unemployment cheques. It must be regarded as one of the most stable communities in Central Australia. In addition to that, it also provides a good basic fire protection unit for the cattle properties in the area. There is also the police and the hospitals. By far, their most urgent need is for adequate communication facilities with the police stations in Alice and Tennant and the hospitals and other appropriate authorities.

There are buildings at Warrabri which could be adapted for postal facilities and there is staff who could also be trained to

operate those services. In one week, over 600 pieces of mail in terms of letters, parcels and others are received in Warrabri, over 60 telegrams per week are transmitted out and over 250 to 300 letters are despatched per week. They get one plane service per week from Alice Springs, and, at other times, there are 5 mail deliveries dropped at the box on the Stuart Highway. If the postal authorities took the initiative and installed these facilities there, I do not think that they would be looking at very great cost. In fact, there are some posts along the 13 mile stretch into the settlement. I think that the petition that was given to me by the people of Warrabri was well worded and deserving of a closer look by the authorities.

Mr KILGARIFF: I would like to join other speakers in commending the work of Jim Gallacher. Jim Gallacher has done a tremendous job in the Territory and I do hope that his efforts will be recognised. In the months after the cyclone, when Darwin was in complete chaos, Jim was one of those persons who was continually on the job. I think that he brought a lot of sanity to the area.

I too have received complaints from Alice Springs relating to this sudden decision by government to stop all repairs to its vehicles by private garages and workshops. This is an amazing situation and one wonders just why this direction has been made and who is actually responsible. The person who rang me regarding the matter is very incensed. He said: "If there is a financial shortage, I am quite happy to carry on the repairs so long as I am paid in 2 or 3 months time". He wants to do that because he does not want to put his staff off; his business is geared for this work. As far as I can see, this is being tied to this political situation whereby they are endeavouring to put pressure on the community. The person who rang me today feels that it is political blackmail. I would agree with him.

Mrs Lawrie: It sure is; it is happening in Canberra!

Mr KILGARIFF: It is a lot of bunkum that these steps have to be taken at this stage. It is just putting pressure on the little people in the community.

I will give one more instance. I have not got the full details and I would like the honourable Executive Member for Social Affairs to take up the matter. It has been reported to me that at the Apatula Co-operative in Finke which is making pre-fabricated houses for the various settlements, the Aboriginal people are being put off because funds have been cut off. I would like the Executive Member for Social Affairs to go into the matter. It appears to me rather timely that it should cut them off right now; there must be some other reason for it.

The honourable member for Gillen asked me yesterday whether I had any knowledge regarding the contradictory statements of Senator Cavanagh and the Northern Territory Police Force. The first statement was made by Senator Cavanagh in the parliament on 15 October. I must say that the statement is peculiar and, in some instances, quite incorrect. I will just read a statement that has been made by the Northern Territory Police Association who are also having trouble with legislation that is being introduced in the federal house without their knowledge. This is the official reply to Senator Cavanagh's remarks in the House of Representatives on 15 August during question time:

(1) It is the opinion of this association that the statement and remarks concerned are classical examples of deliberate political endeavours to cause open dissension between our 2 associations. It displays openly how ill-informed, whether intentional or otherwise, the Minister is regarding matters concerning his own department.

(2) Never has this association sent any telex message to the Secretary of the Department of Police and Customs "denying associations with the letter" sent to all members of parliament by yourself on behalf of our 2 associations.

(3) We have no knowledge about the proposed "advisory committee" as stated by the Senator.

(4) In reply to the Senator's closing remarks, never has any move ever been made towards this association by Senator Cavanagh regarding consultation over the formation of the Australia Police Bill. In all matters concerning this association the Senator has found it necessary to work through an intermediatory person. For some reason, he finds that he is unable to consult us personally.

(5) We do, however, agree that our members are being neglected concerning the proposed bill, the reason being that neither the Minister nor any of his subordinates will release any information concerning the bill to our association for distribution to our members. This is contrary to his assurance given to myself in March of this year. Mr Enderby also gave the same assurance.

(6) Our association has informed the secretary that, unless positive written answers and a copy of the bill are forthcoming, we do not propose participating in any further discussions and there is no requirement for the Minister to come to the Northern Territory as offered.

Obviously, both Northern Territory Police Associations are being misrepresented in the Federal House. They are going through an extremely difficult time. If I had my way, I would change the regulations and so allow the police to come out openly and sign a petition to the Federal Government. Of course, the police are not allowed to sign petitions.

They can only indicate that 80% of the commissioned officers and 83% of the members of the Northern Territory Police Association do not wish to be associated with the move that Senator Cavanagh is at present cooking.

Motion agreed to, the Assembly adjourned.

Thursday 23 October 1975

REPORT

Publications Committee

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

It is necessary for the Consumers Protection Council Report to be authorised by this Assembly to give it the protection of privilege that it does not possess through its own statute.

The forecast of the publication dates of Hansard is not very heartening but there appears to be little that can be done at present. One thing is patent and that is that the whole printing process must be returned to Darwin. This of course cannot be done until accommodation is available for the staff and the machinery. I am informed that the editor of Hansard is experiencing some difficulty in obtaining casual typists to transcribe the tape recordings of these proceedings. Perhaps a little publicity on this problem may be helpful as I think it is likely that there are many married women in Darwin who would be grateful for casual work during the sittings of the Assembly. At $4.41 per hour it can provide some useful pin money for ladies who do not wish to return to permanent employment or to work normal hours.

Motion agreed to.

STATEMENT

Education Advisory Committee

Miss ANDREW: I present a statement on the subject of the Advisory Committee on Education in the Northern Territory.

On the subject of education, the Joint Parliamentary Committee on the Northern Territory proposed that some funcitons of local significance be transferred to a local Executive, with close and continuing consultations between the national and Territory Executives on all aspects of school services. The committee commended to the Australian Government the greatest possible community involvement in education services and suggested the establishment of an education commission to formalise local involvement which would be responsible to the Australian Government for the operation of this service in the Territory. On February 7 the Minister for Education in the Federal House, the honourable Mr Kim Beazley, in a press release announced, and I quote: "his intention to establish an education advisory committee in the Northern Territory to advise him on the development of education and to serve as the link between the community, the Minister and his department". He stated in this release that he saw committee members reporting on the shape and the nature of the education system in the Northern Territory, including areas of pre-schooling, technical and further education. Mr Beazley saw this committee as being a formal means whereby he and his department would receive advice from the Northern Territory community and teachers on planning and policy matters affecting the school system and its further development in the Northern Territory. Furthermore in discussing representation he said: "I am concerned that representation should include all sections of the Northern Territory and that the Aboriginal community should be closely involved". He urged the committee to develop effective links with the Legislative Assembly through representation on this committee. His press release concluded by saying that he hoped the establishment of this committee would be tangible evidence of the Australian Government's desire for the citizens of the Northern Territory to participate, in a planning and rebuilding process which would have a significant and direct effect on the whole Territory.

This would have been a commendable step, an innovation, had it taken place. For the first time in the history of education in the Northern Territory, residents, the recipients of this education and those concerned with the system were to have an opportunity to make expressions about education through a line which would have a direct channel to the policy maker and the controller, that is the Minister. Almost exactly 5 months later, after this press statement was released, 25 representatives of community, teaching, parents, tertiary and employer organisations were called to the Patris to discuss the formation of this committee and put forward recommendations to the Minister as to the way in which the committee should operate—5 months later. Although there was considerable dissension and diversity of attitudes among these representatives the Acting Director of Education at the time, Mr Jim Gallacher, sifted through and produced a list of basic recommendations. These he sent to

the Minister with the full minutes of the meeting appended.

It was felt that there should be representatives from 7 nominated regions, Darwin, Katherine, Tennant Creek, Alice Springs, Nhulunbuy, Top End Aboriginal communities and Centralian Aboriginal communities, and that these people should be joined by one representative of the Legislative Assembly, the Northern Territory Commonwealth Teachers Federation, the Northern Territory Council of Government Schools Organisation, representatives from non-government schools, representatives from the Department of Education, a tertiary representative and an overall representative of Aboriginal communities. Various technical administrative and communication problems were discussed at length and recommendations coming out of these were forwarded to the Minister.

Eight months after the original press statement, the Advisory Committee on Education in the Northern Territory still had not met. Except for a small amount of unofficial information which I have received from the Acting Director, that the principal education advisers have been commissioned to call meetings in 7 regional areas, I have heard nothing. I ask, Mr Speaker, whether any other members of this Assembly have heard anything. I am sure you will find that they have not.

In spite of the problems of isolation and communication from which the Territory suffers, it does not take 8 months to call a meeting of such a body. I do not even know whether the intentions are that they will ever get around to calling this meeting. The meeting to advise on the formation of the final committee was indeed only called at the discretion of the Acting Director. In a discussion with me in early February, Mr Beazley said he was anxious to have this committee operating as soon as possible. The people of the Territory want a say in education and they deserve it, but we want it now, not the promises of something that does not come.

TRESPASSERS (TEMPORARY PROVISIONS) BILL

(Serial 79)

Bill presented and read a first time.

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

I get some strange tasks thrust upon me from time to time. This bill is a government measure which, in accordance with my previous undertaking, I am now presenting to this Assembly for consideration. The following speech was prepared by the Government as its explanation of the bill.

The bill proposes to provide an effective and speedy remedy against squatters and other unauthorised occupiers of cyclone damaged premises and other apparently abandoned property, both private and government property, including damaged Housing Commission dwellings, within the 40 kilometre radius from the Darwin Post Office. The law of trespass is a fairly complicated area of common law rights and remedies, statutory provisions, and enforcement problems. Basically, trespass is a civil wrong, being an unlawful interference with the rights of occupation and use of land by the owner or other person who has legal title, lease, licence or permit to occupy it. Thus, in common law, the owner or the person lawfully entitled to occupation of the land has an action of ejectment against trespassers upon that land. Such civil actions are however as a matter of rule rather costly, cumbersome and time-consuming. There are of course instances of what may be termed statutory trespass known to our laws; that is where a statute creates an offence arising out of the mere unauthorised use or occupation of certain land, such as the provision found in the Crown Lands Ordinance.

During last week, a statement was made in this Assembly to the effect that the provisions dealing with the unauthorised use and occupation of crown lands are very seldom if ever enforced.

This bill does not propose to affect the general law on trespass or to create mere continuous trespass or squatting a statutory offence. It does not go that far although it has been suggested from many quarters that it ought to go that far or even further. The bill still retains the principle of action against trespass as a civil or private remedy by leaving the initiative; that is, the option and right of the action, with the owner of the land or with the person who has the legal right of occupation of the premises. What the bill basically proposes to do is to provide a speedy and simplified procedure for the ejection of trespassers and for the recovery of possession of private and government premises through due processes of law as administered by our courts. The first step provided by this bill towards the recovery of premises occupied by

squatters is the service of a notice to quit, either upon the person or by the posting of the notice on the property or both. The second step provides for an ex parte application to a magistrate in chambers within 24 hours after the service of the notice for an order to evict the trespassers. The third step is the issue of a warrant of execution against the trespassers. The order is subject to the magistrate being satisfied that no injustice would be done to an innocent party and persons affected by an application would have the right to appear and to be heard.

The only offences by this bill are:

(1) The destruction or removal of a notice to quit lawfully affixed to and displayed on the land.

(2) The refusal by a trespasser to give his name and address after the issue of a warrant of ejection.

(3) The obstruction of an officer of the court in the execution of his duty under the ordinance.

(4) Recurring trespass upon the same land by the same person after removal or ejection.

The measures provided in this bill to strengthen existing anti-trespass laws through more effective procedures appear to be fully justified in view of the difficulties experienced by private owners and government agencies wishing to recover control of cyclone damaged premises presently occupied by unauthorised squatters, preventing the clearing or reconstruction of the premises. The situation in the Darwin area in relation to unauthorised use and occupation of both private and government properties calls for measures aimed at the restoration of law and order through due and effective process of law. This measure is not proposed to be a permanent fixture of our laws. The ordinance would repeal itself on 1 January 1977 or at an earlier date to be fixed by the Administrator's Council by notice in the Gazette.

Statistics available in respect of government sites show that at present there are at least 31 residences known to be occupied by squatters. Of these some 25 could be immediately allocated as emergency accommodation to eligible tenants. There are at least 4 or 5 sites suitable for the placement of 2 government caravans on each. There are several other sites eminently suitable for transportable or demountable accommodation presently being rendered unavailable through the presence and resistance of squatters. Reports by departmental officers reveal that the majority of squatters, when approached and requested to vacate, fail to respond. In several cases they have stated that they will remain until evicted by force. Apart from the fact that these residences are denied to lawful tenants, there are also problems in clean up and restoration work and, in many cases, misuse and deterioration of salvageable property, and debris, safety and health hazards. There are no departmental statistics in relation to unlawful misuse of private property apart from a great number of complaints received daily by various agencies. However, honourable members, particularly those representing Darwin ratepayers, would be aware of the frequency of unlawful occupation and relevant complaints. For these reasons, the Government requests urgent consideration of the Trespassers (Temporary Provisions) Bill at this session.

I received those notes yesterday. I received a copy of the bill for the first time yesterday, together with these notes, and I am conscious of the fact that honourable members received a copy of the bill only this morning. Within the last half hour, I have received some further notes, again provided by the department, which I will now read: "I draw the attention of honourable members to an important deficiency in the bill which must be corrected before the bill is passed. In the definition of owner in clause 4, a subsection which would include Australia in that definition was accidentally omitted". I believe that that would reduce the effect of the proposed measure by at least half. It is supposed to be directed towards crown land and government premises too. "I have an amendment to be moved to correct that if it is the will of this Assembly to proceed with this bill at this sitting". Actually I have not got the amendment but I seem to remember it is somewhere being processed.

Well, Mr Speaker, there it is. The situation as I see it is that there is a problem. It is a pretty serious problem, particularly for those people who are affected by it. It is a problem for the government and the agencies trying to house people in Darwin. It is a problem which has been with us to a greater or less degree for the last 6 to 8 months, and it seems to me pretty incredible that the department should ask this Assembly to receive a bill, have it presented in the morning and dealt with completely on the same day. My own view is that

this is totally unreasonable. It might be different if we could even have had the thing last week, to have had a week's consideration, perhaps have some questions asked, make some enquiries ourselves, consult with legal people as to the possible effects or problems that might arise from it. But we have had no opportunity to consult anybody, not even with each other, except the opportunity that would be given here on the floor of the House with an instant second-reading debate followed by instant committee stages. Although I recognise the situation might normally provide grounds which you would consider to justify urgency, Mr Speaker, it is not my intention as Majority Leader under standing order 152 to seek urgency for this measure at these sittings. I will not be concerned with any further initiative today in this matter unless this Assembly was to move in the direction of suspension of standing orders which would enable it to decide, on a count of heads, as to whether it would proceed with the bill. From the few people I have been able to talk to so far, I do not believe this would be the result; I believe that this Assembly would not accept proceeding with it is as a matter of urgency. But of course if any member wants to express his view on the matter now he could presumably do so in the course of this second reading debate. Other than that, I commend the principle in the bill.

Mr KILGARIFF: I take the opportunity now of making a few notes as on the second reading. There appears to be some merit for introducing this principle but I must say the principle has been introduced into this Legislative Assembly in a rather haphazard form with very little notice given to the Majority Leader; he has obviously been fed a few notes here and there over the last few hours. That is not good enough. This is obviously legislation that is required by Darwin, the principle appears to be necessary, but if it is to come before this Legislative Assembly surely the Majority Leader and the Executive and the whole Assembly should have some reasonable time and more information.

We have mentioned before the workload of the Executive in the preparation of legislation and we have complimented the staff, the few staff that we have, on preparing legislation and the mass of legislation they have prepared has been in very good condition. I would expect a department that has hundreds of people to be better informed and have legislation better prepared. As we have suggested before, give us the staff and let us do the job, because obviously we can do it much better than the department.

Debate adjourned.

PRICES REGULATION BILL
(Serial 49)

In Committee:

Clause 5:

Proposed new section 24D, as amended, agreed to.

Proposed new section 24E:

Miss ANDREW: I refer to amendment 56.5. I suggest it should be moved in 2 parts. The amendment to section 24E limits the persons who may apply to be joined as a party to an application to those persons who the tribunal considers have a reasonable interest in the matter. The purpose of this amendment is to ensure that the tribunal is not swamped with applications to join by people who have no real interest or concern in the matter. The decision, of course, is made by the tribunal.

Amendment agreed to.

Proposed new section 24E, as amended, agreed to.

Proposed new sections 24F to 24K agreed to.

Proposed new section 24L:

Miss ANDREW: I move the second part of the amendment 56.5. This amendment ensures that the tribunal's decision is published in newspapers as directed by the tribunal, and in the Gazette. I foreshadowed that general publication in newspapers would also be sought.

Amendment agreed to.

Proposed new section 24L, agreed to.

Proposed sections 24M to 24P agreed to.

Proposed section 24Q:

Mrs LAWRIE: I move that proposed section 24Q be amended by inserting at the end of paragraph (b) "or" and by omitting paragraph (c).

Paragraph (c) deals with contempt of the tribunal. In the second reading I expressed my feeling that (a), (b) and (d) adequately protect the tribunal.

Amendment agreed to.

Mr WITHNALL: I move that the proposed new section 24Q be amended by omitting from paragraph (b) the word "or"

and by omitting paragraph (d) and substituting the following paragraphs: "(d) disobey an order of the tribunal made under section 24H(2); or (e) do any other act or thing that would, if the tribunal were a court of record, constitute a contempt of that court".

Section 24H(2) provides for the tribunal to hear an application in certain circumstances in secret or make an order that no publication be made. This is a most desirable provision since on many occasions the trade secrets or trade practices will have to go before the tribunal and these should not be made public or published in any way. Unfortunately, 24H as it stands contains no sanction and I move this amendment so that 24H can have some teeth and a person who disobeys such an order can be adequately punished.

Amendment agreed to.

Proposed section 24Q, as amended, agreed to.

Proposed section 24R and 24S agreed to.

Proposed new section 24T:

Miss ANDREW: I move that new section 24T be inserted.

This ensures that the tribunal shall keep records so that these may be available for later reference by interested parties.

Amendment agreed to.

Clause 5, as amended, agreed to.

New clause 6:

Miss ANDREW: I move that new clause 6 be inserted.

The purpose of this new clause is to bring the penalties for offences in the principal ordinance into line with those provided by this bill. The present penalties were inserted many years ago and are inappropriate for current conditions.

New clause 6 agreed to.

Title agreed to.

In Assembly:

Bill reported.

Miss ANDREW: I move that the bill be recommitted for further consideration of proposed new section 24D.

Motion agreed to.

In Committee (on recommittal):

Proposed section 24D:

Miss ANDREW: I move amendment 66.1 as circulated.

I had the debate adjourned last night following the comment from the honourable member for Nightcliff that I proposed to amend this provision to provide for advertising also in the newspapers. Unfortunately, I have not been able to get a Hansard report of my comments on this matter but I have checked my notes and it was not my intention at the time that this matter be advertised in a newspaper. However, following discussion with other members we consider such a step advisable.

Mr KILGARIFF: Just a minor point, I hope the authorities take note of the area in which the complaint is being made. If it is a matter related to Darwin, it should be advertised in a newspaper in this area and, if it relates to the southern area, it should be a newspaper in that area.

Amendment agreed to.

Proposed section 24D, as amended, agreed to.

Bill passed the remaining stages without debate.

NURSING BILL

(Serial 53)

Mr POLLOCK: I think everybody has realised the importance of the amendments proposed to the Nursing Ordinance to provide an expanded board, broader representation of people who are vitally concerned, the provision of categories of nursing which are not made at the present time and a general tidying up of the provisions of the ordinance. I don't think there is any necessity for me to speak at great length to those matters as they have been well canvassed. I would like to move that the operation of Standing Orders 151 be suspended to allow this bill to pass without delay. I realise that the bill does not conform with the formal conditions of Standing Orders for urgency. However, the provisions of the bill were presented at a previous sitting of this Assembly and they have not altered in principle.

Mrs LAWRIE: I studied the bill closely as I did the previous two bills. I am fully aware that there is no new principle presented in this bill which has not been presented in the earlier two bills. Adequate time has been given to all members to study the legislation. There are no amendments proposed and no dissent. Because the earlier two bills were introduced at an earlier sitting and members have had adequate time to tudy them, I will

not oppose the motion for the suspension of Standing Orders.

Motion agreed to.

Bill read a second time.

Bill passed the remaining stages without debate.

HOUSING BILL

(Serial 72)

Mr SPEAKER: I have considered the request by the Majority Leader seeking a declaration of urgency for this bill. The bill involves more than a simple principle having the purpose of removing hardship and I am reluctant to permit urgent treatment of extraneous matters. Bearing in mind that other means exist whereby this Assembly, if so minded, may pass this bill without delay, I decline to give a declaration of urgency. My decision in this matter may be taken as a principle to which I will adhere in future; a bill will not be declared urgent when it contains other matters not essential to the measure to alleviate hardship.

Mr TAMBLING: I move that in relation to the Housing Bill (Serial 72) the operation of Standing Order 151 be suspended so as to allow the bill to be passed without delay.

In commenting upon this particular bill, you, sir, have alluded to my motion in your preliminary comments with regard to the rejection of the request for urgency. There are instances of hardship which relate to the Darwin situation. Those involved are: (a) former Housing Commission purchasers wishing to utilise the commission's offer to assist in rebuilding and repairing cyclone-damaged houses; (b) the Housing Commission administration—a circular has been issued to between 600 and 800 former clients of the Housing Commission seeking their requirements and subsequent contract arrangements for repair and rebuilding will require detailed and quick co-ordination backed up by this legislation; and (c) Darwin residents who own their private land but now wish to negotiate with the commission for the supply of a new home on their own site. Such a scheme will naturally take time to establish but can only commence after official approval implied by this bill.

My party has also considered the bill in the light of its Territory-wide ramifications. I must indicate that those members who are from an electorate out of Darwin but where the Housing Commission operates are unanimous in their requirements for a degree of urgency to establish provisions such as this. The honourable member for Nightcliff in her second-reading speech requested those party members to fully consider the implications and the aspects of the bill. In the party rooms, this bill has been under consideration for some time and all non-Darwin electorates have had adequate consideration of this particular bill. The honourable member for Port Darwin laughs. He may well do so; I am merely stating a policy determined by my party.

Mr WITHNALL: I oppose this motion utterly. I have never heard such a poor set of reasons for urgency before, particularly in view of your ruling, Mr Speaker, which I thoroughly support. The honourable member says that people outside of Darwin find some reason for urgency for this bill because—so help me—they have had it under consideration for a long time. We have had it under consideration for a few days.

Coming to the reasons advanced for urgency, I fail to find the honourable member speaking of a single reason. He just says we think there is urgency and that was it. If this bill is urgent, it has been urgent since 1959. If it is urgent, it should have been proposed by honourable members long before this but now they have suddenly woken up to the fact that they have some idea about urgency so it has to be put through at this meeting. If the honourable member specified hardship in particular cases, gave me the names of people who are suffering hardship, I would be glad to listen to him. If he has any real reason for urgency except that it has been decided by a party in what he refers to as a party room, I'd be astonished. The next meeting of this Assembly seems likely to be held in about December and that would be six weeks away. How many people suffering hardship for six weeks are necessary in order that a bill should be withdrawn from careful consideration of this Assembly? His statement that apparently it has had the careful consideration of 17 members of this Assembly doesn't influence me one little bit. As far as I am concerned that is a confession that he and his colleagues propose to run this Assembly from the party room. As far as I am concerned, they are not going to do it.

Mrs LAWRIE: Predictably, I also rise to support the honourable member for Port Darwin in his opposition to this incredible

motion now before the Chair. Mr Speaker, there are proper procedures laid down quite clearly for consideration when a bill shall be permitted to pass with an urgency certificate, and when it shall not. You, in your capacity as Speaker, have considered the request of the Majority Leader, have considered the bill, and have arrived at the considered opinion that such urgency should not be given to this particular piece of legislation. Given that, Mr Speaker, and given the strong feelings expressed during the second-reading debate, the proposer of this bill still seeks to force through this Assembly a bill which has not received due consideration. I don't feel that I should waste time by alluding to your reasons other than to say that I support them. I would also say that the action taken by the honourable sponsor of the bill is exactly what I would have expected from him. He is known for his verbosity in this House but I would remind him that actions speak louder than words.

Mr ROBERTSON: I cannot allow debate on this motion to go without passing some comment. I appreciate the fact that the two Darwin members are concerned with legislation passed throughout the Territory. They are, after all, members of the Northern Territory Legislative Assembly. However, what is the situation as they see it? Surely: "I'm all right Jack". This legislation, one way or the other, with their consent, would be passed to come into operation for Darwin. So now they have got their cake. This is just making a little bit of political mileage because by depriving us of this thing now—and by us I mean my electorate—they can gain out of it politically by making a big scene and at the same time cost themselves nothing in their electorates.

The honourable member for Nightcliff stated that it was the business of the proposer of the bill that this motion is before you, sir. In fact, if there is any responsibility to be taken that this motion is before this House at the moment, I will take that responsibility, I and my colleagues from outside of Darwin. We were the people who put him in the position where he had to propose this motion, for that is the way a democratic party such as ours works. I am quite sure that if there is any blame for this motion being before the House then my electors will support me in it and I stand firmly by that.

Mr TUXWORTH: I support the motion and make it quite clear that the members of my electorate would agree wholeheartedly with the remark made by the honourable member for Port Darwin that this provision should have been in the legislation 10 to 12 years ago or even longer. It has put people in my electorate, particularly, to a distinct disadvantage in that many people in the outer areas who are unable to build single houses on their own, who are unable to supervise them, but people who have finance, have never had the capacity to be able to build. Had this provision been in the legislation originally, the Housing Commission could have undertaken this work for them. I am aware of 6 people who have approached the Housing Commission, both formally and informally, over the last 3 years, asking them to do the exact thing that this bill proposes. The sooner it becomes law the better.

The Assembly divided:

Ayes 15	Noes 3
Miss Andrew	Mrs Lawrie
Mr Ballantyne	Mr MacFarlane
Mr Everingham	Mr Withnall
Mr Kentish	
Mr Kilgariff	
Dr Letts	
Mr Perron	
Mr Pollock	
Mr Robertson	
Mr Ryan	
Mr Steele	
Mr Tambling	
Mr Tungutalum	
Mr Tuxworth	
Mr Vale	

Mr TAMBLING: In reply, I listened with interest to the objections to this bill raised by the honourable member for Nightcliff. At the outset I should state that I have every sympathy for her views as expressed, that she is unable to grasp the meaning, the intent and the urgency of the bill. I thought the bill was very clear and simple and I cannot see the need for the detailed probing and policing that the honourable member seeks. I can only assume that she has a suspicious attitude to the Housing Commission, its administration and its role in the community.

I do not see this bill working to the detriment of the provision of rental accommodation but as ancillary to that operation and, in fact, to the advantage of that situation. I accept, and my party accepts, the provision of rental accommodation as the first requirement of the Housing Commission, but neither I nor my party believe that the best way to have the commission achieve that

result is to limit the commission's powers to the performance of that function. We believe the best results can be achieved if the commission is empowered to do all those things—build rental houses, sell houses, build for private persons—that fit within its general pattern of operations and work towards meeting the housing needs of the community. I believe that in this way we maximise the use of the commission's facilities to the advantage of all. Slack capacity is taken up to the advantage of the community and the commission, and the lessening of administrative costs by the fuller use of resources should be reflected in lower rentals to the commission's rental clients.

I make no apology that this bill would have Territory-wide application, though of course it has a primary aim of alleviating the current Darwin housing problems. Let's be clear, the principle of the bill is building for private persons by the Housing Commission. It is not designed to be only an emergency patch-up provision for Darwin. This is certainly one of its immediate benefits and certainly why I have sought its prompt and urgent passage, but don't confuse the intent of the bill with the commission's finances or contract administration or other activities; there are many other sections of the Housing Ordinance that deal with these issues. I don't believe that we should approach this matter by bogging it down in frustrating administrative detail, or for that matter treating it as a patchwork quilt with cyclone holes in it. I have worked closely in the preparation of this bill with the Department of Northern Australia, the Housing Commission and the Darwin Reconstruction Commission. All parties support the bill.

As I mentioned in my second reading speech, strict and proper constraints are placed on the commission by the Minister and the auditors. That is where the present executive policy is controlled not, as one would be led to believe, by the honourable member for Nightcliff who obviously sees herself in this role. I would remind honourable members that the Transfer of Executive Powers Bill presented by the Majority Leader, will, among other things, transfer the control of the commission's activities from the Australian Government to an Executive Member of this Assembly. Policy direction to the commission will come from that Executive Member and he will have to answer in this Chamber for any misdirection or non-performance. The direction of commission affairs will be a responsibility of a member of this Assembly. It is not likely in the foreseeable future that any member of this Assembly would consider lessening the importance of the commission's rental role in favour of any of its other activities.

The honourable member for Nightcliff has foreshadowed an amendment which I do not accept. As I mentioned earlier, I believe it is only a piecemeal exercise to limit the commission's performance to the urgent Darwin rebuilding and repairing program. The proposed amendment is also inadequate in that it does not even properly recognise the important dynamics of Darwin's social fabric. It is time we got away from the mentality of promoting the two classes of people idea. It is wrong to talk about the pre-Tracy residents and those who have come since, especially amongst folk who look to the Housing Commission for home assistance. The proposed amendment seeks to look after the pre-Tracy residents only. It does not recognise the many new faces who have come this year and bought land or those who bought land at auctions last year and had not started to build their home. Many of these people have been priced out of the general market and would gladly avail themselves with Housing Commission homes. Let's have the full negotiation as a matter between the commission and the residents.

The honourable member for Nightcliff has also distributed, in the last day or so, a further possible amendment restricting the Housing Commission to particular types and styles of houses currently being or about to be constructed on land held by the Commission. That again is too restrictive. It does not recognise the important factor that the Housing Commission has possibly stopped on a lot of styles and designs that it built perhaps 10 or 12 years ago and is now in a position to help repair and rebuild a number of those particular houses.

I have circulated this morning and foreshadowed an amendment which will recognise the other point raised by the honourable member for Nightcliff, where she seeks to get an assurance about the supervision of construction costs not being borne by the commission but by the applicant. My proposed amendment is that the commission's contracts entered into under this section shall include and shall be under such

terms and conditions as are approved by the Administrator-in-Council and as applicable to the particular contracts, and these will be published in the Gazette.

It is also important to recognise that this legislation is not to turn the Housing Commission into Cinderella's fairy godmother overnight. The commission is going to have to determine its priorities, largely in light of the available building resources. But, as I have continually stressed, let them get on with the job with the confident backing of this Assembly. I strongly recommend the bill.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mrs LAWRIE: I move in terms of schedule 62.1, that the proposed new section 13AA be omitted with a view to substituting another section.

This is the amendment to which I referred in my second reading speech which restricts the bill to what has been shown to have some measure of urgency. It is in accord, I believe, with the ruling given by the Speaker of the House.

Amendment negatived.

Mrs LAWRIE: I move in terms of the circulated amendment 65.1, that at the end of proposed new section 13AA the following sub-sections be added:

(2) A contract shall not be entered into in pursuance of subsection (1) except in respect of a type and style of house currently being or about to be constructed on land held by the commission.

(3) The cost relating to the supervision of the construction of a house for a private person under this section shall be borne by that person.

I don't really believe that I should have to support subsection (3) of my proposed amendment. It is no more than what would be expected. If a home is to be built for a private person on land owned by that person, such supervision costs, which I believe to be 6%, shall be borne by that person and should not be expected to be borne by the commission because those costs would then be spread through all its tenants. The cost would be part of the operation of the commission and, in fact, tenants of the commission would be contributing to the cost of private building. I don't believe any honourable member would support that concept.

As to subsection (2), the honourable sponsor of the bill has said he believes it to be deficient; he said this in his address in reply closing the debate. I point out that he has had my proposed amendment for some time. I would have welcomed some discussion on this point as I think he does have a valid point of view. My proposal could have been amended to deal with the objection which he raised and which I agree has some validity. My point is that sufficient time for such discussion is not being allowed.

Mr TAMBLING: In relation to the comments just made by the honourable member for Nightcliff, I did not receive a copy of this amendment and only became aware of it this morning. It was not on my desk. I did not obtain a copy and the first I was aware of it was this morning. That is why I have circulated a subsequent amendment in view of the timing involved. The amendment I have foreshadowed will also adequately cover the points raised in this amendment of the honourable member for Nightcliff. She has isolated only one point. There will need to be a concentration on a number of terms and conditions under which the schemes which may be applied, seeing as it is throughout the Territory, would have to be incorporated. The amendment she has put forward is faulty in that it does not cover all of these aspects which I am hopeful my amendment will do.

Mrs LAWRIE: I reject the allegation that it does not adequately cover the things which have been raised. The honourable member for Community Development has really shown us his oral agility now. He complained that he could not have discussed with me my proposed amendment because he has only just received it. This amendment was circulated as soon as possible, which was before lunchtime yesterday to the best of my knowledge. It was certainly on everybody's desk yesterday. Having made that criticism, the honourable member then alludes to a foreshadowed amendment of his which I received, and I watched the clock, at seven minutes past eleven. He expects, having complained that he hasn't had good time to study mine, that I have had good time to study his. I repeat, that is exactly what I would expect of the honourable member.

Mr TAMBLING: Mr Chairman, I believe the honourable member for Nightcliff has misread my earlier comments. My statements

were not at all related to the timing or the delivery. I think the issues have already been clarified sufficiently.

Mr KILGARIFF: I have a brief remark on the honourable member for Nightcliff's proposed subsection (3) concerning the cost relating to the supervision of the construction of a house. The honourable member insists that the cost must be passed on. There is, of course, agreement to that because it is natural that any person getting a house should pay the whole cost. That amendment, however, does not go far enough because it only refers to supervision of the construction of the house. There would be other costs to be passed on—such as the cost of plans. There would be several costs from various areas.

Amendment negatived.

Mr TAMBLING: I propose the amendment as circulated on schedule 67, to amend the proposed new section 13AA, (a) by omitting "The commission" and substituting "(1) Subject to subsection (2) the commission"; and (b), by adding at the end the following subsection: "(2) A contract entered into under subsection (1) shall include such terms and conditions as are approved by the Administrator in Council as applicable to such contracts and published in the Gazette".

Most of the comments relating to this have been raised either in second reading speeches or in the comments here in committee today. The intent of this amendment is to provide a facility whereby the Administrator in Council will check the terms and conditions under which schemes will be implemented by the Housing Commission, whether they be for the repair, rebuilding and reinstatement programs in the Darwin situation, whether they be for the provision of houses on private land, that is new houses on blocks of land not previously built on in Darwin, or whether they be arrangements in centres other than in Darwin.

Mr WITHNALL: I have remarked in this Chamber on many occasions over many years that hasty law and hasty amendment is always a bad thing and it is always likely to result in error being made. I have had this amendment, as the honourable member for Nighcliff has just said, for something like half an hour. I protest that we are asked to make a major decision about the bill in that time and in that time only.

The amendment proposes to insert a subsection (2) which indicates that it is obligatory that contracts entered into shall include terms and conditions as are approved by the Administrator in Council. Subsection (1) talks about terms that are agreed upon between the commission and the private person. Although we put into subsection (1) the introductory words "subject to subsection (2)", I protest that legislation should take a form which talks about agreements and then in the next succeeding subsection talks about conditions which are not to be agreed to at all but which are obligatory. It is an example of a hasty and ill-considered amendment.

Mrs LAWRIE: As I said, this amendment arrived on my desk at 7 minutes past 11. It appals me that the business of the House is being conducted in this manner, particularly when honourable members time and time again, rise to their feet in righteous indignation—indignation which I fully support—and complain of the way legislation affecting the Northern Territory is introduced into the Federal House and put through in pretty quick time. I have supported their concern on every single occasion. It is not surprising to me that the Majority Leader is absent from this Chamber at the present time because he has very strong feelings about proper consideration being given to legislation. I repeat, I am appalled that an amendment like this could have been circulated late this morning and is now to be discussed by weight of numbers and decided upon. There was no discussion at any time during the course of this sittings. In discussions I have had with the sponsor of the bill, there was no indication at all that he was providing such an amendment. He may have only thought of it in bed last night, I don't know. It is appalling to me that the business of this House is being conducted in this reprehensible manner.

Mr TAMBLING: The comments of the honourable member for Nightcliff do not relate specifically to this clause. I have noted the comments of the honourable member for Port Darwin, but I am of the belief that the actual phrases used in the clause will not prevent the performance or the intent of this legislation.

Amendment agreed to.

Mr WITHNALL: I direct the attention of the sponsor of this bill to the use of the words "holder of land". It seems to be an odd phrase; it is certainly very inept; it is certainly very broad; it doesn't seem to me to have any particular meaning at all. I don't know what a "holder of land" is; it is not an expression

that I know or which is known to the law of the Northern Territory. I am well aware of the use of the word "owner" of land, whether freehold or leasehold, but why "holder"? This is another instance in which too little consideration has been given to the terms of the bill. It is probably a mistake for owner.

Clause, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

MOTION

Home building in primary surge zone

Mr EVERINGHAM: The honourable member for Nightcliff has seen a copy of the amendment which I propose to this motion and the honourable member for Nightcliff saw that copy at the hour of 5 minutes to 10 o'clock this morning.

Mrs Lawrie: I received it at 4 minutes to 12.

Mr EVERINGHAM: I gave it to you and you put it back on my desk. I didn't take it back from you. I wish to offer limited support to the motion of the honourable member, limited only because I think the honourable member has herself discriminated to some extent against the people who were living at 24 December 1974 in the primary surge area. Figures which I believe are available indicate that approximately half of the 600 or so householders affected by the primary surge do not wish to reconstruct or repair their houses in the primary surge zone. The motion of the honourable member simply affirms its belief that those persons wishing to rebuild should not be discriminated against and so on. It is my belief that while we are looking at this we should also try to assist the interests of those persons who have taken the Government's pressure or advice and decided not to continue living in the surge area. For that reason I would propose the following amendment. I would omit paragraph (b) of the motion and substitute the following: "(b) requests the Minister for Northern Australia to arrange for home owners who were resident in the primary surge zone on 24 December 1974 and who do not wish to rebuild or repair their residence to receive—(i) speedy payment of just compensation for the surrender of their land; (ii) priority in the allocation of a suitable replacement block from available crown land outside the primary surge zone; and (iii) assistance which will ensure that they do not suffer financial loss as a result of their land being in the primary surge zone; and (c) requests the member nominated by the Assembly and his deputy to actively promote these policies within the Darwin Reconstruction Commission".

Part (a) of the motion I can find no quarrel with. It was a disaster that the surge areas were ever proclaimed by the Darwin Reconstruction Commission. As a matter of interest, I will bore you with a letter from the Town Clerk of the City of Townsville to Dr E. M. Bateson, a specialist at the Darwin Hospital who has been affected by the operation of these surge areas. The letter reads:

Re: Regulations Governing Tidal Surge Zone.

I refer to your letter of the 11th June, 1975 requesting details of policy relative to cyclonic surge as affecting the City of Townsville, and apologise for the delay in reply.

I have deliberately delayed replying pending the availability of a draft of the Queensland "State Counter-Disaster Organisation Bill", a copy of which I have enclosed.

This legislation, together with the Hand Book "Cyclone Surges—The Protection and Distribution of Storm Tide Warnings in Queensland" issued by the State Disaster Relief Organisation in November, 1974, endeavour to clarify responsibility and actions required in the event of a cyclone surge, etc. Regrettably, I can not forward a copy of this Hand Book which is on a restrictive distribution. Perhaps you could directly approach the Queensland State Disaster Relief Organisation, through the Queensland Co-Ordinator General's Department, for a copy of this publication.

In Townsville City, my Council has established a minimum reduced level upon which development may be permitted (R.L. 2.94 metres Australian Height Datum). No restriction on the development of land above this level is imposed at this stage. This level is only approximately 0.3 metres above king tide level.

Notwithstanding this fairly nominal restriction on development of areas subject to cyclonic surge, the Queensland Surveyor-General has issued a cyclone surge map for Townsville City which indicates the theoretical areas of inundation for a range of tide plus surge height combinations.

The distribution of this map is restricted as the variables evident in a cyclone, e.g. wind strength, direction, terrain, fetch, etc., would modify these theoretical representations.

They don't want to panic the population in Townsville. They are keeping it on a restricted distribution basis because it may never happen.

In areas where significant real estate development has occurred, Council has protected these areas with sea walls. At this stage, these works are restricted to The Strand or main beach area of the city. Other low lying areas, essentially residential in development, are not given this protection because of the wave mitigating effects of Magnetic Island and the Headlands forming Cleveland Bay, upon which Townsville is situated.

I trust that this information will assist your understanding of the Townsville City Council's and Queensland Government's approach to cyclone surge protection.

The provisions of my amendment speak for themselves. Those people, approximately 300, who want to move away from the primary surge area, firstly, should be given speedy payment of just compensation for the surrender of their land. Why? Because their land may not have as good a marketable value as previously and if they wish to surrender it rather than sell it on the private market then they must be paid just compensation speedily. At the moment they cannot be paid any compensation at all because there is no money to pay them; no allocation of sufficient funds was made for this purpose. The Government's approach in relation to these tidal surge areas has been one of humbug; they have mouthed platitudes and done nothing in practical performance. Secondly, they should be given priority in the allocation of a suitable replacement block from available crown land outside the primary surge zone. That is an alternative; they may be able to be offered in exchange for their land in the primary surge area a suitable replacement block. Thirdly, they should be given assistance which will ensure that they do not suffer financial loss as a result of their land being in the primary surge area. That is quite clear; their furniture may have to be shifted from their existing house, something like this, which would involve them in expense. After all, the land they purchased in good faith in the primary surge area before the cyclone was approved and sold after the Government, in most cases, had subdivided it and in all cases had approved the subdivisional plans but has now sabotaged the title to the land so that they cannot obtain finance and they cannot obtain adequate insurance. Paragraph (c) requests rather than requires; firstly, because I think it is a politer term and, secondly, because I do not think we have the power to "require" the member or his deputy because the legislation is so phrased that we do not have any other control over him than actually hiring or firing him, to use the vernacular. I would like to state, in response to the criticism particularly of the honourable member for Port Darwin, that the Executive Member for Community Development, who is our delegate on the Darwin Reconstruction Commission, has the confidence of this House and this House is satisfied with him. These gentlemen may be able to do what they can in the Darwin Reconstruction Commission.

Harking back to part (a) of the motion which refers to "the same assistance". I think the principal assistance the honourable member wants them to get is the Home Finance Trustee loans. The fact of the matter is that the Darwin Reconstruction Commission has absolutely no control over those loans, no more so than this Assembly. Really we should be asking the Minister for Northern Australia to extend the provisions of the home finance loan scheme to the persons wishing to rebuild in the primary surge area. I hope that message gets over to him because it is a scheme that emanates from his department.

I am sure that the honourable executive member will put our views forcefully to the Darwin Reconstruction Commission and I am personally satisfied with his performance on that commission thus far. I therefore commend the motion as amended by me to this House.

Mr STEELE: In supporting the amendment and also agreeing with the honourable member for Nightcliff in some of her remarks, I would make mention that from time to time—and it is something that is always with us—we have these complete foreigners who fly into Darwin with their Sampsonite cases and make some rapid decision and fly out of the place again.

I draw honourable members' attention back to March 19 when the member for Port Darwin launched one of the earlier attacks on the DRC about what he called "a dirty decision". He spoke about places like Broome and Derby and Cairns and Townsville and I suppose one should wonder why Darwin is being singled out for this treatment. These other places have got cyclones coming and one wonders why the planning authority decided to give us a primary surge area.

In the earlier report that the DRC published, it was said: "The Darwin Reconstruction Commission, as the authority responsible for the planning of Darwin, has a responsibility for ensuring public safety in any future cyclone and for ensuring that the risks people take with respect to the recurrence of the storm surge which is likely to endanger life and property are well understood". We thank them for their communications and we appreciate the fact that they have been

around to all the houses and conducted interviews and they have actually got the surveyors to put the pegs in where the primary surge line goes. This of course should have been their role but they advised the Department of Northern Australia and the Minister that we should have a primary surge area. I have had many communications with the Darwin Reconstruction Commission, not recognising at the time that the Reconstruction Commission in this particular area was just a buffer zone—and I think the words are quite familiar to honourable members—a buffer zone between the Minister making reasonable decisions and a buffer zone between the Department of Northern Australia making reasonable decisions.

One of my communications after an extensive canvass of my area of Ludmilla in which I interviewed something like 30 residents who lived in that primary surge zone, I wrote to Martyn Finger, the acting chairman at the time, and he thought it was a pretty fair proposition but I got a reply from the Chairman, Mr Powell. Unfortunately, I have to read some of this out. This is on the 2nd of July. I was still hoodwinked at that time because I thought the commission were the people we should be talking to. "The commission resolved in respect of the primary surge line that this commission would give consent to the repair and rebuilding of privately owned housing. The decision is on the understanding that this commission will not undertake building for private owners in this area. The commission resolved that its basic policy would be to discourage development in the surge areas". We start to see just whose court the ball is in. That is when the Australian Government should have woken up. They could have applied the right measures at this time but their overall Australian management has been pretty poor in my view so I guess that lumps together with the rest.

The Minister made a statement on 23 July: "The Minister for Northern Australia, Dr Rex Patterson, said today the Government had not made a firm policy decision at this stage on whether the low-interest, long-term loans administered by the Home Finance Trustee would be available to persons living below the primary surge line. Dr Patterson said that the Home Finance Trustee was presently examining the technical recommendations of the Darwin Reconstruction Commission and its final resolution before submitting to the Administrator whether there should be any change to the conditions under which loans are made. In view of the need for this examination, the Home Finance Trustee has not approved any loans which are below the primary surge line as it was unable to approve such loans and meet the normal criteria of the Home Finance Scheme which required that a full insurance cover was available to meet the total extent of the mortgage which would be taken out if such a loan were granted". That's lies. There are houses in the primary surge zone in Nemarluk Drive fully insured for storm and tempest. There has never been an extension granted to cover surge and there probably never will be, so that's all bulldust. "The minister said it was also necessary to examine the Government's position regarding the proposed Australian Government Compensation Act and whether, if the act becomes law, persons who continued to live below the primary surge line would be entitled to compensation even though the Darwin Reconstruction Commission agreement to persons being allowed to remain in the surge area was on the basis that the individual was aware of and accepted the risks involved". I am glad that they accepted some of the decisions of the people.

We have all said this in this House before that there are no alternative blocks, no finance and no compensation available to most of these people. People have been most unsatisfied with the valuations. In certain cases, people in that area have had their mortgages repaid by the insurance companies, the funds going direct to the government and these people have been in this terrible state all the time. The anxiety and emotional stress has been enough to drive people just about out of their minds. Some of these people, because of their age, have no wish to enter into more expensive financial arrangements than are possible. I took the liberty of introducing myself to the new Minister for Northern Australia yesterday morning round about 9.52. Times are pretty important in this House at the moment, I understand. I sent him a telegram:

Mr Paul Keating MP, Minister for Northern Australia
Parliament House, Canberra

Congratulations on your elevation to what we feel is the most important portfolio in the ministry. How about opening your account and asking the Department of Northern Australia to accept full responsibility for the primary surge and announce forthwith that the reconstruction loan is available to all residents who wish to rebuild in the primary surge area. Despite what appears to be a temporary financial crisis could you start assembling funds to pay out those residents who have in all sincerity been relying on your government for over six months to

acquire their properties. I wish you the best of luck and we look forward to meeting you. Roger Steele Member for Ludmilla

In conclusion, I don't have to remind members that the new minister is our fourth in under 3 years. We read yesterday how he is willing to learn and listen. Of course, he has been to Tennant Creek and Katherine. Let's hope that he doesn't get his brains addled by Big Al and we can get some sense out of him pretty soon.

Mr RYAN: I offer my support for the motion as amended. I feel that the people who are living in the surge area should be treated the same as the rest of the citizens of Darwin. They bought their houses and their blocks in good faith and, due to the advent of Tracy, they have been placed in an unfortunate position.

I would just like to comment on the remarks made by the honourable member for Nightcliff concerning the Executive Member for Community Development as the representative of this Assembly on the DRC. It is amazing that some people, because they don't hear anything, have to assume that nothing is being done. I would suggest that the member for Nightcliff and the member for Port Darwin, who had his oar in at the same time, should expend a small portion of the energy that the member for Community Development puts into the DRC and walk up one flight of stairs occasionally. I am sure that they can get directions to his office and I am sure he will be only too pleased to give them a full run-down on what is happening with the DRC. The honourable member is using the majority of his time in asserting the rights of the people of Darwin and I certainly have no axe to grind with his attitude.

Mr TAMBLING: I support the amendment and the motion because I feel they are both timely and appropriate. I should point out, sir, that I will not deal in great depth with the specifics of the tidal issues because I feel that I am personally and financially involved in this particular problem. Even in my role as a commissioner in the Darwin Reconstruction Commission, it is now necessary that on all issues related to this specific matter, my deputy, the Executive Member for Transport and Secondary Industry, will fully promote the ideas and the interests of the community of Darwin.

I would like to refer to some of the comments made last week in this debate because I felt they tended to create a wrong impression and they were largely based on assumptions, not facts. I am concerned that the honourable member for Nightcliff has not chosen more frequently to talk to me about issues relating to the DRC. I have been available at all times to any member of this Assembly and any resident of Darwin to talk openly and freely about any DRC issue. I do have constraints placed upon me in certain confidential and restricted areas but even in most of those I am able to convey the policy and the determination. From the way I read the official legal opinion that was given to me on the specific responsibilities, I am able to give sufficient information so long as I don't hand across little bits of paper with the words "confidential" or "restricted" stamped on the top of them. I have done this on hundreds of occasions with many people right throughout the community. The honourable member for Nightcliff has obviously chosen for reasons of her own not to come and consult me upon the particular issues she considers to be of prime concern. I would like to reiterate that I am available to her at any time. If she likes to call at my office or call me any time, I am available on that issue.

She also made a statement requesting me to make a definitive statement in this House with regard to the actions I have taken as a member of the DRC. She stated that at the beginning of every session of this Assembly, the Majority Leader paid the Assembly this courtesy. That is incorrect. The Majority Leader in his role as commissioner of the DRC made statements on only two occasions before this Assembly and they were on Tuesday 11 February and Wednesday 19 March at a time when there were considerable political and community hassles with the Darwin Reconstruction Commission. The Majority Leader did an excellent job in carrying out his duties as a Commissioner of the DRC. He subsequently participated fully in the debates of this House and he openly answered questions put to him on all matters of reconstruction policy just as I have done and will do without restraint and constraint.

On the issue of the primary surge zone, I am pleased to inform the House that this matter no longer rests solely with the DRC. The Minister has taken it out of the little basket he has given the DRC to handle and he has chosen to take it to that ad hoc committee of ministers to make the final determination, basically because they can't find the dough. It is wrong just to blame the Reconstruction Commission.

The Reconstruction Commission has been a historical factor in determining a lot of that policy but the responsibility at this time rests with that ad hoc committee of ministers. You have the DRC and, on top of it, the IDC and then you have the ad hoc committee of ministers. Try to get anything through! That is particularly difficult at this particular time.

Alluding again to the comments on my role and the role of the mayor, I would like to inform the House that there were attempts to constrain us in our public comment. I would hate to repeat in this House the comments of both the mayor and myself to the chairman of the commission on that occasion. They had the audacity to pull out files on public statements from magazines and bulletins right throughout Australia and quote them to us. To highlight it all and what I considered to be one of the most insidious statements ever possible, they pulled out the transcript of a radio talk-back program that I gave and said that it was conveyed that the ministers were concerned that I should make public the activities and the considerations of the Reconstruction Commission. They said that this could be done more appropriately by the media department of the DRC. Neither the mayor nor I accept that role. We accept a role of full responsibility and we talk freely to the press. Both the mayor and I have sought at all meetings of the Reconstruction Commission to have the agenda opened up. There are usually 15 or 16 agenda items of which the press may attend four or five. The remaining items are usually classified confidential or restricted. Both Dr Stack and I have repeatedly asked for a number of those to be reclassified and brought forward into the public sector of the agenda but without success at this stage. We will continue to strive.

Amendment agreed to.

Mrs LAWRIE: I have noted the remarks of members both to the original motion and to the amended motion. They, of course, were speaking to the proposed amendment. I feel very strongly that the member of the DRC who is the nominee of this Assembly should not exist as a private person on that commission in his or her own right. He only exists as the nominee of this Assembly. In speaking to that particular point which has been raised, I am surprised that other more junior members of this place have fallen into the same trap—of saying "Tut, tut. Why are you so upset that the present representative has not reported back when his office is always open to you?" What a lot of rot. I could go on, talk to the Assembly representative putting a point of view but it is nothing more than that. I may not choose to do that. It is only a private member putting that point of view. If the Member for Consumer Affairs and Education was to go to the Assembly representative and speak to him on matters which concerned her electorate, she is only doing so in a private capacity as a member of this Assembly. The Assembly view can only be expressed through this House and that is something which seems to have escaped a few members. The Assembly view of matters such as the surge policy, or any other matter, can only be put to the relevant representative through this House. It can not be put privately. That is the whole distinction. That is why I am insisting that on such matters as are possible the representatives, and I use the plural because we do have a deputy, report back to the Assembly. Unfortunately, there will be constraints but there is no way that they can be considered to have reported back to the Assembly by speaking to individual members even if they spoke to every individual member. That is not reporting back to the Assembly and neither is it true that, in consideration of private members' wishes, they are considering the view of the Assembly. That can only be expressed by consensus of opinion in this House which is what I specifically drafted this motion for. If this amended motion is passed, and it seems clear that it will be, this is the Assembly's view and no other.

Motion, as amended, agreed to.

ADJOURNMENT DEBATE

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

I have endeavoured to have some questions answered that were asked of me this morning. The member for Nhulunbuy asked how many people were charged with drug offences this year. There were 79—73 males and 6 females—from 1 January to 30 August and 68 were convicted. What is the strength of the Drug Squad? One sergeant third class and one constable and there is also a man from the Customs Department. The Drug Squad is in a very poor state. Darwin is the gateway for many overseas places yet there are only two people to carry out the responsibilities of the Drug Squad. Drugs are becoming more and more prevalent and more and more available. Talking of becoming more available, as the member for Alice Springs, I was handed a

packet of marihuana in Darwin—that is an experience I have never had before. I suppose I could create a new industry in Alice Springs but it would not be a new industry because it has been grown there before. I suppose that, rather than use it, I will hand it over to the Drug Squad and that will be just another problem for them because I am sure that, with all the evidence and complaints they receive these days, they must be very busy people. I do believe that the authorities must review this situation and ensure that proper recognition is given to the seriousness of the problem. I know the Health Department and police do but it still has to be reflected in the increased establishment of the Drug Squad.

This is an advice from the Secretary of the Public Works Committee that was coming to the Northern Territory—supposedly to be last week—to look at the developmental roads in the southern part of the Territory. They were going to be here from 27-30 October but the visit has now been postponed indefinitely. I understand there is a bit of trouble down south somewhere.

I would like to comment on a Darwin situation. I am asking the watersiders to give a fair go to the press in Darwin. I refer to the threat of holding up the newsprint for the Northern Territory News. I read the article last week. I have had discussions with other people and with the people from the wharf. I have heard their side of it too. We must have some cooling down and some reflection on these things. Do not take this what I say is unnecessary action. It is my understanding that if the people at the wharf take exception to something that has been printed in the paper then they have the opportunity of putting their case. I understand that this is the situation. If these people who are objecting to a particular side of an argument that was put forward in the press go to the NT News and express their side of the argument then I am sure it will be accepted. In any case, this is not the way to carry out actions, to prevent newsprint from coming into a town, because the media is an important part of the life of a community and it should never be threatened. I think all of us have gone through this stage where our noses may be slightly put out of joint by a report in the media. That is life and we have to accept it. We have to accept the good and the bad. I would expect these people down on the wharf now to be more realistic and not want to get their own way by carrying out this threatened action. It is not going to hurt anyone but the community because the community relies on the media for very many things.

I also take the opportunity of once again talking on the northern situation here. I understand now that there is a move to stop replenishing and unloading Indonesian ships. We are going through an extremely tense moment. Our neighbours in Timor are going through a very bad time and they are extremely close to us in very many ways, not only in distance but in friendship and so on. In Darwin they are as close to us as Mataranka is, so they are very close to us. We should not prejudge the situation when they are going through this turmoil. If there is going to be any action where we are going to say, "Well, we think that person is a stinker and we are not going to help or supply him", that is prejudicing the case. This is a time for coolness. Let the situation settle down there so that Timor can get back on its feet to a normal pattern as quickly as possible. Many things are going on there. People are being killed, people are killing their own kin there, and any action like this on the waterfront in Darwin does not assist the situation at all.

The next matter is in relation to my executive position of Finance and Law. In the last 2 weeks, members have been asking me a series of questions relating to the Government owing money to traders and contractors in the Northern Territory. This is the case for very many reasons and a lot of this money has been owed for some considerable time. It is my hope that next week, possibly next Thursday, I will chair a meeting and endeavour to overcome some of these problems. The problem is not just a matter of the Government owing the money and not paying it; there are some complications and I think it is much better for traders and suppliers to get together with those responsible for financial affairs in the departments. There is one aspect of government which is beginning to concern me more. This is the large amount of money now on the books of traders in Darwin, particularly the suppliers of contractors in Darwin. Millions of dollars are being poured into Darwin for rebuilding and so on, with the result that there is, on the books of suppliers, in Darwin, many hundreds of thousands of dollars, and suppliers at the moment are feeling insecure. They are being called upon to finance contractors who are carrying out construction work in the Darwin area. I wonder if the Government, in accepting tenders for the

various contracts in the reconstruction of Darwin is really investigating the background of the people who tender? I am not naming any one contractor in Darwin though there is evidence, I think, that some should be a little careful. There should be a much stronger investigation of people who tender for contracts in Darwin and the Northern Territory. I believe that credit ratings of some people are not what they should be when they tender. In some areas, I suggest that the credit rating is not good. And yet, it appears as if tenders are accepted here and contracts made which, because of the insecure financial situation of the successful contractor, mean that he is limited in money. That, of course, means that in the long run it comes back to the supplier who has to carry that contractor for a long time and it spreads through the community. The danger is that if a large contractor goes broke–and this is not new; practically every year in Darwin a major contractor does go broke–many people have to wipe off large amounts from their books. One supplier in Darwin this year has written off over $100,000 in bad debts. For the good of Darwin, the security of Darwin, and so that the reconstruction of Darwin goes ahead smoothly, the authorities should have a much closer look at the people who tender; I would like to see them carry out a much more intensive investigation of their financial rating.

Dr Rex Patterson is now no longer the Minister for Northern Australia and I would like to say publicly that I think while he has been Minister for Northern Australia he has been a very sincere and genuine person. He has had a very difficult time and I recognise him as a very genuine person, a very hard-working person, who, when he had the portfolio for Northern Australia did his best in many ways. He was very hard-pressed and he was criticised and I suppose at times the criticisms were legitimate but overall he did a very good job. In this crisis that we are continually in, with the transfer of powers to the Legislative Assembly I believe he has done his utmost to bring about a decision. As we know, while Dr Rex Patterson is a person who believes in regional development and regional authority, many of the people he is associated with in Cabinet do not agree, and that is where the whole matter has broken down and is continuing to break down. We welcome Mr Keating who is now the Minister. He is a young Minister and obviously one with little experience because yesterday he made his first statement which was waving a flag. He said that the Territory had a fully-elected Assembly and fully-elected Administrator's Council and two Senators coming up some time. That is a very accurate statement but it does not mean a cracker. As we have said in this last fortnight, Mr Keating must realise that if the Territory is to develop and the Legislative Assembly is to develop, it has to have executive action, an executive role. "Fully-elected" means nothing. We are still back where we were last year. It is the executive responsibility that means development. The Administrator's Council is fully-elected and it still has that same old role that most members of the Legislative Council and the Legislative Assembly have criticised over the years.

When we had this tremendous change of departments from Interior to the Department of the Northern Territory and our new Minister had a full portfolio for the Northern Territory and there was enthusiasm for the future of the Northern Territory, the Newsletter for January 1973 said: "The structure of the former Northern Territory administration would be strengthened by the creation of the Department of the Northern Territory. The transfer of policy work to Darwin would expand certain activities and introduce new activities. When the organisational structure for the new department is approved, follow-up steps would be taken to determine the detailed needs for branches". That happened with Mr Enderby. In the days of Dr Rex Patterson, we have seen the absolute annihilation of the Department of the Northern Territory and we have gone into this fragmented Department of Northern Australia which has brought absolute chaos to Darwin, Alice Springs and the rest of the Territory. What a foolish situation we live in now. As the executive member responsible for local government, I have been endeavouring this week to get some information relating to local government. They said, "The files are in Brisbane. Which files do you want? Is it in relation to garbage cans or what?" I suppose we should laugh for if we do not laugh we would all go down the drain, but here we are–the files relating to Darwin dustbins are held in Brisbane.

Miss ANDREW: I would like to take this opportunity of replying to a question addressed to me by the honourable member for Jingili last week relating to electricity interruptions in the Jingili-Rapid Creek area.

I seek leave to have this information included in Hansard because of the technical and statistical content of the information.

Leave granted.

PLANNED ELECTRICITY INTERRUPTIONS IN JINGILI

Thursday 8.5.75	4 hours
Sunday 11.5.75	3 hours
Thursday 15.5.75	3 hours
Tuesday 20.5.75	4 hours
Sunday 25.5.75	8 hours
Tuesday 27.5.75	4 hours
Thursday 19.6.75	4 hours
Friday 20.6.75	4 hours
Tuesday 24.6.75	4 hours
Sunday 13.7.75	2 hours
Sunday 7.9.75	7 hours
Sunday 21.9.75	5 hours

UNPLANNED INTERRUPTIONS

Wednesday 18.6.75	6.50– 7.12	22 minutes
Thursday 31.7.75	15.00–15.30	30 minutes
Friday 22.8.75	14.22–14.30	8 minutes
Tuesday 26.8.75	9.55–10.23	28 minutes
Thursday 9.10.75	4.45– 5.50	65 minutes

No record of faults on 11 K.V. systems.

Miss ANDREW: I would like to assure the honourable member for Jingili that I have taken up the subject of planned electrical interruptions in the northern suburbs. Five of the interruptions which occurred out of 12 which were planned in Jingili have taken place on a Sunday. None, however, have taken place on a Saturday. I have asked for consideration that these not be held on weekends.

Mr TAMBLING: This morning the honourable member for Nightcliff asked me a question relating to laundry facilities for Housing Commission caravans allocated to the private sector in Darwin. I am informed that a cold water tap and a drainage gully are provided in close proximity to each caravan so that tenants may provide and use a washing machine in the annexe provided with the caravan. It is not proposed to supply separate laundry or wash troughs.

Mr POLLOCK: I think it is appropriate that we should make some reference to the IAC report on the cattle industry and I would like to refer to that matter as it relates to the Northern Territory. The IAC report is one of many reports that the Government has received on several matters over the last year or so and we eagerly await action on its recommendations, recommendations in relation to carry-on finance, the lifting of the beef export levy and the lifting of loan limits and other associated recommendations. However, the people in the Territory and particularly in my electorate, a large rural electorate with a large beef cattle industry, saw with great disappointment that there was no relief recommended in relation to the high costs of freight which the cattle industry is facing in getting its beef from the properties to market or to the abattoir. Freight costs have risen, over the last 18 months or so some 50 or 60%. Railway freights have gone up in 40% whacks in one go. It has hit the industry as hard as the depressed market conditions resulting from a decline in the export of beef. I think that everybody in this House would agree with me that Cabinet, in considering the aspect of this report, should consider some relief to the industry in relation to the cost of freight, whether it is by truck or train, to the market head, the abattoir or to southern markets.

Other areas of concern are the high costs which face people who live in outback areas. They face the problems of cattle raising in depressed conditions, the high cost of getting their children to town to be educated to the levels which are expected in today's society and the general costs. We are confronted with the situation where so many of our air services to outback areas have been cut because of the reduction of subsidy to airlines in the Territory. All these people in the outback are facing some terrific difficulties yet, in the IAC report for the Territory, so many of these areas were not recognised.

The Executive Member for Finance and Law referred to the Public Works Committee advice that it was no longer coming to the Territory next week to hear evidence on the developmental road project, particularly those in my electorate—the Erldunda-Ayers Rock Road, the Jay Creek-Glen Helen Road, Jay Creek-Hermannsberg Road and the Tanami Road which services a large area of my electorate. It is very disappointing that this committee is not coming to the Territory to hear evidence in relation to those roads

which are urgently needed for the continuing development of the Centre and the NT as a whole. They are important for tourism, for the cattle industry and for the people who live there and make their life in the Centre. It is very disturbing that those roads look like being further delayed, especially when we heard on the news this morning reports that weather conditions in Central Australia have resulted in the South Road being closed again and floodwaters have stopped trains. The whole situation is one of continuing crisis. The delayed development of these roads which were supposed to be discussed at this Public Works Committee hearing will result in the continuance of these interruptions to life and development of the Centre.

Mr RYAN: I was asked a question by the honourable member for Arnhem on behalf of the honourable member for Tiwi. It concerned the amount of maintenance and road construction that will be done in the Humpty Doo-Howard Springs area over this financial year. Routine maintenance will be $64,000 worth and there is a list of roads to be regravelled. I will pass this information to the honourable member so that he knows exactly what is happening.

Just before I sit down, I will refer to the comments made by the honourable member for Social Affairs that the PWC meeting is not taking place in Alice Springs next Monday. I had planned to go down to present the evidence on behalf of the majority group in this Assembly. I spoke to the secretary of the committee on Tuesday and he informed me that there would be a curtailment of all committee activities as a result of the situation which exists in Canberra. Since then, I have had some information that the committee will probably hear the evidence in Canberra or look at evidence that is presented. It does not necessarily mean that the meeting will not take place. They may not come to the NT. It would appear that there is nobody against the proposals of this program. Hopefully, the committee will consider it in Canberra and possibly talk to several departmental officers who will be flown to Canberra to answer any queries which might arise out of evidence given by myself on behalf of the majority group or other interests in the NT. We can keep our fingers crossed that there may not be any delay to the approval of it after all.

Motion agreed to; the Assembly adjourned.

INDEX TO MEMBERS' SPEECHES

October 1975

INDEX TO DEBATES

October 1975