Wednesday 18 February 1976

STATEMENT

Legislative program

Dr LETTS (by leave): Last year I gave a public indication that I had circulated government departments, statutory authorities and people who might be requiring legislation to be made, asking them to give us advance indication of what legislation they wanted so that it could be built into a program and priorities could be worked out. This was also done with a view to having something in the nature of a formal opening of the Assembly following prorogation at the end of last year. Various events stood in the way of prorogation and a formal opening, but I should indicate to the Assembly the kind of results we have had with the legislation program.

Our attempts to develop a forward program have met with limited success. The creation of a fully-elected Assembly did provide more contact with people of the Territory. From the problems, complaints and representations of those people throughout the Northern Territory, a fair number of legislative proposals developed. In addition, a number of matters which had been in the minds of members themselves were developed and drafted. Members would have seen that reflected in the legislation introduced and passed last year and in bills to be introduced in the future.

In May last year, I wrote to all government departments and statutory authorities in the Territory asking them to provide a program of legislative needs for 1976. The response I had was limited. The Department of the Northern Territory came forward with a couple of items and there are other items which were jointly developed between us and them. I must particularly commend the response from the Department of Health and the Attorney-General's Department; they have been extremely co-operative and responsive in this field. They have advised in reasonable detail of their legislative planning and have worked in close liaison with the Assembly in determining priorities and developing the proposals. Other departments have not been so forthcoming. I don't know whether this stems from lack of co-operation in the past or simply from lack of ideas. There still seems to be too much of a tendency for some departments to work out aspects of policy and legislation without any consultation with the Assembly. This often means that when the proposals finally do come forward they have to then be delayed until such consultations are held and some re-development occurs.

The Housing Commission and the Reserves Board, amongst the statutory authorities, have worked quite closely with us and have put forward a number of matters for consideration which will be reflected in legislation this year. In general, the response from other statutory authorities has not been very good. I expected that many of them would have needs and specific ideas for improving their legislation and that they would have seized the opportunity to bring those ideas forward before this.

There is still a vast body of legislation to be revised or to be made into an effective legislative framework for government in the Territory. All members will appreciate the magnitude of this task which is to be carried on at this time with depleted staff resources. The assistance of all bodies concerned in the putting forward of ideas in the making of legislation will help tremendously in helping to define the areas of need and to place priorities on them. I again ask all government departments and statutory authorities to keep the Assembly advised of their proposals and their thinking and to work with us to avoid wasting resources in this field and to ensure the most effective development of a comprehensive legislative program.

I just add that I have in the last few days received from the Department of Health, through the Executive Member for Social Affairs, the latest version of their legislative requirements. There are 2 pages here of headings and notes covering 12 items, both in ordinances and in regulations, which the Department of Health believe will require some attention during the course of the next 12 months. I would be quite happy to give any honourable member a copy of this; it is the sort of thing that we are looking for from other departments as well.

MATTER OF PUBLIC IMPORTANCE

DRC MODULAR VILLAGE

Mr SPEAKER: I have received from the honourable member for Port Darwin a letter in the following terms: "Dear Mr Speaker, In accordance with standing order 81, I desire to propose that tomorrow, Wednesday 18 February, the following definite matter of public importance be submitted to the Assembly, namely, the proposal by the DRC

to establish a modular residential village and caravan park on the old golf course adjoining the East Point Reserve".

Proposal supported.

Mr WITHNALL: In raising this subject, I am conscious that I probably have the reputation of being one of the severest critics of the Darwin Reconstruction Commission. At the outset, however, I would say that the previous criticisms I have had about the Darwin Reconstruction Commission are to some extent a thing of the past. I think that the Darwin Reconstruction Commission has now shown some signs of settling down and buckling to the task that it was given just about 12 months ago.

One of the problems that the Darwin Reconstruction Commission faces, and one of the failures of the commission, has been to produce an intelligible plan for the development and construction of Darwin. Indeed, if one goes to the Darwin Reconstruction Act, one finds that the principal function of the commission is development and reconstruction. Section 6, which describes the function of the commission, says in paragraph (b) that its function is to carry out planning in relation to "development construction and land use in the Darwin area in accordance with any determination from the Australian Government". It is also given the function "to carry out and to supervise, control and co-operate in the carrying out by other authorities and persons of development and construction in the Darwin area". The other powers are powers to advise the Government, to co-ordinate works, services and facilities, to furnish advice to the Minister, to formulate regulations, and such other functions that are conferred upon it by the act. When one examines the powers of the Reconstruction Commission, it is quite clear that its major function is construction and development.

Section 8 of the act provides an ancillary provision relating to its functions of planning and development: "The commission may, from time to time, prepare proposals in respect to general planning and development schemes in relation to development and construction in the Darwin area and shall cause those proposals to be made available for inspection by the public at all reasonable times in the Darwin area, and in such other places as the commission determines, for the period of one month".

Section 9 probably provides the key: "The commission shall perform its functions in relation to development and construction in accordance with general planning and development schemes approved by the Minister after considering any recommendation of the commission under section 8, and all departments of the Australian Government and public authorities shall comply with schemes so approved".

I have gone through the legislation because I think that behind the act itself there is a clear intention that the commission will not perform its functions, particularly with relation to land usage and development and construction, without letting the people of the Northern Territory, and the people of Darwin in particular, have an opportunity to object to the location of particular land usage and to the general planning of the city. Section 8 quite clearly requires the commission to listen to people's objections and to amend any scheme or proposals if those objections by the people appeal to it, or if they are shown to be valid. Clearly the citizen's involvement in the planning and land usage in Darwin is contemplated by the act and forms the major background for the commission's tasks so far as land usage is concerned.

In the case of the proposed village on the old golf course adjoining the East Point Reserve, the commission has not carried out the provisions of the act, and I suggest to honourable members that its placing of this village on the golf course would be wholly and completely unlawful. Although the commission has very wide powers under the act, it is quite clear and the act itself says that the commission shall perform its functions only in accordance with a scheme approved, and that means only in accordance with a scheme to which the citizens have had an opportunity to object and to carry those objections forward to the commission itself. I asked the honourable member for Fannie Bay, as a member of the commission, yesterday, what proposals had been published under section 8, and he referred to proposals which he said were published in March. The honourable member for Jingili asked him whether the Minister had approved of any proposals under section 9 and he said no. So I suggest to honourable members that the action of the commission in putting a village on the old Darwin golf course would be completely illegal and contrary to the express terms of the Darwin Reconstruction Act.

The proposals which are to be exhibited under section 8 cannot be taken to the Minister until they have been corrected in accordance with any successful objections and until they have been advertised again. This is probably a fault of the act, but it is clear that the commission must take all proposals to the people and what it takes to the Minister must be something that has been advertised. That is a fault of the act, but nevertheless it is there and the commission has clearly taken no notice of section 9 at all. It has decided that it has all power, that there is nothing which it may not do, and it is proposing to take the action concerning which this discussion was raised.

I concede that section 56 of the act provides that the powers and functions of the commission are not affected by the Town Planning Ordinance. I cannot complain that the commission has not observed the provision of the town plan, but I am complaining that the commission has no power whatsoever until the alternate course has been taken of having a town plan or a planning and development scheme advertised. Consequently, I say to the citizens of Darwin that it is about time somebody informed the commission that, until it does something under sections 8 and 9, its function under the act is properly limited to the approval of building plans and to providing a service to the Commonwealth Government with respect to the rebuilding of houses.

Coming to the actual proposal itself, I have every objection to the Darwin golf course being used for housing purposes. Many years ago, I was a trustee of the East Point Reserve and there were many conversations held then concerning the fate of the golf course and, on the last occasion that I had anything to do with it, the proposal was that it should be brought under the East Point Reserve so that it may be used in the future as land for the future university of the Northern Territory. This piece of land is probably the last, best, and almost the only remaining piece of land in Darwin which can be genuinely put to public purposes and be made something for the people to enjoy as a whole.

It may be said that this proposal is only a temporary one. I have seen houses put up in places before on a temporary basis, and I have never seen them pulled down, particularly when the sites are as valuable as these sites will be. I know in point of fact that some people concerned with the administration of the Northern Territory always have been anxious to take over the old golf course for the purposes of housing. I am completely and utterly against any such proposal and I will use any endeavours which lie within my power to prevent this happening. It is a place which should be reserved for ever for the use by the people themselves as a whole and not used individually for housing. I suggest that it is the thin end of the wedge, and I am sure that, if this proposal is allowed to go through, you will find that the thin end of the wedge would split the old Darwin golf course wide open and you will find it used as a residential area. I warn the commission that its action is unlawful and contrary to the Darwin Reconstruction Act and, until it does what the act says it must do, it can keep its hands off the East Point Reserve and off the golf course.

Mrs LAWRIE: We are now debating a most unusual circumstance. It appears that the Darwin Reconstruction Commission, in its consideration of establishing a village-type project using the core-units, received a detailed submission from its own staff which had been circulated to community groups and to which due consideration was paid by the Darwin Reconstruction Commission. Upon the basis of this, a decision was taken by the Darwin Reconstruction Commission to locate these units at Dripstone. That decision was apparently taken at commission meeting No. 17 and yet, strangely, one meeting later, when the subject was raised, there were no supporting documents provided, yet a decision was taken to reverse the previous decision which had been documented. A decision was taken, in haste, to relocate the units at East Point, a decision which has outraged the citizens of Darwin. I share their outrage as expressed by the honourable member for Port Darwin.

The manner of arriving at this surprising reversal does bear consideration. It appears that commission meetings start fairly early in the morning and go on until nearly midnight. Any student of psychology will know that a decision taken in haste, without proper thought, at the end of a long, arduous, tiring day, has very little chance of being a good decision. It is also obvious that due time, consideration and background work have not gone into a properly prepared submission for the commissioners to consider. Let's look at the commissioners. We have various people flying in from all around Australia, suffering fatigue, working all day, flying out again and leaving their devastating decisions behind them to be borne by the poor residents of the

place. This Assembly has as its representative the Executive Member for Finance and Community Development. He has responsibilities to his electorate; he has responsibilities to this Assembly; he has a very special responsibility on the Darwin Reconstruction Commission to ensure, with the Mayor, that the thoughts of the residents of Darwin are properly presented. Yet he is asked to vote in haste on a decision the reverse of which has been considered at the previous meeting.

Mr Tambling: Don't worry, I opposed it.

Mrs LAWRIE: I am aware that you opposed it. I am appalled that the chairman of the Darwin Reconstruction Commission allows the commission to function in this fashion. The chairman, of course, is living 2,000 miles away. He is not here to be called to account. He should be called to the Bar of the Assembly today to answer queries by honourable members as to how this peculiar position arose.

I have a copy of a letter from the Reconstruction Commission to the Northern Territory Environmental Council which was received by the Council on 13 February. The heading is: "Dripstone Modular Village". I would like to read the letter:

> Dear Sir, We are pleased to advise you that at the Darwin Reconstruction Commission meeting No. 17, approval was given to proceed with this project in accordance with the schematic designs already sighted by your organisation. The only deviation from the plans was the exclusion of the swimming pool and the request to study the type of fence to protect the boundaries. We believe that this project will not only be sympathetic to existing eco-systems but will, in fact, enhance the present environment. We look forward to your future advice on the suitability or otherwise of access track through the rain forest, and register appreciation of your assistance during the early planning stages.

So the Darwin Reconstruction Commission advises the Environmental Council, and it is dated 11 February, that the project to establish the village at Dripstone had been approved and, also, that the recommendations regarding the protection of the environment were incorporated in it. That is a delightful letter. I would like to think that was the end of the matter, but now we are informed, through the active press and through our representative on the Darwin Reconstruction Commission, that that decision no longer exists, that at the next meeting, without documentation, another decision was apparently approved.

The citizens of Darwin have suffered pretty heavily through the activities of the Darwin Reconstruction Commission. I had thought that in the last few months it was pulling itself into gear and was concerning itself with assistance in the physical rehabilitation of Darwin and was paying due regard to the thoughts of the residents of Darwin in the best manner of procedure. It would appear from the present meeting and from the information we have been able to gather, that we are reverting to the bad old days of the Darwin Reconstruction Commission in splendid isolation taking decisions which affect Darwin dramatically against the advice of at least one member, and that is the person representing us.

Mr Tambling: And that electorate.

Mrs LAWRIE: I think the fact that the Executive Member for Finance and Community Development represents this Assembly is probably even more pertinent than the fact that he represents the electorate affected.

There are more curious circumstances. The Department of the Northern Territory wrote to the East Point trustees on 15 January 1976. The letter is addressed to the Executive Officer and reads: "Development of East Point Reserve. Dear Jack, As discussed over the telephone today, we will seek a design brief from the Darwin Reconstruction Commission for the development of the East Point Reserve in accordance with the guidelines which were provided by you". They go on to recommend the first stages. I find it difficult to believe that the guidelines recommended by the trustees were to put a blasted village on the place. In fact, I am well aware that the trustees violently opposed this latest suggestion and have put up a very good plan for the eventual development of the golf course, the integration of the golf course with the East Point Reserve. That would appear to be what the Department of the Northern Territory wanted, at least on 15 January. I quote the last part of the letter: "I am not sure what steps the trustees have taken towards acquiring the remainder of the land as relinquished by the Darwin Golf Club, but would suggest that they seek to have that area beyond the proposed Palmerston arterial road included in the reserve as soon as possible". That is a fascinating piece of information. On 15 January, the Department of the Northern Territory, through an Acting Assistant Secretary, is pressing the trustees to take over the golf course and on 11 February the Darwin Reconstruction Commission is stating clearly and unequivocally that this modular village

will be at Dripstone. Now, some days later, all is forgotten, but all is not forgiven. All is forgotten, all the proper planning, and now it is apparently to be established at East Point.

I think I have outlined fairly well the peculiar circumstances surrounding this proposal, except that I would ask the Chairman of the Darwin Reconstruction Commission to state if it is a fact–and that is the present rumour–that he had discussions with the Hooker group of companies, who were objecting violently to the establishment of this village at Dripstone, and that, following the discussions with Hookers, he initiated the moves in the Darwin Reconstruction Commission to alter the entire plan, but without the proper preparatory work being done. It is a pity he is not here to listen and to answer. He is 2,000 miles away and the resident commissioners are carrying the can for a stupid decision taken in haste. I spoke to the chairman of the Citizens Advisory Council and have been informed that at its meeting last night the Citizens Advisory Council unanimously opposed the present decision to locate this village at East Point. I am aware that the Trustees of the East Point Reserve, responsible Darwin citizens, are violently against the proposal. They are aware just how it would effect the present reserve and, of course, it would kill any hopes of incorporating the golf course into that reserve.

The Fannie Bay-Parap Residents Action Group is clearly opposed to the proposal. They expressed their opposition on 14 April 1975 to a similar proposal. Their opposition was excellently expressed. It not only opposed any residential development there but it proposed alternatives for the golf course. I quote from their submission: "It is strongly recommended, in line with the group's proposal in its planning seminar held on 10 February 1975, that the former golf links be incorporated with the existing East Point Reserve and be allowed to regenerate as an open space recreation area, the former fairways, with rain forest pockets, the former roughs. This would provide Darwin residents with a magnificent recreation area with its sheltered beach, open grass areas, good fishing areas and adjacent rain forests with animals and jungle fowl". They go on to estimate the cost.

The trustees want to operate along those lines, the people living in the area want it to happen, the Darwin Citizens Advisory Council want it to happen and all the planning was put into the Dripstone proposal. In the face of general community objection, we are supposed to let the present proposal stand. I do not think for a moment that this proposal will get off the ground. However, we are spending a lot of energy fighting something which should never have come from the DRC in the first place. It is also of interest to note that the general golf course area is below the primary surge area and subject to flooding. With all the words that have been spoken on the primary surge area and with assistance still not being given to people to rebuild on their residential lots, how can a responsible commission think to establish residential lots in such a surge area? This must be the greatest piece of hypocrisy to come out of the Darwin Reconstruction Commission.

I have had access to information provided by the East Point trustees and I have outlined it fairly well. They wish to take over the golf course for development as a public recreation area. I am pleased to support the remarks of the honourable member for Port Darwin and I express my appreciation of the valiant efforts within the DRC by the Executive Member for Finance and Community Development. I would suggest that future commission meetings extend over 3 days if necessary but not continue to midnight; and that the other commissioners, not resident in Darwin, spend a little time in the place, find out what the residents want, get over their jet lag, and relate a little more closely to the people whom their decisions so violently affect.

Mr TAMBLING: I support the intention of this debate fully and have certainly done so wherever possible in the Darwin Reconstruction Commission. However, I am appalled at the decision that has currently been taken. My concern really is with the psychological effects of the decision. I know now that this proposal had absolutely no chance of success. We have just come through a period of dumping all of the dreadful town planning mistakes that were made by the Darwin Reconstruction Commission early last year. What sort of additional frustration and emotional response will this have in a community that has enough other problems to cope with?

The land use issues have already been mentioned. The honourable member for Nightcliff referred to the Parap-Fannie Bay objection to last year's plan to put a camping ground in this area. The environmental and

living conditions in that area would be dreadful. You would be eaten alive with mosquitoes let alone anything else. We have these core-units that have caused so much embarrassment because they were badly put forward in the way that they were purchased last year and we have to find a spot for them. It appears that commercial wheeling and dealing is having its effect in the way that it is forcing into a land use area something that was not even considered in the proposals.

There are many sites on which we could place the core-units. There is an excellent site at Leanyer. There are good sites at Berrimah and Winnellie. I even sold my colleague, the member for Milner, on one in his electorate. He now thinks I have done the dirty on him by not accepting it at Fannie Bay. I am afraid that I did not even accept the Fannie Bay proposal as a possible alternate site.

As the honourable member for Nightcliff extracted from me in question time, the details of a submission that was put forward for this were not satisfactory. In fact, only one map was presented to that meeting. I refer to that particular map to describe the extent of the area: the block of land involved goes from the Waratah Club on the swamp side almost up to the laboratory and back down to the Fannie Bay Hotel. It is a huge site of land that has excellent recreational uses. The core-units would only take one minor corner of that, but just what is it going to do to that community which has already expressed its violent opposition? And, of course, 80% of that area at least is in the primary surge zone.

I am also particularly concerned at the cost of servicing such a development. I expressed this at the DRC meeting and I only regret that the press were not present at that particular stage; it was only because of the lateness of the hour, I presume, that they could not be there. The proposals for the Dripstone area were that it would cost in the order of $400,000 to $500,000 to service the core-unit village on that site. We had no professional papers to consider what it would cost in Fannie Bay but, just looking at the topography of the area and the other existing facilities, I estimate it would cost much more than a million bucks to try and get such a facility in there. What a shocking waste of financial resources, particularly when the road systems and the existing drainage of that area of Fannie Bay are totally inadequate anyway.

The General Manager and the professional staff of the Reconstruction Commission fully support my stand on this issue and I can only excuse my fellow commissioners in the decision that they took by the lateness of the hour and the fact that they did not, or could not at that time, reflect properly on the decision. There is currently a citizens' petition being circulated throughout the electorate and getting overwhelming support. There have been groups that have expressed major opposition to it. Let me read from a letter I received from the Project Garden City Committee which is very relevant and I believe sums up the issues at stake. They register their support for me and my stand on the proposal. They believe the decision was a hasty one that was maybe made without considering alternatives and without making some attempt to seek public opinion. The letter reads:

> It seems most of the commissioners have forgotten the wishes of the Minister for Urban and Regional Development a year ago who stressed the need for participation of the public at all stages of the planning work in the processes of redevelopment. We are particularly concerned about the proposal to locate a caravan park adjacent to East Point Reserve. This reserve provides a natural habitat for birds and other native fauna which is probably unique in Australia because it is so close to the city. The environmental pressures created by the establishment of a caravan park adjacent to this area will in time destroy this habitat. It has only survived this long because the golf course has acted as a buffer zone between the reserve and the Fannie Bay residential areas. The introduction of domestic dogs and cats into the area will eliminate most of the native birds, reptiles and mammals. We believe the old golf course should be incorporated into the East Point Reserve so that this area can be protected for future generations. The importance of the physical and emotional relief that this area can bring to the city residents should not be overlooked and it should be preserved for this reason. We believe there are a number of sites within easy reach of the city where the planned village development could be carried out, but there are no other sites where an East Point-type recreational reserve could be created.

They have written to the chairman, and they have asked the following questions: "How much planning work and what environmental studies were carried out by the commission before deciding to use the golf course for residential village and caravan parks?" I have already indicated that the answer is none. "Why was the Rocklands Drive site rejected? What other sites were considered?" That I think sums up most of the community reaction and that of the trustees, which you have already heard.

Since the prime movers for this particular proposal were the chairman and public service members, I would think it is time the

public service members, and particularly Mr Dwyer, did some extra homework. Obviously his own departments do not even talk to each other; in another letter, the one the honourable member for Nightcliff alluded to, the Department of the Northern Territory has already suggested to the trustees they should seek an extension into this public area for recreational purposes.

This is a matter of public importance because of the frustration, the unnecessary frustration, it has caused. I hope that I will be able to get the commissioners, on an early agenda item at the next meeting, to at least stop this consideration and perhaps consider the alternative suggested earlier by the honourable member for Casuarina. It is probably the best one to come forward yet—sell the core-units.

Mr PERRON: I join with previous speakers in calling for the Darwin Reconstruction Commission to respond to the very obvious wishes of a large majority of the people of Darwin not to site a core-unit village at East Point. I have listened carefully to all that has been said, and I agree with virtually every word of all 3 speakers.

It seems obvious from what has been said that the decision to re-site the core-unit village at East Point rather than at Dripstone—which was an area where a lot of work had been done on the preparation of the village, and various groups had agreed to it being sited there—was very largely the work of the chairman of the Reconstruction Commission. I think this point alone deserves some reflection, the matter of having a chairman appointed from far away. Presumably, some of the arguments for having a chairman from elsewhere is that he would be unbiased and unaffected by pressures within the community. Perhaps the chairman should be affected by pressures within the community, where the decisions being made will have effect. There has already been raised the question as to whether the Darwin Reconstruction Commission really needs a chairman now that it has a permanent general manager. Perhaps we could reflect on that for a moment. We could also reflect on whether we need the Reconstruction Commission any more. Obviously, there is the infrastructure in Darwin and the personnel in existing departments to be able to take over the work that the commission has to do from now on. I think it will be the matter of some debate and some moves in the future to look at the role of the Darwin Reconstruction Commission and the 3½ years which the Darwin Reconstruction Act has to run.

I call upon the Reconstruction Commission, as soon as they possibly can, to meet and reverse the decision that they have made to place core-units at East Point. I would propose that the original decision to place them at Dripstone be endorsed, and that the wishes of the people of Darwin be taken into consideration.

Members: Hear, hear!

Mr EVERINGHAM: I have just a few short words on this matter which I do consider is of prime public importance. Firstly, in relation to the chairman of the Darwin Reconstruction Commission, Alderman Clem Jones, I have a great respect for this man and his ability to get things done. As a former citizen of Brisbane many years ago, I compare the city then, with night carts running around in every suburb, and the city now which is almost fully sewered as a result of the actions of Clem Jones as Mayor, and I think he is deserving of praise. But down in Brisbane they will tell you that Clem Jones likes to encroach on parks if it suits his purpose to do so, so I think we will have to watch this chap when it comes to the parklands; he seems to have this bad habit.

Aside from that—and I am not speaking particularly on this particular piece of land, I am speaking in relation to all parklands in Darwin—we must look at the other aspect and ask ourselves, "Have the actions of the Darwin Reconstruction Commission up to the present time in setting up these villages been lawful or have they been ultra vires to the powers of the commission, and have they been done without complying with the provisions of the act?" I accept the propositions put forward by the honourable member for Port Darwin. The solution to this situation is not just to shift the site from Fannie Bay to somewhere else—out towards my electorate, where apparently it is considered that we are more suitable to accommodate core-type villages and so on—but I would say that unless the provisions of the act in relation to development and construction are carried out, then nothing can be done about setting up a core-type village. This scheme must be displayed in accordance with the provisions of the act and, until it has been displayed and until the Minister has approved the scheme after hearing the objections of the public, then

the Darwin Reconstruction Commission cannot do a darn thing. I think that perhaps they might have to start pulling down a few of the villages that they have already set up if we went a bit deeper into this. I don't think we can say, "Shift it from Fannie Bay to Nakara", or wherever it is. We have got to have a look at the whole position and decide whether the act is going to be complied with.

It is a cumbersome procedure but nevertheless the procedure is there available so that the public can express their views. Or is the Federal Parliament going to amend the act? But we just cannot go ahead with this. It is, I agree, entirely unlawful as a proposal and I would suggest that the Darwin Reconstruction Commission had better do some very heavy homework right away about what they have been doing in the past.

Mr TUXWORTH: I rise to make a comment on this proposal, not to interfere with the administration and planning and reconstruction of Darwin, but to offer a thought that has occurred to me as this debate has gone on, that this, in fact, results in nothing less than a con trick by the DRC. There is a new concept in the servicing of tourism throughout the world and I could see this proposal being the net result. In new planning and procedures for servicing the tourist industry now, operators move into an area with a cell. They pick out a very large area such as the ones mentioned in Dripstone and at East Point; they put in a cell of buildings that start off as accommodation centres and then this cell expands and, possession being nine-tenths of the law, it is very hard to stop the expansion. You move into overnight bus accommodation, caravan accommodation and camping accommodation where the overnight traveller rolls his swag out on the ground. I can see that this particular proposal will be most susceptible to this type of development. I offer it as a thought for Darwin people, as to whether they wish this type of development to go on in these areas.

Dr LETTS: I wish to make 3 points. First of all, I am against the proposal of the DRC to establish a modular residential village on the old golf course site. The second point is to question now, as the Executive Member for Municipal and Consumer Affairs did, but possibly even more strongly than he did, whether the Darwin Reconstruction Commission, with its present composition and method of operation, is really meeting the needs of this city any more. I question whether it ever really did, but I think its present form and method of operation may be even less appropriate in the future.

This kind of decision only underlines the misgivings and predictions which people like the honourable member for Port Darwin and myself expressed at the time the act was being brought into the Federal Parliament, and our limited success in trying to get more sense into that act and the commission itself. I question whether the time has not come for a major review of the legislation and the commission and I would ask the Government to make that review. I would ask them to pass back to local authorities some of the functions which the commission at present carries out and to bring forward the concept of a single housing authority for the Northern Territory. If there is any need at all for a co-ordinating authority, it should be formulated purely on a local basis, operating probably a 3-man commission here in Darwin.

Further, there is still need for clarification about what is going to happen to East Point and the old golf course area. The honourable member for Port Darwin referred to the time when he was one of the East Point Reserve trustees. They wanted a university established there and possibly some trustees still feel fairly strongly about this. Some of the present trustees and other bodies in the community appear to want it as a general public recreation area. I see some conflict between the idea of having a university campus—if that idea is still extant—and the more specific conservation-recreation purposes that have been referred to by some others.

To have a university campus and the people associated with it will not enable us to do very much about the preservation of rain forests that has been mentioned. While their hearts were in the right place, the former trustees were not terribly successful in their efforts to preserve the bit of rain forest that was there. As Chief Inspector of Wildlife, I can remember having that area declared a protected area to keep out firearms, and being disappointed to see the diminution in the rain forest over a period of years. It did not seem to stop anybody putting through power lines and bulldozing tracks 4 chains wide through the middle of what had been the rain forest area. It did not seem to prevent fires being lit and it being burned out from time to time. I know the trustees did not have much to work with, but that rain forest area, as I first knew it in about 1957, went back considerably over

the subsequent 10-year period and its retention as a protected area became of questionable value.

I have heard a suggestion on the grapevine that the area could be handed over to local government and, if that is to be so, I would certainly like to have a very clear idea about what local government thought of its future.

Mrs Lawrie: The golf course?

Dr LETTS: The golf course and the East Point area.

There is still a need to get a much more precise and specific idea about what is going to happen to the East Point golf course area. Overall, I think the right thing is that it remain as a public use and recreation area in some appropriate form. There is no question in my mind about that; it just needs a better definition.

MOTION

Appreciation of the services of Bernard Francis Kilgariff to the Legislative Assembly

Dr LETTS (by leave): I move that this Assembly place on record its appreciation of the services of Bernard Francis Kilgariff to the Legislative Council, to the Assembly and to the Territory, and its congratulations on his election to the Australian Senate.

I intend to direct my remarks essentially to Senator Kilgariff's service to this legislature in the past. I have known him personally over a period of nearly 20 years and became a close personal friend of his as no doubt many others did. He first entered the service of the Northern Territory legislature in 1960 when he became one of the first 3 nominated members. He served continuously from March 1960 up until the pre-election period in 1975. He has one of the longest periods of continuous service in the history of the Northern Territory legislature. I remember when he first came into the Council and I was an observer in the gallery. I remember looking down at Bernie, who was a young fellow in his early or mid-thirties in those days, and I do not think I have ever seen anybody come into this place who was more nervous than he was. Despite a natural nervousness which was evident, he did have such an interest in the task of being a member of the Legislative Council, such a dedication to that duty, that he overcame this problem and in the latter days of the period of his service as an elected member he was able to get his point of view through very forcefully and very convincingly.

The service that he gave as a nominated non-official member from March 1960 until October 1968 provided a tremendous foundation for him in the work of this legislature. Those 3 members had to have a broad knowledge of all pieces of legislation in our Territory statute books and a broad knowledge of Territory affairs generally as they were often called upon to form the balance in the old Council between the official members and the elected members. I must say that Bernie was outstanding in the way that he applied himself to everything that came before the Council.

As an elected member, from October 1968 until late last year, his interest and energy was legendary; he never ceased to look for problems—and there were plenty of them to be found—and having found them, to take some action. The number of select committees that he sat on, the number of inquiries which he initiated—and he was the sort of person who was not just content to initiate the inquiry and see a report brought in, but he was then always intent on following it through—made him an absolutely outstanding member of this legislature.

He has a wonderfully warm personality; he has friends throughout the Territory and I do not think that he ever had any enemies in the old Legislative Council or in this Assembly. Bernie Kilgariff has made his mark on the legislation of the Northern Territory, on the history of the legislature through its various evolutionary stages, and I am sure that he has the background, the knowledge and the ability to make a tremendous contribution as the first senator for the Northern Territory in Canberra.

Members: Hear, hear!

Mr WITHNALL: I support the Majority Leader in what he has said about Bernie Kilgariff. I served in the Legislative Council and in this Assembly with the former member for Alice Springs for many years, I think since he first came here in 1960 as a nominated non-official member. I have always admired his industry and I have always admired his dedication to the task that he had as a member. He was probably one of the members whose concern for his electorate was more often expressed perhaps in adjournment debates. His concern for legislation was not the less deep, but I think one of his chief characteristics was that he spent so much time seriously considering every question so that

he could be absolutely sure that what he was doing was right. I think I may say, without intending to insult him, that sometimes, because of competing arguments, because of competing interests, it was agonising for him sometimes to make a decision which might perhaps assist one section of the community and leave another section of the community the poorer.

In this Chamber he was a man of humour, a man who could battle in debate, but who never carried any bitterness arising in debate any further than the doors of the Chamber. I join with the honourable member in congratulating him on his election to the Senate.

Mr KENTISH: I support the motion. I knew Mr Bernie Kilgariff before I came into this Chamber in 1968 but he had been in the Council, of course, for many years before that. My association with him in this Chamber began at the end of 1968 when I was elected. At that time, a new setup began in the Council which was one of the phases of the government of the Northern Territory which altered from time to time. I was soon aware that in Mr Bernie Kilgariff we had a very capable member of the Council representing Alice Springs.

As a colleague in the Council, he was always solid, loyal and predictable. He put a great deal of energy into his work for the Council and for his electorate. I cannot think of a more suitable or capable senator that we could have put forward to represent the Northern Territory. It goes by a kind of see-saw method that the gains of Canberra and the Senate in having a most capable senator there is reflected by a great loss to this Chamber. We have lost a man whom we have learned to rely on and his intelligence and industry have been of great benefit in this place. I am absolutely confident that he will make an impression in the Senate and that his qualities will be outstanding even in that sphere. I would like to congratulate him on this move into a new sphere of influence.

Mr BALLANTYNE: I would like to say a few words about Mr Bernie Kilgariff. I have not known him very long but, in the short time that I knew him, some 15 months, I don't suppose anyone has made more impression on me than Bernie. I have always found him to be helpful, trustful, and enthusiastic. He has all the qualities that one would like in a man. He gave me a lot of encouragement and I think he gave many other people encouragement. He has a very broad knowledge of things and he is a good natural thinker. He has stepped into a higher position now but he will still carry those qualities through to that job. I am sure that, with his experience as Speaker and an executive member of the Legislative Assembly, their gain is our loss. I wish him well and I only hope he can uphold himself as he has done here in the Territory. I am sure we will all be proud of him in the future.

Mr VALE: I will only speak briefly and confirm the remarks of the other members. The honourable Majority Leader said that back in March 1960 he saw Bernie Kilgariff enter the Council and he was the most nervous person he had ever seen. If he had known some of the people who were to follow, he would have said to himself, "You ain't seen nothing yet". When Bernie Kilgariff left this Assembly on or around 12 November last year, he still gave the appearance of being nervous, but nonetheless very sincere. In terms of his age, he could be referred to as young; in terms of his length of service to the Assembly of the Northern Territory, he could be referred to as an elder. Hence, it would be right to say he was the young, elder statesman of the Northern Territory by comparison with the member for Port Darwin who is the older, elder statesman.

Bernie Kilgariff's success was in his ability to communicate fully with all areas of his electorate and the Northern Territory, his knowledge and his expertise. His wise counsel and guidance to myself, and I am sure to other young members of this Assembly, in the early days immediately after 19 October 1974, was most welcome and reassuring. His election to the Senate is a fine tribute to many years of dedicated and devoted service to the Northern Territory, the Legislative Council and the Assembly.

Mrs LAWRIE: I am happy to support this motion. I knew Bernie long before I was elected to this place and you will recall, Mr Speaker, that during my early days Bernie and I had blazing rows on the floor of the old Legislative Council. They were rows with purpose and good intent and I appreciate Bernie very much as a person to whom I could talk after having had a blazing row on the floor of the House. We could then sit down and talk about difficulties which were being experienced in the Northern Territory.

Bernie's most outstanding qualification is his terrific sense of humour, a quality which

should be more apparent in more people. Allied with his sense of humour, was always the sense that one is not the centre of a universe and that one is not so important that one's decisions are not subject to argument and to change. Those are Bernie's outstanding characteristics: his good humour and his ability to change his mind if the occasion warranted it. He was not unwilling to accept anyone else's suggestions. He has lived all his life in the Territory and he will be an able exponent of the people of the Territory in Canberra. I wish him well in that evil place and I am delighted that he received the nomination of the Country-Liberal Party because he is a person with a long association with the Territory. I appreciate very much his efforts in the old Council and in the new Assembly and I especially appreciate his courtesy and unflagging good humour towards myself.

Mr ROBERTSON: I would also like to support the Majority Leader in his statement. Upon my first learning of Bernie Kilgariff's intention to stand for the Senate, my first reaction was one of disappointment. Over the period since I have been in this place, I had become very much dependent on Bernie for advice and many times he must have found himself getting somewhat tired of my continually ringing him for advice and help, particularly during the early stages.

It would be appreciated by honourable members that, in one manner or another, he represented my present electorate for many years. I found it an extremely difficult task to follow in Bernie's footsteps. In fact, I am still finding it a difficult task. I have found it somewhat annoying at times to have so many people repeatedly come into our Legislative Assembly office in Alice Springs and ask to see Mr Kilgariff. Invariably, I would ask them from whence they came and very often it was from my electorate. To be quite honest, his name and his reputation are so revered in the area that I have found it very difficult to persuade people that I was the person they really had to see rather than Bernie. As we develop and assume our identity, perhaps his loss from the Chamber in that respect will no longer be quite so great.

He will have a difficult task in the Senate and I have no doubt that he will apply himself in the same manner as the older honourable members here have indicated he has always applied himself in this Chamber. I wish him well and express my regret at his passing and my thanks for his assistance.

Mr SPEAKER: Before putting the question, I would like to express from the Chair my wholehearted support for the sentiments expressed by the motion.

Motion agreed to unanimously.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 85)

Bill presented and read a first time.

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

The purpose of this bill is to provide financial autonomy for the Primary Producers Board. The present position is that the board examines applications and approves advances by way of loans to its clients. It then sets in train the procedures for moneys to be paid from the Commonwealth Treasury. Repayments of advances or loans go into the Commonwealth consolidated revenue fund. This bill proposes that the board be empowered to open its own bank accounts and operate from them. Appropriations for board purposes will be paid into those accounts. The board, if it approves an application for assistance under the ordinance, can then give advances to the applicant with a minimum delay instead of waiting the weeks necessary for the advance to be processed through Treasury, which also means at present through the Department of the Northern Territory. Honourable members will be aware that certain of the financial branches and sections of the Department of the Northern Territory at the moment are located in Brisbane and in recent days this has meant that an even greater penalty is inflicted upon the borrower in terms of time.

Repayments of advances will be paid into the accounts maintained by the board. The board will be required to keep full and complete accounts and they will be subject to inspection and audit by the Auditor-General. Full reporting of its operations will be made to the Administrator for transmission to this Assembly. Under present processes, an average time for payment of an approved advance is 5 weeks from the date of approval; and remember, advances are not usually made in one lump sum, they are usually made by instalments and new application and delay will apply in respect of each instalment claim. By contrast, the board should be able to pay money to the client within, at the outside, 2 weeks of approval. The time difference can be

of significance to a producer in these difficult times. Some time must still elapse after approval, as security for the advance must be arranged after the approval is given.

Turning to the actual bill, clauses 1 and 2 are formal. Clause 3 would repeal section 7 of the principal ordinance. That section makes all assets of the board crown assets and additionally provides that debts due to the board shall be deemed to be crown debts and have priority. The Primary Producers Board is often the lender of last resort and a producer could be in debt to other lending institutions before he comes to the board. If the board were to exercise its priority right and claim its debt before that of any previous lender in the case of a producer folding up, the result would be that, any time a producer approached the board, all persons who had lent to him would foreclose or otherwise attempt to recover their loans in order to protect their investment. The board will have to be responsible and obtain the best possible security for its advances, but to insist on a priority for board debts would make the board useless as a lending institution of the type that it purports to be.

Clause 4 repeals section 28 of the ordinance which requires the board to keep accounts subject to audit by the Auditor-General. These are replaced by detailed provisions for the keeping of accounts and their audit in proposed sections 30E and 30F in clause 5.

Clause 5 repeals section 30 which requires all money received by the board to be paid to the Commonwealth consolidated revenue fund. It inserts new provisions which provide the essence of the bill. Proposed section 30 defines what are the moneys of the board. Section 30A empowers the board to open the bank accounts. Section 30B details how moneys of the board may be spent. Section 30C provides for investment of the moneys of the board not immediately used; that is a sound financial improvement provision. Section 30D requires the board to prepare estimates. Section 30E requires the board to keep proper accounts. 30F provides for full and detailed audit. Section 30G requires full reporting by the board, through the Administrator, to this Assembly.

The bill should speed up the processing of advances from the board to its client and that is a worthy motive in itself. It will also separate the board's activities from normal government activities, and that is to be desired both in terms of board efficiency and acceptability of the board by its clients. We are not breaking new ground in this matter. There are other statutory authorities in the Northern Territory created by this Assembly which have similar powers and provisions in the legislation governing them. It only remains for me to say that the bill originated from a suggestion which came to me from the board itself; it is quite in accord with their policies. I commend the bill.

Debate adjourned.

COMPANIES BILL

(Serial 84)

Bill presented and read a first time.

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

I am sure this bill must make some sort of record. The Companies Ordinance is about the biggest single piece of legislation of the Northern Territory and I propose to reduce the size of that ordinance by the removal of just one word—the word "not". However, the bill is not proposed merely for that novelty. It is an important matter related directly to the decision as to whether a company should go into official management. When a company resolves it is unable to pay debts or where it is so requested by a creditor who has an unsatisfied judgment against the company, it shall call a meeting of all creditors for the purpose of placing the company under official management. The meeting of creditors, by special resolution, may determine whether the company shall go into official management or not, or whether that management should be only for a limited period. It is, of course, a very important decision for creditors and, the greater the debt to an individual creditor, the greater his interest and concern regarding that decision.

Section 198 was inserted in the ordinance in its present form by the Companies Ordinance of 1972. It defines "special resolution" as follows: "Special resolution means a resolution passed by a majority of creditors of a company, voting either in person or by proxy on the resolution, being the majority consisting of creditors representing at lease three-fourths in value and one-half in number of the creditors entitled to vote and so voting on the resolution, every creditor to whom the company owes a debt of not less than $20 being reckoned only in value for the purpose of calculating the majority".

The effect of the inclusion of the word "not" in that definition is that creditors to whom an amount in excess of $20 is owed are counted only as to value. Creditors to whom an amount under $20 is owed are counted both as to value and as to numbers. In other words, the creditors to whom small amounts are owed could have the power to determine the resolution. This is contrary to the reasonable intention of such a definition. It has already caused concern in current official managements in the Territory, and I am sure that all members will appreciate the absurdity of the definition in that form and will support the removal of the word "not", so that creditors to whom large amounts are owed will be given the power to decide a question of such importance. I add that the word "not" is not included in similar legislation applying in the states. I commend the bill.

Debate adjourned.

LEGISLATIVE ASSEMBLY EXECUTIVE AUTHORITY BILL

(Serial 95)

Bill presented and read a first time.

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

This bill is one which should never be necessary to bring before this Assembly. I only do so in a sense of utter frustration arising from the events of the past 15 months. This legislation should be unnecessary because what it seeks to do is something which should be normally provided under the terms of the Northern Territory Public Service Ordinance and the decisions of government, the Federal Government as our parent body as it were, made in accordance with the terms of the existing ordinance. But 15 months of striving to obtain some sort of staff establishment for the executive members of the majority group in this Assembly have been extremely unrewarding. For the first 12 months, under the previous Federal Government, we succeeded in getting one staff member on secondment, something for which we should be extremely grateful because that particular member turned out to be conscientious and invaluable beyond the normal call of any officer's duty. I really believe that without him we would not have been able to function as an Assembly at all.

Members: Hear, hear!

Dr LETTS: However, the situation has improved slightly in that we now have one other experienced and suitable officer available to us on secondment or loan—on quite indefinite terms. We still have not got any resolution at all of any sort of permanent establishment for the Executive created as an embryo cabinet from the majority group in this Assembly. The most recent discussions I have had with officers of the public service have gone right back to square one. I have been asked for information by which they can put up a proposal on the form of an organisation, an establishment, a family tree kind of thing, to go before the Public Service Board of the Australian Public Service to be argued, justified and created. Of course in the terms of the present ceilings and restrictions on the public service and the present economic strictures, I do not believe that this will be finalised very quickly or satisfactorily.

While I was having a brief break over the Christmas period, I was thinking about this problem and how unreasonably difficult it all seemed to be. The thought came into my mind, how utterly absurd it was that this legislature, for years and years, has been creating statutory bodies and subordinate bodies in the Northern Territory with certain powers and functions, and empowering them to employ and pay and use staff, yet we, the creators, have no power or authority to do anything to assist our own processes with the staff required to keep them going. And so in some sort of moment of desperation I said, "Let's have a statutory authority attached to the Assembly itself, created by a Territory ordinance, which will give us the same sort of latitude, flexibility and opportunity to have staff help as the other statutory bodies which we have created in the Northern Territory".

That, simply, is what this legislation proposes to do. If the Public Service Board and the Australian Government come to me next week and say, "Look, here is an organisation which meets the request which you made 15 months ago, which creates those positions within the Northern Territory Public Service under the Northern Territory Public Service Ordinance", if sweet reason could prevail to that extent, I would not worry about this bill, but I still have some doubts about whether that course of action will be the one they will agree to take. I am afraid that, as the honourable member for Port Darwin said yesterday, it is not so much the Government and the Ministers and the politicians who are the problem in this sort of situation, it is the public servants and the system which they are tied

to, steeped in, and cannot see beyond. I have had senior public servants come and sit in my office within the last fortnight and say, "Well now, what is it you want? What are the positions you asked for some 15 months ago? What were they again? Why did you need them? We want some information so we can write a proposal to the board". I have been through that exercise, Mr Speaker, at least 8 times in the past 12 months with different public servants; the Assembly will appreciate the frustration that I have and the need to try to do whatever I can possibly do to overcome it.

Members: Hear, hear!

Dr LETTS: This is one of the initiatives which we may be able to take and I believe that we should take every initiative that is open to us so that we cannot be criticised publicly for failing to act. I understand, Mr Speaker, that your advisers may have told you that there was some slight problem with nomenclature about this bill, that there may have to be some revision of the title and the words used and that we would probably hear from you about that in due course. That does not worry me; I am quite happy to change the title or make whatever amendments that might be needed there to clarify the situation of what kind of an organisation we are talking about. I can say now that, if and when this gets to the committee stage, I am sure that can be tidied up. But the principle, the need and the principle of what I am trying to achieve, must be one which be agreed to by all members of this Assembly and I commend the bill.

Members: Hear, hear!

Debate adjourned.

AUDIT BILL
(Serial 86)

Bill presented and read a first time.

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

It is timely that state-like treasury legislation should be presented for members' consideration. My party has recognised the necessity for local financial autonomy as a vital link in the progress of constitutional development for the Northern Territory and we have been working towards this objective for some considerable time. Yesterday's announcements by the Governor-General, the Prime Minister, the Minister for the Northern Territory and the Majority Leader confirming the Government's commitment of accelerated progress towards greater responsible government and ultimate statehood for the Northern Territory, were fortunate coincidences to this bill's introduction. I claim no credit for bringing forward this legislation only one day after such fine policies have been formally recognised; the bill is the result of detailed work by my political colleagues and our advisers.

This bill breaks no new ground in this type of legislation. It follows largely the patterns and principles of treasury-type legislation in the Commonwealth and the states. It is modelled on the basic legislation for the establishment of state and Commonwealth treasuries and the control and regulation of moneys paid into them or disbursed from them. The importance of this bill is that it proposes to establish a Northern Territory treasury into which Northern Territory revenue will be paid and from which payments of Northern Territory expenses will be made. This is in contrast to the current position where Northern Territory finances are matters for the Commonwealth Budget; that is, Territory money appropriations come through the Commonwealth Treasury, from Commonwealth funds, and all Territory income is paid into and becomes part of the Commonwealth consolidated revenue funds. In general, the bill provides for the payment of Northern Territory public money into specific accounts in banks approved by the Treasurer who will be the Northern Territory executive member responsible for finance. That money is incorporated into the consolidated revenue fund of the Northern Territory. The bill provides for the appointment of an Auditor-General for the Northern Territory. He certifies that moneys are lawfully available for the required purposes before the Administrator will issue to the Treasurer a warrant authorising him to make payment for Northern Territory public accounts. It is the Auditor-General's responsibility to oversee full audits, to report on the receipts and the expenditure of Northern Territory public moneys and the management of public property under the control of the Northern Territory.

The bill provides for annual appropriations by means of a Territory appropriation ordinance. It provides the procedures to be followed by all officers dealing with Northern Territory public moneys whether as income or expenditure, or responsible for administration of public property in the Territory.

The bill follows the usual pattern of similar legislation elsewhere in Australia, with local variations necessary to relate it to Northern Territory revenues. This is desirable as it will insure that our treasury procedures conform with those practised throughout the rest of Australia and is especially important in financial dealings with the Commonwealth Government. The bill is presented to provide one of the first and necessary steps towards responsible Territory government. It certainly provides the means for a Territory government responsible to a Territory legislature to undertake financial responsibility for local administration. This includes the raising of revenues and the receipts of other moneys to fund that administration, and for the Territory legislature to control the disbursement of moneys so raised or received.

Members are very familiar with the problems inherent in the present system of government finances in the Northern Territory. Too many decisions are vested in senior public servants who are not responsible or responsive to political and community requirements. Consequently, many inefficiencies and inadequacies are not corrected or controlled adequately. A number of separate issues and examples before this Assembly have highlighted this matter, particularly in the past 2 days. It is one thing to kick a politician in the pants, the reaction is that something happens fast, but when you kick one of these remote-controlled senior public servants, you soon discover that his backside is covered in red-tape regulations and is in fact the only area where he is not thin-skinned.

The importance of a Territory treasury as a component of Territory government is obvious and was fully appreciated in 1974 by the Joint Parliamentary Committee on the Northern Territory. It is regrettable that the Labor Government was so dreadfully tardy in implementing the committee's recommendations. That committee envisaged funds for the Northern Territory to administer transferred state-type functions being provided as a one line budget. The committee also recommended in clause 85 of its report (a) that the Australian Government provide revenue grants of an amount that would enable a Territory executive to provide services related to its functions at a standard broadly similar to the states, provided the executive makes a broadly similar effort to the states in raising revenue and controlling expenditure; and (b) the Australian Government provide general purpose capital grants and specific purpose grants to the Territory on a similar basis as such grants are made to the states.

The Attorney-General's Department advised the Joint Parliamentary Committee on constitutional aspects of the establishment of a treasury for the Northern Territory. Essentially, the advice stated that, with legislative recognition by the Commonwealth Parliament to treat the Northern Territory as an organisation for institution of a government possessing a distinct individuality, any constitutional problem could be largely overcome.

I believe the proposals to establish a Northern Territory Treasury as outlined in this bill pose no problems to the early acceptance of the legislation. The first session of the Commonwealth Parliament under the Fraser Government has only just begun and its legislative program is not yet detailed. The newly-formed consultative committee will give immediate attention to all matters that will guarantee constitutional development of the Territory to proceed. Treasury is one of the fields that will be expedited and, if necessary, amendments will be proposed to the Northern Territory (Administration) Act.

An alternative to additional Commonwealth legislation considered in the advising by the Attorney-General's Department was that of incorporation of the government of the Northern Territory to give it a legal identity. This course was considered and accepted as a legal possibility but rejected in the recommendations as action by Commonwealth act is certainly preferable. I agree. But if the Commonwealth fails to act, we must certainly look at alternatives, including incorporation. The Majority Leader has already introduced a bill to provide for incorporation as a means of getting the staff we so desperately need if we are to carry out our responsibilities. Such legislation is forced on us by the lack of action to date and the frustrations encountered with the Australian Government for the past 15 months. I hope that the change of government has altered the situation and that any need for such consideration for financing requirements will not arise.

The Australian Government's new policies on federalism and funding for the states is currently in the process of being determined. As I indicated in a question this morning, I propose to consult on all aspects of Northern Territory finances with the Federal Treasurer, the Minister assisting the Prime Minister in

federal affairs and the Minister for the Northern Territory, both personally and through the newly-established consultative committee. It is also anticipated that executive members will attend state and Commonwealth ministers' conferences and councils, wherever possible, from now on. These contacts, particularly with the Premiers' Conferences and the Loan Council, will establish new patterns of political involvement that can only improve our progress. I commend the bill.

Debate adjourned.

POLICE AND POLICE OFFENCES BILL

(Serial 96)

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

The ordinance as it stands provides that the chairman of the Police Arbitral Tribunal should be a senior judge of the Northern Territory. His presence is necessary for a tribunal hearing and determination. By contrast, the Firemen's Arbitral Tribunal is chaired by a judge of the Northern Territory. In other words, it may be constituted at any time a judge is available. As members are no doubt aware, recently two of the judges of the Northern Territory have suffered a spate of illness, and I would like to take this opportunity of paying tribute to Mr Justice Muirhead for the work which he has done in assuming and carrying out the many responsibilities, not only his own but of the 3 judges. Because of the sickness of the senior judge of the Northern Territory, the Police Arbitral Tribunal has not been able to hear and determine matters for some 6 months, despite efforts by the Police Association to bring matters before the tribunal. For example, the Police Association are looking for a determination of the meaning of "emergency duty" and where 4 hours overtime is applicable. Other matters include the full temperate clothing allowance and whether it can be claimed if the employee is receiving a CIB allowance; and certain wage claims, meal allowance and so forth need to be signed by both the Administrator and the senior judge.

This bill is designed to remove the words "senior judge of the Northern Territory" and replace them with "a judge of the Northern Territory", consequently removing this problem by putting the Police Arbitral Tribunal on the same terms as the Firemen's Tribunal. In the course of this sittings it would seem that similar action will be taken by my colleague regarding the Prison Officers' Tribunal.

It has been suggested that the wording be changed to a "senior judge of the Northern Territory or his nominee". However, on consideration, there is a possibility that, as happened last year, the senior judge could be unavailable. An amendment will be necessary, and I foreshadow this amendment, to remove the definition of "senior judge" from this particular ordinance. I foreshadow, Mr Speaker, that I will be seeking passage of this bill at this session. It is essential that this bill receive immediate assent so that the Police Arbitral Tribunal can meet and make a determination on some of the matters I have mentioned.

Debate adjourned.

ADJOURNMENT

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

There are several items which I would like to bring to the attention of the House. Yesterday, a question was asked concerning funds which were donated by waterside workers from around Australia to the local waterside workers. While I would be an unlikely person to represent the wishes of the waterside workers, I feel that it should be brought to the attention of the members of this House, and anybody else who is interested, that a large amount of money was donated by the Waterside Workers Federation to the waterside workers in Darwin. I certainly do not wish any ill-will towards the waterside workers with regard to the cyclone; they went through the cyclone the same as everybody else in Darwin. This money was donated to them and it would appear that someone has decided that the money is not going to be paid out or, if that is not the case, he is certainly dragging his heels in distributing the money among those people for whom it was intended. I won't continue any further on the matter. I think it is up to the people concerned in the Waterside Workers Federation in Darwin to get the money distributed amongst the local members in the same way as the money which was donated for the City of Darwin was distributed through the community.

This morning, I stated that the Minister for Transport had said that there was no intention of closing down the railway line between Darwin and Larrimah. This appears to be another rumour which has been circulated; I

don't know where it started. The members of the Miscellaneous Workers Union and Amalgamated Metal Workers Union who saw me yesterday said that they have heard from their federal body and various sources that the railway was going to close down. There seems to be a proliferation of rumours about what is happening in Darwin at the moment. It is my opinion that members of the Labor Party, unions, or whatever you like to call them, are trying to stir up some sort of action in areas where no action is taking place. The reaction of the people who work for the railways was understandable and I certainly do not deny them the right to come to this House and make representations. I make it quite clear that, if there was any intention to close the railway line between Darwin and Larrimah, I would support them and I am sure that I would have the support of the total Assembly in stopping any moves to take away the railway line between Darwin and Larrimah.

At other times certain aspects of the railway have been threatened indirectly. For instance, there was the closing down of the mines in Frances Creek last year, and the year before actions were taken by the previous Minister for Transport to increase the freight rates. This was the final straw which broke the back of Frances Creek which was already suffering difficulties in operating. They had a good chance of getting out of this problem but they were ground into the dirt by the previous Labor minister. I made representation to him to try to keep Frances Creek open and I know the Majority Leader also made representations. However, at that particular time, no representation from the railways came to our door and demanded a hearing. There were people who lost their jobs in Frances Creek. They were not railway men but they were workers and no doubt members of unions. Unfortunately, there are quite different attitudes and I would have much preferred to have had some support in those days. We may have even been able to keep the mine open because what the members of the railways did not realise was that, in closing the Frances Creek mine, one of the main reasons for keeping a railway line operating in the Northern Territory was lost. Members of the community who do not necessarily subscribe to my particular political point of view must decide whether or not they are prepared to get up at a particular time and support an industry which is their livelihood; I have no reservations in supporting Darwin people who are connected with the railway.

In the adjournment debate yesterday, the honourable member for Nightcliff raised a problem which exists at McKay Place in my electorate and of which I had no prior knowledge. It is unfortunate that such a situation exists and that people are subjected to this type of problem. I have spoken to the department concerned and there is no doubt that the problem exists. There is also no doubt that I will do everything that I can to improve the situation. I will admit that my actions will be limited; however, it is extremely annoying to me that the honourable member for Nightcliff, who made a complaint to the department concerned over a month ago, did not see fit to tell me of the problem. I sometimes wonder whether the intention of the honourable member for Nightcliff is to help the people concerned or try to embarrass somebody else. I am not embarrassed because you cannot be embarrassed if you do not know that the problem exists.

I am the spokesman for the Department of Construction and the honourable member did not see fit to advise me that this problem existed, whether in my electorate or anybody else's electorate. She preferred to wait until the Assembly sat and, hopefully, embarrass me. She did not embarrass me. In fact, she should be embarrassed for making people wait a month before getting on to somebody else who may be able to help with the problem. I do not know the names of the people concerned but maybe I should find out who they are and advise them who their member is. I would suggest that I would be as easy as anybody to contact; I make a point of coming to the office every day, which is something I could not say for the honourable member for Nightcliff. If these people want help from their member, they can call me at home or at the office. It is rather annoying that the honourable member for Nightcliff should cause delay in getting some assistance and wait till these sittings.

There were moves prior to the cyclone to extend the Millner Primary School. Things were held up due to the cyclone and we have no particular complaint about that. However, prior to the cyclone, I was involved in discussions with the Education Department and the Parents' Association for the Millner Primary School in trying to acquire extra land for the Millner School because the new buildings are encroaching on the playing area. The

buildings are now being completed and the same situation exists. I feel that the Government should make extra land available on the airport side of the Millner Primary School to extend the boundaries of the existing playing field. No doubt under the present conditions in Darwin, the Education Department will have to utilise the Millner School fully as it has with every other school that is available.

In view of the fact that the land bordering the school is vacant and is now government land, now is the time to give the extra land to the Education Department to increase the size of the playing areas. The land itself, which was originally owned by the Ah Toy family, was procured by the Government and I would like to see this land utilised. We have heard various arguments over the last few days about core-units and various odds and sods around the place being utilised. There was some suggestion from certain quarters that possibly that particular bit of land would be suitable for core-units. I was not aware of the implications at the time, but now, being more fully informed, I would say that I would oppose that move in the same way as I have opposed the move to place it in my colleague's electorate in Fannie Bay. That land is close to Darwin, it is well serviced by major roads, and I feel that the Government should now take steps through the Reconstruction Commission to make that land available in some form or another, for government housing, for the use for the Housing Commission, or maybe auction it and set it up as a private-type development. This would be the way I would like to see the land utilised, but I do not really care as long as that land, which is situated in a good position close to Darwin, is utilised.

They are the main problems that I have at the moment. Maybe we can think up some more within the next 24 hours. I would certainly like to see the Government take more action with regard to that land and make it available for people to rebuild.

Motion negatived.

SPECIAL ADJOURNMENT

Dr LETTS: I move that the Assembly at its rising adjourn until 11 o'clock tomorrow morning.

By way of explanation for this adjournment motion, Mr Speaker, I understand there is a ceremony tomorrow concerned with the anniversary of the bombing of Darwin to which you and members of this Assembly have been invited or may wish to participate. So we will be starting later tomorrow than the standing orders normally provide.

Motion agreed to.

ADJOURNMENT DEBATE

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

There is a telephone subscriber at Alice Springs, telephone number 523504. It is connected to the Iwupataka Community, otherwise the Jay Creek Reserve. It was connected to Jay Creek on 7 December 1974 at a cost, borne by the Department of Aboriginal Affairs, of $1,820. Since 1975, the telephone service has become quite irregular and in fact in the last 12 months or so there have been quite a number of lengthy disruptions to this service. The service was disrupted from 5 to 22 August, from 21 October to 12 November, and from 13 December until the present time. The Telecommunications Commission tell us that they are doing everything in their power to improve the reliability of the service. One thing about the reliability at the moment is that it is not working, and it is a pretty poor show when this amount of money is expended by a department to provide a telephone service to a community relatively close to Alice Springs and it just does not work. I wrote to the Telecommunications Commission myself on 21 January about this matter, and all they can do to date is acknowledge my correspondence.

Yesterday, we heard that there were some 60 teachers short or 60 did not turn up, and several schools in the area are closed. Perhaps when we look around we can see the reasons for this, especially when we hear that $100,000 or so required for the completion of some work at the Katherine South School to make that in working order has to be found by a saving in other areas of expenditure within the Education Department. I would like to relate where this department could have saved quite a few dollars over the last few months.

In my electorate there is a community called Maryvale. There is a transportable school there and it has been there for several years. There are some 40 children at this school, and there have been plans for some time to improve facilities for teaching staff and the like. Earlier last year somebody was told that if the station management at

Maryvale got on to the Department of Education and said, "We'd like the school moved from its present site from here on the low level to up there to that hill so that it will be out of the way of the river and a little bit further from the station homestead", the department might consider the application and provide the much-needed teacher housing. However, things have gone a little astray. The Department of Education decided that it would move the school; that was no trouble at all, in fact, it got an allocation of $15,000 for these transportable caravans to be moved from their present site up on to a little bald hill about 150 yards away. And so over the last 3 or 4 months, diligently, holes have been dug and drains have been dug and the river has flooded and washed a ton of cement away and they bogged the truck and they filled the holes and emptied the holes. I am told that $15,000 has been expended and the school is exactly where it was before; it has not been moved. In fact, while waiting for it to be moved the school teacher even forsook a couple of weeks of his leave, waiting so that he could be there when the buildings were moved and he could plant some trees around the place, put in the lawns and so forth, so that when the new school year commenced this year it would not be quite the bald little hill that it is at the moment. It is just a potholed bald hill at the moment because, as I say, the $15,000 has been expended and there is nothing achieved. And now there is an application for another $12,000 to complete the job.

There is $27,000 which could have gone a long way toward building decent accommodation at Maryvale for the teaching staff. It could have been spent to much greater value than the frittering away that has been going on in the last few months. There is an ablution block there and the teacher has to spend 3 or 4 hours a week working on it in his own time to keep the cisterns, the sinks, and the taps in working condition. It is in an absolutely shocking condition but, whilst money is allocated, nothing is ever really achieved. There are some 40 to 45 children there—all, bar one, Aboriginals, and their education is being grossly neglected because of the conditions at the school and the lack of morale among the teaching staff who are trying to do their job when they have these problems before them all the time.

We go on to another matter in relation to morale, and that is the saga of the police uniforms. I think it was in August last year that this matter was first raised. We were told that the uniforms were well on their way and would be here shortly. Then, on 15 October last year, in Hansard, we have a reply to a question by Mr Vale to Mr Kilgariff. Mr Kilgariff said: "Members will be pleased to hear that the latest advice on the uniform issue that has been quite controversial in the last few months is that it is now expected the first issue of uniforms will be available from the government clothing factory in mid-November". Here we are in mid-February and the situation is relatively unchanged.

In between time, we have seen quite a few clothing factories in the public sector close down because of lack of business and so forth, but the good old Commonwealth factory is plodding along. The trousers have been cut out. In fact one lot have been supplied. However, they transposed all the inside leg measurements for the waist measurements.

Laughter.

Mr POLLOCK: So when we ask the question about firm arrangements being made, particularly outside Darwin, for the alteration of uniforms and we are told that there is no reason to have arrangements made because they will be made to measure, we really wonder.

The situation is getting worse and worse day by day. There is more than one member of the police force who should be in uniform having to wear plain clothes and, I would imagine, receiving no plain clothes allowance; if he made such an application he would be promptly turned down.

Mr Everingham: We should shift the police headquarters to the free beach.

Laughter.

Mr POLLOCK: It is not really a laughing matter; it is becoming quite serious. I happened to be walking back at lunchtime today and I noticed one constable. He had his pockets sewn up in a dozen places, under his arm was split and his knee was half out. The Executive Member for Resource Development tells me that in Tennant Creek there are patches on other parts of their uniforms. The situation has gone far beyond a laughing matter and it is about time that a few heads were made to roll, because unless something is

done very promptly the aspects of Dad's Army won't even be in the race.

The community of Finke is some 142 rail miles south of Alice Springs and it is principally dependent on the railway. Everything seems to revolve around the railway. There is a post office, school, police station and airstrip in that area. There is also a large Aboriginal community, in excess of 100 people. If you want anything done at Finke, if you want some improvements to the telephone service or something done by some government facility there, the stock answer is, "We don't know what is going to happen to Finke when the railway closes down so we'll wait and see". Everything is in a state of limbo and nothing really is being done to secure the future of the community there.

With those thoughts in mind, I recently wrote to the Minister for the Northern Territory suggesting that he get together the government departments involved with the community at Finke and try to develop their thoughts on what the future of the community of Finke is to be so that it can move forward with some confidence and so that everybody there knows what is going to happen in a few years time when the railway closes. Once the Tarcoola-Alice Springs railway is completed in 1980, all the staff will be withdrawn and all the buildings and equipment will be either dismantled or sold. Nobody else down there seems to know what is going to happen. I do urge the Minister and the department involved to try to sort out just what lies ahead for that community.

Mr TUXWORTH: Yesterday, I made some remarks pertaining to the Alice Springs oil refinery. The brief history of the discovery of oil in Alice Springs is very simple. In 1965, oil exploration began in earnest. In 1968, one of the successful companies in the field, Magellan Petroleum, announced that it had established reserves of oil and natural gas at Mereenie and another find of gas at Palm Valley, and that they would be involved for some time in establishing the extent of the reserves before they went on with any major announcements of development. In 1969, Magellan Petroleum had established sufficient reserves to warrant the establishment of a large petroleum refinery in Alice Springs and they further established that, if the gas reserves continued to come to light at their present rate, they could foresee the establishment of a pipeline from Alice Springs to Borroloola to supply the Canadian and Japanese market for natural gas. In providing a pipeline from Alice Springs to Borroloola, they would be able to service the townships of Tennant Creek, Mount Isa and Borroloola and hook them on to a regular supply of good fuel.

In 1969, as a result of that statement by Magellan Petroleum, the Government began a very tardy investigation. This was opposed strongly by the vested interests of large petrol companies who had a market in central Australia and could see that market being diminished as a result of a refinery coming on stream. It was further complicated by the fact that Magellan Petroleum had not established the extent of their reserves. There was certain information to be correlated on the exact extent of the central Australian petroleum market and whether, in fact, a refinery in Alice Springs could supply such a market from the geographic point of view. There was in existence at the time a freight subsidy scheme which involved the Commonwealth Government, and the scheme was not likely to be remodelled in any way at all to suit the ends of Magellan Petroleum while the multinationals were doing very well out of it. On top of all of this, there was the compounding factor that, although we are controlled by the Federal Government and they had a national minerals policy, they did not have a state-type policy for the development of state-type finds such as the natural gas in central Australia.

In 1972 we saw the advent of the Labor government whose new policy was to say nothing and do nothing, and to a certain extent they adopted an open hostility towards the companies holding the reserves in central Australia as they envisaged this as being a part of their national pipe line and had designs to get it at no cost to the Government at all.

It was late in 1975, I believe in October, that Magellan Petroleum was forced to withdraw from Alice Springs in an active capacity as a result of poor communication with the Government and the fact that they could not get any assurances on forward sales. They had a liquidity problem and, worst of all, they had lost complete confidence in their future and the future of the centre.

Yesterday, the honourable member for Stuart raised the question whether we will ever have a refinery in central Australia and it is very clear in my mind that the short answer is yes. Hell or high water is not going to stop

the establishment of a refinery in central Australia, because the mere survival and continued development of the centre is going to depend entirely on a guaranteed supply of energy at a reasonable price. People and businesses in central Australia—and when I say businesses I mean manufacturers and primary producers as well as people involved in the tourist trade—are in an extremely invidious position. In the late 1960s we saw the establishment of a smelter in Tennant Creek. The economics of this smelter were based on forward planning and projection relating to the cost of supply of fuel at a time when we had not had a great many problems with either the cost or the supply of fuel to the area. Since that period, we have had a new government and we have seen increases in the cost of fuel. We have seen the removal of subsidies and we have seen other policies come to bear on private enterprise that were not formerly ever anticipated or conceived. This factor alone has now put business and investment on the defensive. Before anybody invests or constructs anything in central Australia from now on, irrespective of government policies, they are going to need a reliable guarantee from the Government that they will have a continued supply of an energy source at a reasonable price or their complete venture will become bankrupt.

We have seen, as a result of geographic problems and the wets since 1970, fuel supplies run out in both Alice and Tennant and both towns have been on blackout situations such as Darwin experienced today. There is no reasonable reason to anticipate that we can continue to build and invest in the centre on a subsidy for petrol alone. The subsidy will help the small man, and it will always be a great advantage to the small man, but big business cannot expect to invest $20m to $30m on projects when the rules of the subsidy game can change overnight and leave them in an untenable position.

There are 3 things that are absolutely certain in this life: we are all going to die, taxes are going to rise and fuel costs are going to soar. The reason for the fuel costs soaring is very simply going to be the fact that freight costs must go up as wages and other costs increase. The diminishing Australian reserves that have helped keep our fuel prices at the low level that they are now will continue to diminish at a greater rate, and the fact that the Arab interests have formed their cartel and are running a very nice business of setting their own price in their own time will ultimately have its effect on Australia and the centre. For people living in the centre who have problems in investment and being able to continue, the only answer is to get a local supply at a reasonable price and, further, that that supply be guaranteed.

The first representation I made to Mr Adermann, when he was appointed as Minister for the Northern Territory, was in relation to the establishment of an oil refinery in Alice Springs. The continuing growth and the rate of growth in both Alice Springs and the surrounding district, from the point of view of tourism, and the continuing growth we will have in the mining industry in Tennant Creek, is going to make imperative the supply of oil and gas or energy to the area. People in these areas have a greater demand on energy with air conditioning and heating in winter. We have greater distances to travel to achieve our ends, and our communications to the south are of much greater distance. Consequently our consumption will always be greater than the consumption of petrol in the south.

Magellan Petroleum and the Government have had preliminary talks on the development of the refinery in Alice Springs. Magellan Petroleum is reassessing its position in relation to its market and developmental costs. Since 1972, when the proposal was feasible, we have had a fourfold increase in the cost of crude at the wellhead on the international market, we have lost the freight subsidy for petroleum products, and we have had substantial increases in cartage of fuel on Commonwealth Railways of up to 40%. This will only augur well for the inception of the refinery in Alice Springs. However, Mr Speaker, it is not going to be a smooth road for the development and there are several complications, the largest one being at the moment that Magellan Petroleum had applied for production leases on the wellhead in Central Australia and these leases are also now subject to an Aboriginal land claim, and that matter must be resolved first. But I would like to give an assurance to this Assembly, and to the members from Alice Springs, that the establishment of a refinery is foremost in my mind, and I will continue to strive for its establishment.

STATEMENT

Alice Springs by-election

Mr SPEAKER: The honourable member for Port Darwin has asked me to initiate

action to confirm or deny allegations concerning the Alice Springs by-election. I have sought advice and am able to state briefly that I am not aware of anything that has occurred to the present time which would permit me to act in this manner. I have asked the Returning Officer for the Northern Territory for as much information as he is able to provide.

ADJOURNMENT DEBATE (resumed)

Mr BALLANTYNE: I rise this afternoon to speak on a problem that has concerned the whole of the Territory for a number of years and will continue to be of concern for years to come, and that is the problem of skilled teachers employed under the Commonwealth Teaching Service. Every year we have the same old things occurring throughout the major centres and some of the minor centres. Sometimes the minor centres are not too badly done by because they only have small numbers.

It was surprising for me yesterday to hear the Executive Member for Education and Law say that there were 10 schools that had been shut down because there were no teachers, and also that there are 7 schools that are very short of teachers. To hark back to a discussion I had prior to the commencement of school this year, I asked the Education Department how many teachers we would be having at Nhulunbuy this year. They said we would be adequately supplied. In fact we were adequately supplied. They must have thought they had over-supplied us because yesterday they rang up and said they were going to take 5 away. They ring up a school and say they are going to take 5 teachers away. This is in the primary section where you need special teachers to do the work. In some classes there you have a general teacher, a class teacher and you also have specialist teachers in drama, art and crafts. The department sees fit now to leave those people there who are established there, by way of their husbands' occupation and such, and they are going to send those people into classrooms although they are really not equipped as a teacher in the same sense to take over from another teacher who is qualified to teach a certain class level.

It seems to me that every year we are getting into continual chaos caused by the people who are organising the transfers and the curriculum throughout the Territory. We had a French teacher at the school and the children in the secondary stage have been learning French. They transferred that teacher away from Nhulunbuy last year and we now have another maths teacher who is a very capable man, band 2 level. He now has to learn French himself to teach those kids, otherwise all their past year's work will not mean a thing. I know it is very hard to get linguists; I think this is one of the biggest problems in the educational field but I cannot see why they transfer people within the Territory as they have done. Sometimes it is up to the teacher; he might want leave of absence to do a special course. This is another thing that I worry about the teachers: they cannot do extra courses themselves to bring their qualifications up to the requirements of the department.

I took it upon myself today to get an idea of the class sizes at Nhulunbuy to see whether I can verify an answer from the department. The class sizes do not appear to place a great strain on the teachers; I think the biggest class is 33 and the smallest is 15. However, with the pre-school infants coming on as the years roll by, the small classes will fill up. It is not only the numbers that concern me but the way they have to adjust the teachers to suit the classes. In some cases, a teacher will be leaving Nhulunbuy and they have to adjust classes for specialist teachers. That could mean that some of those classes could rise to over 40.

It seems to me that, no matter what sort of system we have, we always have this problem. If they can set up an advisory committee to gather the information throughout all the Territory, we may see some improvement. Perhaps we can get back to the new director but I have not even seen him; I don't think he has ever been out to Nhulunbuy since he has been in office.

That is the biggest problem that we have. Apart from the teaching angle, we have problems of accommodation. Sometimes the husband follows the type of work that takes him to a mining town and they have housing problems. Sometimes they are single and they cannot find accommodation in some areas because it is just not there. They have to live in a hostel in a 10 by 9 room. They expect those teachers to stay there for 2 and 3 years and they want to know why they want to leave after about 2 terms. It is not always compulsory for the Education Department to provide accommodation, but in certain areas they are bound to do that.

There are occasions when you have an intake of Aboriginal children in some areas. Last year, we had 8 Aborigines from Dhupuma College come into school. This year, there were 40. Children from Elcho Island, Milingimbi, and Yirrkala go to Dhupuma College for preparation for the high school. When they bring them to the high school, they do not have the remedial teachers there to help them. They have not got the staff; they have only 17 teachers on the senior staff for some 200 students.

If I was in the Education Department, I would bring some of the teachers from Yirrkala. The ratio out there would be about 1 to 10. Sometimes it is 1 to 0, because they do not turn up to school some days. That is something the Education Department can do. I know a lot of advisers in the Education Department have not been allowed to travel because of this freeze on spending money for travelling but there are telephone, telexes and telegrams. I know we live a fair distance away but they could still write or send a telex or telegram.

There is a lack of communications and a lack of understanding of the problems. I have spoken on 3 or 4 occasions in this adjournment debate on the same sort of thing. I am getting a bit sick of it quite frankly and I am sure you are probably getting sick of hearing it, but if it continues in the same vein, I will continue to stand up here and say my few words about it.

Mr TUNGUTALUM: There is a problem that is upsetting the members of the Rural Landowners Association at Humpty Doo. At present the Department of the Northern Territory is seeking guarantee bonds from landowners to connect mains electricity to the area. Although there are sufficient occupied lots in the area to justify the economic connection of the subdivision to mains power, the department requires the landowners to sign bonds by which they can require landowners to pay up to $400 per year for 5 years for mains power should the line not get adequate use. This bond requirement is apparently frightening the landowners who are not prepared to sign such an agreement. In the past, it has been found that the line has always had adequate usage and the bond was never levied, but this fact was not explained to the landowners. The association requests the Legislative Assembly to investigate this matter and attempt to either have this bond system finally abolished or the Department of Northern Territory requested to explain fully the circumstances relating to the system and its practical application. This was a letter from the secretary of the association of landowners. They hope that this matter will be taken into deepest consideration.

Mr VALE: This afternoon, I wanted to speak about matters related to roads in central Australia but, after our recent heavy rains, it would be much more appropriate to speak on matters pertaining to potholes and puddles. In central Australia and as far north as the honourable member for Barkly's area, there is no such thing as a hotmix unit although we believe Darwin might have a broken-down one which sometimes works. It is quite obvious that in the 10 years since 10 January 1966 that, with a heavy average rainfall in central Australia, the coldmix units being utilised by road construction companies in the townships and in the bush areas are no longer appropriate. It may well be argued that the initial cost of constructing roads by utilising coldmix is cheaper. However, if you add to that the high maintenance cost for the ensuing 10-year period and then compare it with the cost of utilising hotmix units in the first year, then the hotmix unit would be a lot cheaper over that 10-year period.

It is quite obvious that Alice Springs and areas south of Darwin have been treated in the past as the poor cousins of the Northern Territory. We not only require, we demand that the Government authorities reinvestigate the matter. It is quite obvious that the contracts in central Australia both from local government's point of view and those in the bush areas—the south road to the South Australian border and those envisaged to be sealed in the near future up through the foothills—must be renegotiated. It may well be that the entire length of the envisaged program cannot be laid in the immediate future but I am sure that centralian people would much prefer to have bitumen to drive on instead of pieces of bitumen or potholes to drive around.

The second point I would like to raise concerns road inspection gangs on that section of the Stuart Highway in my electorate, the Yuendumu Road, the Tanami Road through to the border, and the other roads across to the east. I suggest that these road gangs could be out in operation in daylight hours. They could be utilised for such things as immediate and urgent pothole repairs, edging repairs, emptying of rubbish bins, pick-up of litter, the

removal of wrecked cars and dead cattle carcases. They could also attend to signs which vandals from time to time twist the other way. This is a serious matter in the centre of Australia where they are sometimes completely reversed and point in a completely wrong direction, and they have also been shot at and damaged. I think it would only require one or two people per truck to carry out this work.

The last point I would like to raise concerns the misnomer applied to roads in central Australia. For example, the Sandover Highway, the Plenty River Highway and so on. They are nothing better than gravel or bush roads. I think the name "highway" is a misnomer which should be removed immediately from any maps published either by the Government or commercial enterprise because they are dangerous to interstate tourists who expect to hit these roads and find sealed surfaces to travel on.

Mr KENTISH: I was pleased to hear the member for Tiwi bringing up the subject about electricity in the Humpty Doo area. The requirements of wanting guarantees from potential consumers appeared to have been dropped for several years, but now it seems to have reared its ugly head again in this area. It is the most unbusinesslike proposition that one could imagine. The great main electricity line was put through to Mount Bundy in years past. Every one knows about that, everyone knows the purpose of this great electricity extension to Mount Bundy, and I would think that everyone knows that it is now absolutely useless; the line is there but there is no customer at the other end, or very little requirement the other end. You would think that anyone with business sense would hurry to make this million dollar electricity project more profitable. The way to do it would be to as quickly as possible get more consumers onto the line from people who are situated along the route of this line. The way to make it profitable is abviously to hook up as many as possible as quickly as possible and get some return back on this million dollar line, or whatever it cost—it cost quite a pretty penny to go out 70 miles to Mt Bundy from Mary River.

I am pleased to hear the member for Tiwi bringing this up today and I hope that something sensible and economic will be done about this, that the people will not be held to ransom and discouraged from being connected to this line because the department is afraid of a little extra cost that it may not recover quickly enough.

Motion agreed to; the Assembly adjourned.

Thursday 19 February 1976

PRIVILEGE

Matter published in "NT News"

Dr LETTS: Mr Speaker, I rise under standing order 72 to speak upon a matter of privilege. My colleagues and I are very conscious of the need to safeguard the reputation and dignity of the parliamentary institution and to protect it from suspicion, ridicule and public contempt. Yesterday, the honourable member for Port Darwin brought to your attention, and consequently to public attention, allegations made against the honourable member for Alice Springs by an ALP scrutineer in the recent by-election. He referred to an article printed on the front page of the Northern Territory News of Tuesday February 17 which said:

> The Chief Australian Electoral Officer will examine a statutory declaration which claims that Mr Eric Manuell, MLA, handled a ballot box on the day of the Alice Springs by-election. The declaration is signed by a Labor Party scrutineer who manned a polling booth in Alice Springs on 7 February. The scrutineer also claimed that Mr Manuell was inside a polling booth when he should not have been there. The Northern Territory Electoral Returning Officer, Mr Arthur Hangan, said the signed declaration had been handed to the Alice Springs' office last Thursday and he received it in the Darwin mail yesterday.

This information is apparently in the hands of the Northern Territory Electoral Officer who is charged with the responsibility of investigating it, this officer is experienced in such matters and he can call on any additional aid required. Presumably, Mr Speaker, your report to the Assembly will follow the outcome of these investigations. With all that, I have no question or quarrel. However, the honourable member for Port Darwin went further. He used the phrase in his question "and other allegations which are being made concerning this by-election". This point was picked up again by the Northern Territory News yesterday, both in a front page article and the editorial on page 2 which said: "A member of the Legislative Assembly is considering raising further allegations of a more serious nature." An unnamed member. The Northern Territory News is printed and published by Brian Young of 3 Vaughton Place, Rapid Creek, Darwin, for NT News Services Ltd of 28 Mitchell Street, Darwin.

The Electoral Office having commenced an investigation, it is important, indeed essential, that it should have all the relevant information at this time. Otherwise, even when those matters relating to the polling booth have been resolved, other insinuations may be allowed to live on, unanswered and not even brought to examination, to the detriment of the honourable member and this legislature. I suggest that the honourable member for Port Darwin should clarify his position in this matter, especially as he is a member of our Privileges Committee. I also request you to refer the newspaper editorial of Wednesday 18 February to the Privileges Committee with special attention to the inference that a member of this House has other information about malpractices, with the aim of seeing whether this can be substantiated or, alternatively, dismissed, and to ensure that there is no question of an attempt on anyone's part to mischievously bring the Assembly into public contempt.

Mr WITHNALL: In raising the matter yesterday, I was raising it to do a service to this Assembly and I think that bringing the matter into the light of day has done such a service to this Assembly and, indeed, a service to the honourable member concerned. I too read yesterday's newspaper and I read the statement that a member of the House was considering raising further allegations. May I assure the honourable member that it is not a reference to myself. I have at no time proposed to raise further allegations and I do not at the moment propose to raise further allegations. But, in order that all allegations which might have been made anywhere, whether in the press or otherwise, should be cleared up, that phrase was used in the question I raised yesterday. I have no intention of raising any allegations. Honourable members will know that it is most important that allegations which are unfounded should not be made public and I do not intend to make any allegation public. My question was only directed to those allegations which were already published. I thought any investigation raised should cover the whole field and not just the narrow field of the particular allegation in the press.

Mrs LAWRIE: Mr Speaker, I wish to say that, as I am the only other member of the Assembly not in the majority party, I must assure you that the incident could not refer to myself.

Mr SPEAKER: I will consider the matter and report to the Assembly later.

POLICE AND POLICE OFFENCES BILL

(Serial 96)

Request for Urgency

Dr LETTS: Mr Speaker, I have a request to make to you under Standing Order 152 in relation to the Order of the Day, Government Business, No. 1 on the notice paper—the Police and Police Offences Bill 1976 (Serial 96). This bill was presented yesterday by the honourable Executive Member for Education and Law. She did give an indication when she presented the bill that there was a great deal of urgency about this particular legislation. She pointed out that the Arbitral Tribunal has not been able to hear and determine matters in relation to the Northern Territory Police Force for some 6 months despite efforts to bring matters before that tribunal.

It is my view that hardship has been caused and will continue to be caused to some people until the situation is changed. I have discussed this with other honourable members of this Assembly and I do not believe there would be any objection from them to this proposal. I therefore seek that the bill be declared urgent under section 152.

Mr SPEAKER: I am satisfied that the delay of one month provided by Standing Order 151 would result in hardship being caused and therefore I am satisfied that the bill should be declared an urgent one.

POLICE AND POLICE OFFENCES BILL

(Serial 96)

Mr POLLOCK: I would just like to speak briefly in support of this bill which in many ways is just a machinery matter. At the same time, I stress its urgency. I am advised that there are some 8 matters requiring determination by the Police Arbitral Tribunal and I am sure that, if it were known that the tribunal could sit, there would be other matters coming forward. It is rather frustrating and quite wrong in many respects that members of the police force are not able to go to their tribunal because of the unavailability of certain members. At the moment, the Chief Judge is unavailable; he is the chairman of the tribunal.

This does tend to create a situation where the bureaucracy takes advantage of its employees. I know from experience that this does happen in the police force. The upper echelons seize any opportunity to read certain sections of the determination in their own way, knowing full well that the members of the force affected are unable to quickly go to the tribunal to have the matter resolved in a manner which would not favour the bureaucracy. There are alterations to determinations in relation to wages, meal allowance, travel time and, more importantly in the Darwin situation at the moment, in relation to housing. There are many problems associated with housing in Darwin and in other areas of the Northern Territory. Members of the police force under the determination are to be provided with free houses but somebody in the system seems to take great delight in interpreting "free" in other ways than its normal sense. "Free" means at no cost. When people start to say that they will provide free housing up to $60 but anything above that has to be paid, then the housing is no longer free.

There are many problems for the police in this area. In many cases, junior members of the police force are unable to forcefully put their views because they fear that their immediate careers may be threatened. They are all on probation for the first 12 months or so. Problems do creep in and the situation could be quickly resolved if the tribunal could meet as soon as possible. I am sure that, as soon as this amendment is assented to, the tribunal will have quite a lengthy hearing to clear up these matters.

Mrs LAWRIE: I would like to support the bill and its urgency. The sponsor of the bill had the courtesy to advise me in advance of the type of legislation she was going to propose. Whilst I generally oppose urgency for legislation, this is such a clear cut and simple matter, and one which the community could only support, that I find no difficulty at all in accepting need for its passage at this sittings. Most particularly, I believe that a happy, well-run, well-equipped police force is one of the greatest protections to society that we can have in a democratic situation. Some honourable members will be aware that I am violently opposed to private security guards. I have always pressed for a better equipped and expanded police force to meet any needs as far as safeguarding the community, advising or whatever role they may be called upon to play. Dissatisfaction does not lead to a stable police force and that in turn does not lead to community trust in the police force. I deplore such a situation and I think speedy Arbitral Tribunal hearings will do much to right

this. I have pleasure in supporting the bill and its urgency.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1, 2 and 3 agreed to.

New Clause 4:

Miss ANDREW: I move that section 125 of the principal ordinance be amended by omitting the definition of "the senior judge".

This means that any judge will now be able to convene the tribunal.

New clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

MOTION

Select Committee on Landlord and Tenant (Control of Rents) Ordinance

Mr PERRON (by leave): I move that a select committee comprising Mr Everingham, Mr Robertson, Mr Dondas, Mr Withnall and Mr Perron be appointed to inquire into the Landlord and Tenant (Control of Rents) Ordinance and, without affecting the generality of the foregoing, with particular reference to—

(a) its administration;

(b) its effect on the supply of domestic rental accommodation;

(c) whether any principles included in legislation elsewhere might be adopted in addition to or in substitution therefor;

(d) the desirability of altering or amending any part thereof;

that the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place; that the committee report to the Assembly on the first sitting day after 1 May 1976.

The purpose in moving to establish a select committee to inquire into all aspects of the Landlord and Tenants Ordinance is to bring light on to some of the shortcomings in existing legislation. The ordinance was originally assented to on 14 December 1949 and has had fairly minor amendments 11 times up until 1974. At present, the Rent Controller must determine what he considers to be a fair rent, having regard to provisions under section 20 of the ordinance, for all flats, houses, offices and warehouses which are rented or leased in the Northern Territory. He may also set rents for caravans and caravan sites. As is usual, our rent control legislation contains a provision for the security of tenure by occupants. It is intended that the select committee also review these provisions and recommend up-dating them. I cannot find where the tenancy provisions in the ordinance have been amended since 1954 and I suggest that they are very much out of date with society as we know it today.

Since my appointment as an Executive Member of this Assembly, I have received considerable lobbying from individuals and organisations wanting the Rent Control Ordinance replaced or reviewed. I have received allegations of standover tactics by landlords wanting tenants to leave and of tenants wrecking flats and disappearing with furniture. On the one hand, I am advised that landlords are ripping off the public and there is a black market in rents and, on the other hand, I have evidence of plans for large scale flat development being shelved, directly as a result of the returns allowed under this ordinance. I am concerned that figures released by the Darwin Reconstruction Commission recently show that, as at 22 December 1975, there were no new flats under construction in Darwin. With many blocks in Darwin cleared as a result of Cyclone Tracy and rezoned for medium and high density housing by the DRC, it appears that no one has exercised an option in this field. I do not know if rent control has anything to do with it, but I hope the committee finds out if there is any connection.

The prime purpose of rent control is to make it possible for tenants to find decent accommodation at reasonable rents. We must be sure that any legislation intended to achieve this aim does not conceal the symptoms of the housing shortage and aggravate the situation.

Debate adjourned.

TRAFFIC BILL

(Serial 94)

Bill presented, by leave, and read a first time.

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

This bill seeks to amend the Traffic Ordinance by adding new provisions and amending some existing ones. In clause 4, section 5 of the principal ordinance is amended by

adding 3 definitions–namely, Children's Crossing, Pedestrian Crossing and Stop Line. Of the 3, the first 2 are currently written into the principal ordinance as sections 35M and 35N. The definition for Stop Line is new. The omission of the definitions from sections 35M and 35N is executed in later clauses 9 and 10 of this bill. I will defer my comments on these definitions until I discuss those clauses as it will be seen that they are completely interrelated.

Clauses 5 and 6 are concerned with the continual problems of the breathaliser. The amendments flow from difficulties experienced in the courts in cases where the breathaliser provisions were used. Clause 5 as it presently stands requires the officer who causes the driver to blow into the bag to also administer the breath test. This is made necessary by the words "the police officer". Whilst this may be the case sometimes, it is not usual. Normally patrols will carry out the original screening and breath tests will be administered by the usual operator. The words have been changed to "a police officer" so that the testing of a suspect person may be carried out by an officer other than the one who originally detained him.

Clause 5 relates to the circumstances when a suspect refuses to take the breath analysis test. The ordinance requires a certificate that the testing machine was in proper working condition at the time of the breath test. As expressed, however, that provision only relates to a person who takes a test. If the person refuses to take a test, there is no provision for a certificate as to the adequacy of the machine and the prosecution could fail on those grounds. This amendment provides that a certificate may be issued if a person refuses to take a breath test certifying that the machine was available and in working order.

Clause 7 seeks to amend the provisions of section 35C by adding to the section a requirement for a motorist to remain within a particular lane if the lanes are divided by a single continuous line. He may not cross that line except for extenuating circumstances. Basically this provision is currently contained in section 35D under the general provision for unbroken lines on the carriage way. However, it is intended to amend section 35D in clause 8 of this bill. Consequently, it is desirable that clauses 7 and 8 be discussed simultaneously.

Two types of traffiic control devices commonly used in the Northern Territory are the double longitudinal unbroken line and the single unbroken line accompanied by a broken line. Legislation elsewhere in Australia makes special provision for this arrangement but current Northern Territory legislation makes no mention except indirectly in section 35D which expressly forbids a driver to cross a single continuous line except where that line is accompanied by an unbroken line to its left. It does not say that a driver cannot drive to the right of the line if this is done without first crossing it. It is desired to retain the single line concept by replacing it in section 35C, as this is a normal device for the marking of multi-lane carriage ways in the vicinity of intersections. Coupled with the obligation imposed by pavement arrows, these lines assist in controlling the directional flow of traffic at intersections or anywhere else where lane changing could be a hazard. Hence, clause 7 retains the single continuous line concept and clause 8 adds the double line concept in accordance with similar legislation and requirements elsewhere in Australia.

Clause 9 removes the definition of "pedestrian crossing" from section 35M and, for the sake of consistency, replaces it in section 5 among the other definitions under the ordinance. This was done by clause 4 mentioned previously.

Clause 10 repeals section 35N. The definition "children's crossing" is replaced in the definition under section 5 by clause 4. Clause 10 goes on to restate a driver's responsibility at a children's crossing. An anomaly of existing legislation is that it currently requires a children's crossing to be first of all a pedestrian crossing. That is, a permanent pedestrian crossing must be installed before it can be used as a children's crossing. Additionally, there is some confusing terminology used in relation to the children's crossing which could lead to the belief that they may only be used at school. The legislation uses the term "school crossing" and then goes on to define signs using the words "children's crossing". There is no reason why children's crossings cannot be separate and distinct from pedestrian crossings and the amending legislation seeks to affect this by definition. The duties of the motorist at a children's crossing remain basically the same in so far as he must stop his vehicle before reaching the crossing if a pedestrian is upon it and not proceed until the crossing is clear. This condition also applies when the word "stop" is displayed to

face the oncoming motorist. It is worthy of note that a children's crossing may not have that status at all times during the day; for example, it may only be necessary to operate the crossing during times of peak pedestrian traffic. This can be achieved by the use of removable children's crossing banners similar to those used in other states. While the banner is in place, by definition, the crossing is in operation; when the banner is removed, the crossing ceases to operate and the motorist is under no obligation. Existing legislation places him under an obligation at all times and this is seen as unnecessary; for example, at weekends and school holidays.

There is also provision under clause 10 for a stop line in conjunction with a children's crossing. The stop line is entered as a definition in section 5 by clause 4 of this bill.

Clause 11: stop lines as defined are also used in conjunction with stop signs. Section 35B of the principal ordinance deals with these signs and refers in places to a road marking comprising a line. With the inclusion of a definition for stop line, reference to anything else but stop line is unnecessary and, indeed, undesirable. Hence the suggested amendments.

There is one addition proposed to section 35P(1) and that is to make allowance for the situation where there is no stop line marked on the carriage way. Paragraph (1)(a) of clause 12 is an amendment necessary because of the inclusion of the stop line definition. Paragraph (1)(b) adds to the table in section 35R of the principal ordinance which describes the various traffic light combinations and the provisions applicable to each. When traffic lights become faulty, there is a provision whereby the amber light flashes continuously giving the motorist an indication that there is a fault. Currently, there is no description of this sequence in the ordinance and these paragraphs seek to remedy this lack. Paragraph (1)(c) is necessary because of the stop line definition.

Section 35R(6) of the principal ordinance refers to "Walk" and "Don't walk" signs at traffic control signals but places restrictions on the motorist and not on the pedestrian. It is reasonable and logical to extend to pedestrians a requirement to obey traffic signals. The amendment proposed by paragraph (1)(d) of clause 12 places this requirement on pedestrians.

Clause 13: clearways have been established for sometime now in Darwin on the Stuart Highway and on Bagot Road by invoking the use of the no-standing provisions of the ordinance to make them legal. It is considered that the establishment of clearways should be by specific legislation, as is provided for in the National Road Traffic Code. The amendment sought relates to the introduction of clearways and the associated clearways signs. Provision is therefore made for definitions of clearway, clearway sign, and end clearway sign. The clause goes on to cite a person's responsibility in relation to clearways and the movement of his vehicle. Buses are expressly excluded from the requirements when engaged in picking up or setting down passengers. The exclusion is also extended to tow trucks when engaged in a towing operation.

Clause 14: the principal ordinance currently contains no provision for the compulsory use of a pedestrian crossing. The National Road Traffic Code provides that a pedestrian must use such a crossing if he is within 20 metres of it. Pedestrians crossing streets in numbers in the near vicinity of marked crossings degrade the level of safety intended to be provided by that crossing and they require motorists to avoid a larger number of hazards than ought to exist. Clause 14 adds this requirement as well as a number of other aspects of required pedestrian behaviour. These include behaviour when boarding or alighting from vehicles and behaviour on crossings and other portions of the carriage way.

Clause 15: with the advent of metric conversion, a need to convert the amphometer or speed measuring device arose. The principal ordinance was originally amended by simply effecting a direct conversion from imperial measurement to metric measurement of the distance the two tubes of the amphometer should be set apart so that the machine registers the correct reading. This stated distance was satisfactory and correct while the amphometer continued to read in miles per hour. Now that the machines have been converted to read in kilometres per hour, the set distance has altered to 25 metres with a plus or minus tolerance of 75 mm. The first part of the amendment reflects this change. The other parts of the amendment relate to the certification as to the accuracy of the measuring tapes used by the police in measuring the 25 metres distance. At present the ordinance requires the tapes to be certified to national

standards. This is not possible to achieve in the Northern Territory as there is no national standard laboratory. Consequently, all tapes have to be sent periodically to Melbourne for certification at the laboratory there. This usually takes some weeks. The Surveyor-General for the Northern Territory is able to certify these tapes correct within certain acceptable tolerances. Whilst this certification is not to national standards; that is, they are not carried out under the nationally required conditions of temperature etc, the tapes can nevertheless be certified to just as high a degree of accuracy. Hence, it is proposed that the legislation be amended as suggested to allow for this certification to be carried out locally and, additionally, for the certificate as issued to be admissible as evidence in a court of law.

I would just like to mention that it is rather unfortunate that we will have to wait until the next sittings of the Assembly before the legislation affecting the amphometer can be passed. I had intended originally to introduce it as a separate bill in the hope that we could have put it through at these sittings. I did give notice at the last sittings before Christmas that this was my intention. However, with other amendments to the Traffic Bill, it was decided we would include them in the one bill, and therefore the amphometer will not be in use until after the next sittings of the Assembly. I commend the bill.

Debate adjourned.

PRIVILEGE

Matter published in "Northern Territory News"

Mr SPEAKER: Earlier today the Majority Leader raised a matter of privilege, and asked that I refer it to the Committee of Privileges. After consideration, I acceded to his request, and so referred the matter. In order that the Standing Orders may be fully complied with, I call upon the Majority Leader to produce the publications complained of.

Mr LETTS: Mr Speaker, I lay on the table the editions of the Northern Territory News dated Tuesday, 17 February 1976 and Wednesday, 18 February 1976.

VENEREAL DISEASES BILL

(Serial 89)

Bill presented, by leave, and read a first time.

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

This is a very simple bill. It provides a requirement for pathological laboratories to notify the Chief Medical Officer of any positive tests for venereal disease which they conduct. The ordinance already places an obligation on medical practitioners to notify cases of venereal diseases which come to their attention. There is evidence, however, that many medical practitioners, quite regrettably, are reluctant to notify public health authorities of such cases, despite the legal obligation to do so. A survey in Queensland, for example, indicated that only some 20 per cent of cases were notified to the authorities. The incidence of non-reported cases in the Territory is probably much lower than other parts of Australia because of the relatively high proportion of cases treated at government health facilities. However, any failure to notify cases makes it difficult to employ effective control measures or even to gauge the true incidence of these diseases. This problem was discussed at the 1974 Australian Health Ministers Conference and agreement was reached that there should be compulsory notification by laboratories of confirmed cases in addition to the conventional requirements for notification by the treating doctor. All Australian health authorities are concerned at the rising incidence of venereal disease in their respective areas and this measure, it was felt, would assist the various authorities in combating the problem.

The immediate effect within the Territory, should this bill be accepted, would not be great as there are no private pathological laboratories here, the only one established was blown away by the cyclone. However, it must be anticipated that private laboratory facilities will again become available within the reasonably near future. In any event, a legal requirement for government laboratories to notify cases of venereal disease would remove any possibility of conflict between the laboratories and private doctors on ethical grounds.

Venereal diseases are a major public health problem in the Northern Territory as elsewhere and I believe that this Assembly should take whatever steps it can to assist the health authorities in combating the spread of these diseases. I commend the bill.

Debate adjourned.

RADIOGRAPHERS BILL
(Serial 97)

Bill presented, by leave, and read a first time.

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

We are all aware of the immense value of X-rays in the diagnosis of various human ailments and in treating certain diseases. As with many other modern medical aids, however, indiscriminate or excessive use of X-rays can be dangerous. X-rays can react on the body in two ways. There is firstly a destructive aspect: any exposure to an X-ray will cause the destruction of a certain number of the body cells. The amount of destruction caused by X-rays used in diagnostic procedures is very small and has no observable effect as long as established procedures are followed. In other circumstances, the destructive effect of the rays can be used to advantage as in the treatment of some forms of cancer. There is, however, a need to guard against excessive exposure to X-rays, particularly in the case of the reproductive organs which are particularly sensitive to the radiation. The second potentially harmful effect of X-rays is in the ability to stimulate cell growth in certain body tissues. This can lead to cancers, particularly of the skin and the bone marrow—leukaemia.

I believe it is evident that we need to impose controls over the use of X-rays of human beings and that is the purpose of this bill. The system of control set out in the bill is the establishment of a radiographers registration board to assess the qualifications of persons wishing to use radiographic equipment for diagnostic and therapeutic purposes. Fully qualified radiographers would be registered and thus entitled to practise their profession. Persons without the prescribed qualifications for registration could apply to the board for a permit to practise. It would be at the board's discretion whether or not to grant such a permit and, if granted, the particular radiographic procedures that the permit holder could carry out and the conditions under which he may carry them out. The use of radiographic procedures for diagnostic or therapeutic purposes by anyone other than a registered radiographer or a permit holder will, with 2 exceptions which I will detail later, be prohibited.

Referring now to the particular provisions of the bill, I draw honourable members' attention to the definition of radiographic procedure in clause 3, the interpretation clause. This definition has the effect of extending the provisions of the bill to all forms of ionising and ultrasonic radiation used for the purpose of examining or treating human beings. X-rays are by far the most commonly used forms of radiation used in medicine. However, there are other types. For example, ultrasonic radiations are used for taking pictures of soft body tissues which cannot be examined by X-rays and are also used for the treatment of certain conditions. The use of ultra-sound procedures is still in its infancy and, although at this stage there are no known complications, it is felt desirable to impose sensible restrictions on such use.

Clause 4 of the bill provides for the establishment of a radiographers registration board consisting of 5 members: the Director of Health as the chairman, the senior specialist in radiography, 2 registered radiographers and 1 other member nominated by the chairman. It had been intended to specify that the fifth member be a physicist; however, there could be some difficulty in complying with such a requirement. No particular qualification has therefore been prescribed, allowing the appointment of any person with relevant skills or experience. All members other than the chairman would be appointed by the Administrator in Council.

Clause 11 provides the establishment of a registrar of radiographers whilst clause 12 describes the qualification for registration. In effect, a person would be qualified for registration if he has successfully completed a course of training approved by the board, has been awarded a certificate in competence by the conjoint board of the College of Radiologists of Australia and Australasian Institute of Radiography, or holds equivalent overseas qualifications. It is to be noted that a radiographist course in Australia covers 3 years, incorporating study at a college of advanced education and practical experience at an approved hospital.

Clause 13 provides for the issue of annual practising certificates. This provision is allied to clause 17 which makes it an offence for a registered person to practise without a current certificate. The attempt here is to enable the board to be kept informed of persons practising in the Territory.

Clause 14 provides the board with disciplinary powers similar to those provided to other professional registration boards whilst

clause 15 allows the board to restore cancelled registrations under certain circumstances. The right to appeal to a court against decisions of the board is provided in clause 16.

Clauses 17, 18 and 19 have the effect of limiting the carrying out of radiographic procedures to persons who are either registered radiographers with current practising certificates, trainee radiographers working under direction of a registered person, qualified physiotherapists using ultrasonic radiation under direction of a medical practitioner or persons granted a permit by the board.

The criteria for issue of permits have not been specified but left to the discretion of the board. It is envisaged that in exercising this discretion the board would take into consideration not only the qualifications and experiences of the applicant but also the type of equipment to be used, the availability of alternative facilities and the purpose for which the equipment is to be used.

Honourable members may query why the bill is restricted to the use of radiation for medical purposes and why it does not cover other uses of radiation as well. The need for legislation in these other areas has not been overlooked and in fact work is proceeding in its preparation. The great majority of people however have their only significant exposures to sources of radiation during the course of medical treatment and the bill now before us has been given priority because of this fact. I believe that the control measures incorporated in the bill are necessary and in fact long overdue. All the Australian states have had legislation controlling the use of radiographic equipment for some time and the people of the Territory should not be denied at least the same level of protection. I commend the bill.

Debate adjourned.

ADJOURNMENT DEBATE

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

This morning the honourable member for Port Darwin asked a question relating to the annual report of the Darwin Reconstruction Commission. I am now in the position to advise him further in that regard. The Darwin Reconstruction Commission has produced a report for the financial year ending 30 June 1975 in compliance with section 58. The report has not been tabled in the Federal Parliament by the Minister for the Northern Territory because of the dissolving of Federal Parliament in November 1975 and the election of a new Parliament. The Minister for the Northern Territory is expected to table the report during the current sittings, at which time copies will be made public and supplied to members of this Assembly.

Mrs LAWRIE: I rise to mention the subject which was first brought up by means of a question, I think to the Executive Member for Transport and Secondary Industries, and which received some attention from him in the adjournment debate last night. This was the distribution of approximately $100,000 donated by waterside workers throughout Australia. I read carefully his remarks in the unrevised copy of Hansard and it appears that his remarks last night left more questions unanswered than they attempted to answer. The honourable member said: "I certainly do not wish any illwill towards the waterside workers with regard to the cyclone; they went through the cyclone the same as everyone else in Darwin. This money was donated to them and it would appear that someone has decided that the money is not going to be paid out or, if that is not the case, he is certainly dragging his heels in distributing the money amongst the people for whom it was intended. I won't continue any further in the matter. I think it is up to the people concerned and the Waterside Workers Federation in Darwin to get the money distributed amongst its local members the same as the money which was donated to the City of Darwin was distributed through the community".

He leaves unanswered the position regarding the money. As it has been raised in this Assembly, I think the matter has become of public concern. It is no longer relegated to the concern of the waterside workers themselves. Consequently, being of like mind to the honourable member for Transport and Secondary Industries, I don't like rumours being spread because they have an unfortunate habit of growing. It is nice to have the facts presented. To the best of my knowledge, these are the facts. This statement comes from the waterside workers themselves. The money was donated and it was decided by the Waterside Workers Federation that it should be distributed to the waterside workers in Darwin on the basis of loss. The local branch realised that that would take quite some time to determine and asked instead that it should

be an equal split. The original sum of money was in the vicinity of $93,000. That has been placed in a trust account and a copy of the bank statement has been sent to the local branch monthly giving details also of the interest that that money is earning.

They suggested an equal split of the money donated amongst the registered members of the local branch but the federal office advised that it was collected on the basis of compensation for loss and would therefore be distributed in that manner. If that was the directive given, the local branch has little else to do but comply. They realised that they would have to wait until the Repatriation and Compensation payments were made. Until that happened, they would not know really what the loss incurred by each individual waterside worker was. Because it has been dragging on and they are equally concerned, the executive officer in the local branch has told all members that their applications must be in by the 5 March this year.

I must advise members that following that cut-off date, unless there are too many outstanding applications, the loss incurred by each watersider will be determined and the money will then be distributed by the Sydney accountant who has been handling this trust fund. The money has now grown to over the original $93,000. It is all accounted for; it is still held in trust and will be distributed in the near future. When questions are asked and statements made, it is wise to check with the union and get a definitive statement because it certainly does nothing to assist union harmony when their matters are being spoken about and they have not had the opportunity of putting their side of the case.

Mr DONDAS: It is my intention during this adjournment to let off a little steam regarding the indifference which the hierarchy of the Department of Northern Territory has shown to our citizens. Firstly, I asked the Executive Member for Social Affairs a question this morning concerning a fence around Fannie Bay Gaol. It is about the third or fourth time that I have asked this question. I refer to the Hansard of Wednesday 13 August; I won't read the whole text but only a small amount: "My concern is about the number of complaints that I have received from prison officers living in my electorate with regard to what is going on in Fannie Bay Gaol. This morning I asked the executive member for Social Affairs when the Fannie Bay Gaol would have a fence around it. His reply was that in many respects he would hope never. There are no arrangements to erect a fence around Fannie Bay Gaol at the moment and the situation of the prisoners has been one of considerable concern".

During that particular week, I sent a telegram to the then First Assistant Secretary, Mr Frank Dwyer, and the reply that I received was:

> Reference your telex about Fannie Bay Gaol and information you have regarding dismantling. The position is that no decision has been made regarding the immediate closing down of Fannie Bay. In fact, I had discussions last week with government officials and the Prison Officers Association regarding short term measures to improve the security at Fannie Bay pending the final report on the new jail. In examining this matter, we were very conscious of the inconvenience to remand prisoners as well as the necessity to have some security section for Darwin prisoners.

This morning I asked a question again of the Executive Member for Social Affairs about what was happening with regard to the fence around Fannie Bay Gaol and his answer was to the effect that installation was presently being effected. It has not been constructed. Six months ago Mr Dwyer said nothing had been done about it. Why has it taken so long? Surely the Department of Northern Territory can move faster or don't they know how to?

Secondly, I refer you to a press release issued by me on 27 January and also a telegram to Mr Dwyer. I have the cutting of the newspaper and it says that I was complaining that there was nothing being done about the Casuarina Fire Station. It was disgraceful that there was equipment lying around being damaged by water and that officers of the station were sleeping in the lecture room. I received a letter from the Department of Northern Territory and it was signed by Mr Dwyer again:

> Thank you for your recent telex regarding the general state of the Casuarina Fire Station. This matter has again been raised with the officers of the Department of Construction and the Darwin Reconstruction Commission. Re-instatement and upgrading of the Casuarina Fire Station was listed in this year's Darwin Reconstruction Commission program and the work has been authorised. However, in the light of the economic restrictions currently in force, it is difficult to state exactly when work will commence. Every endeavour has been made by this department to accelerate the project. With regard to the value of equipment, you are advised that steps have been taken to protect and remove units which could suffer as a result of damage to the building.

Consequent to that letter, there was a press release issued by the Executive Member for Transport and Secondary Industries, Mr Ryan. He stated on 30 January 1976 that he

had been informed by the Darwin Reconstruction Commission that waterproofing repairs to the Casuarina Fire Station would be undertaken within a few weeks. The complete rehabilitation of the fire station, which has been estimated at $80,000, is not expected to be carried out until the next financial year and is subject to government approval. Mr Ryan went on to say that, under the present financial situation, priorities had been reviewed with the result that certain repairs must take second place to the construction of accommodation. We are almost into the end of February, and still nothing has been done with regard to the Casuarina Fire Station. Do we have to wait another 6 months, like the Fannie Bay Gaol episode, before anything is done out there? Why can't they get off their backsides and do something for a change.

Thirdly, I would like to bring to your attention a letter received by a constituent of mine. I will not read his name: I do not think he would like it advertised. It concerns finance in the surge area. The letter is dated 17 October 1975 and is from Mr A. D. Jones, the General Manager of the Darwin Reconstruction Commission. The contents of this letter are very similar to other letters that people have received, people who have been waiting for decisions by the various departments, the Darwin Reconstruction Commission and the Department of the Northern Territory. This letter is dated 17 October 1975. It is now 19 February, some 4 months later, and they still do not know what is going on. The letter reads:

> I have your letter of 13 October explaining the fact that you have the building approval and have made arrangements for the rebuilding of a new home on the land in Rapid Creek Road. I have to explain that the commission's policy does not restrict any rebuilding either in the primary surge line or secondary surge line. It is within this policy that your building was approved by the Building Board. On the other hand, the question of loans is a matter for the Department of Northern Australia and the present policy is that loans will not be provided in areas in the primary surge line. It appears that your block is in a marginal area, being cut by the primary surge contour line. The Department of Northern Australia's Housing Loans Branch in these cases seeks professional advice from the Urban Development and Regional Planning Branch as to whether the lot is considered to be in the primary surge area or not. Contrary to your advice to me during our discussions, there have been no amendments to the primary surge lines at this stage; although new plans might have been seen, they have not been approved. It is suggested therefore to clarify the matter that we take your problem to Mr K. Todd, Urban Development and Town Planning Branch, who will make the decision as to whether the block is in the primary surge line or not.

I asked a question this morning of the Executive Member for Finance and Community Development regarding loans being made available to persons in the primary surge zone, the non-existent primary surge zone. He was unable to answer me because it lies with the Department of Northern Territory and with the Minister. Surely a decision regarding this problem could be made and it is time the Department of the Northern Territory started to accept some of the responsibilities of running the Territory and not keep on blaming the Darwin Reconstruction Commission for its own failings. Inaction by the Department of the Northern Territory now is causing as much frustration as the Darwin Reconstruction Commission did when it first commenced and it is about time they pulled their socks up.

Mr EVERINGHAM: I should like to address a few remarks to you regarding the situation which still prevails in East Timor. I think the situation there has receded somewhat from the headlines recently but I believe that the slaughter of innocent men, women and children over there is still quietly proceeding and just as many people are getting just as dead as they were 1 or 2 weeks ago when we had that rather nauseating essay in pussyfooting carried out by Mr Winspeare Giucciardi, the United Nations special representative to inquire into the problem on behalf of the Secretary-General. I can appreciate the reasons of state that may have compelled Indonesia's present rulers to consider that they should, for the safety of their regime, and perhaps in the real interests of the Republic of Indonesia as a whole, take over East Timor. I can appreciate those reasons. But, if some state is going to carry out an operation like this, then surely it should be a quick and clean operation or it should not happen at all. If it is allowed to drag on the way it has, surely the so-called civilised people sitting around the periphery looking on should try to stop it, because some lessons can be drawn from what is happening over there—some lessons that will be very interesting from the point of view of Australia.

Just before I proceed to draw those lessons, I would like to say that in my opinion diplomacy today has lost all real meaning and that the average person holds the average diplomat in complete contempt and considers that he is not worth one cent of the money that is spent on him. Perhaps some of us might have admired Mr Daniel Moynihan who recently

started calling a spade a spade in the United Nations. I rather more admire the diplomats from the Soviet bloc than our own diplomats because at least they have the guts–or if they don't have the guts, they have the instructions –to stand up and say what they want; whereas ours pussyfoot around, back down, backslide; all they are interested in is preserving an eighteenth century form of manners which is absolutely irrelevant in today's context.

Diplomacy will never be any good unless the person or state that you are negotiating with knows that you have the necessary force, whether armed or moral, behind you to back up the propositions that you are extending to the other side. The other side must know that you mean what you say and that you intend to back up what you say. And is Australia prepared to back up what it is saying? Is it in a position to back up what it is saying even if it were prepared to? Of course it isn't.

The lessons that I have drawn from the situation over there are, firstly, that our diplomacy is worthless, that we are powerless and anyone, including the Indonesians–in fact I shouldn't say including the Indonesians, I should perhaps say the Tongans–can thumb their noses at us. In fact the Fijians were calling the diplomatic shots a couple of years ago to Mr E. G. Whitlam. The second lesson I have drawn is that the present Indonesian Government, although it may be bungling and inefficient, is nevertheless quite coldblooded and ruthless; and from that, thirdly, that it will be friendly to us only for so long as we continue to appease it or do not get in its way. I say that reluctantly because I am not anxious to be a scaremonger.

We are appreciating at the moment the benefit of certain welfare programs and I believe in these. I believe in Medibank, I believe in legal aid, and I support those programs certainly in spirit although not entirely in the way they are being brought into effect. But if we want those programs we must also be prepared to outlay additional moneys by way of taxation on the defence capabilities of this country.

Members: Hear, hear!

Mr EVERINGHAM: There are a number of southeast Asian countries, probably Vietnam for instance when it is reunited, which, I would say, not more than 10 years from now–and Vietnam probably within 2 to 5 years from now–would have the capability to take over Australia. They would be in many ways more powerful in armaments than Japan was at the commencement of the second world war. All these countries need is a reasonable sort of navy. We have none at all to speak of. They need merchant shipping to carry a reasonable force of armed men to our shores and they can take the whole or any part of Australia. We may say we have vast distances to protect us but they only have to take our centres of population. I reiterate that I want to see the welfare programs, but I also want to see money spent on defence so that in 10 years' time we will still be enjoying the benefits of the welfare programs.

Coming to another subject, somewhat more mundane and domestic, our two domestic internal air carriers have introduced cuts in the service from Adelaide to Alice Springs and Darwin. Now, instead of 2 jets a day from Adelaide to Alice Springs there is only 1 jet a day. This will result in a great deal of inconvenience to people travelling from the Top End centres and Tennant Creek on the Fokker Friendship service because they will find that they will get to Alice Springs and either have to wait several hours for an aircraft or perhaps even over night to get an aircraft the next day. Tourism is a vital industry in the Centre and in the Top End and most of our tourists come from New South Wales, Victoria and South Australia, particularly Victoria and South Australia. You heard the rather atrocious figures that our tourist bureau manages to knock up, but they are an indication. The tourists mainly come from South Australia and Victoria and therefore they want to come up through the Centre; the Centre is our prime tourist attraction. Those services must be reinstated, particularly as the rail service to Alice from Adelaide will be out of action possibly for months. I would like to see the Executive Member responsible in this Assembly take this matter up as a matter of urgent public importance and really see what can be done. These airlines have put these cuts through with very litle publicity, if any, and we have just been left once again quite out in the cold.

Getting right back close to home, I would like to say, Mr Speaker, that if you have ever driven around my electorate after dark, you have obviously taken your life in your hands, because the situation out there is that there is a lack of street lighting and pedestrian crossings are unlit. Trower Road and Rothdale Road, two important arteries that go through

my electorate, are both without any or any adequate street lighting—mainly they are without any along considerable stretches. The pedestrian crossings are unlit and it is amazing to me that more people are not knocked over when they are trying to negotiate them. In addition, the police force never seems to bother to enforce the law or have a constable at pedestrian crossings at any time. Cars roar through every pedestrian crossing in Darwin at 30 or 40 miles an hour. You can sit down in Cavanagh Street and watch it. They don't slow to the regulation speed, which I think is either 10 or 15 miles an hour. That is something that I think the police force should do. Sooner or later, some children are going to be knocked over. People are knocked over on these crossings. They come into your office with broken limbs wanting to get damages for the injuries they have sustained. I hope that our police force will do something about this subject. They seem to completely overlook it and have done for quite a long time.

Mr ROBERTSON: In the adjournment debate today, it seems that we are having something of a parade of criticism from honourable members. I intend joining my colleagues. That, of course, is one of the functions of members during the adjournment debate and I hope that the comments which I make and the comments which other honourable members make, particularly in respect of the Department of the Northern Territory, are taken in the spirit in which they are offered. I would tend to wonder, however.

The first point that I wish to raise tonight is in relation to a longstanding senior public servant, not in the second division, senior in age and senior in years of service, who about July last year had been given approval to purchase his home. He was known to be a sick man and it was commonly known, and should have been known by the department and its officers, that he was going to get a darn sight sicker. As more or less a reward for a long period of very dedicated service in a very difficult field, he had been given approval to purchase his home. Application was duly made and duly approved. He elicited the help of solicitors and the likes of ourselves to have it processed quickly because of his physical condition. It transpired that about a fortnight ago I was contacted by his solicitors and asked if I could help further. I phoned the Lands Branch who informed me that the documentation for the purchase of the home had been forwarded to the Public Utilities and Housing Section of the Department of the Northern Territory for processing of the mortgage documentation. I was informed by them that it had not been done. Naturally, I asked why. If only the ending of this story were not so sad, honourable members would go into hysterics at the answer. It was: "We have run out of mortgage forms". I pointed out to the officer concerned—an officer incidentally with whom I have had quite some dealing and whom I have found usually very helpful and satisfactory, unfortunately at far too junior a level. I wish she were at a higher level—and now I have probably let the cat out of the bag as I have said "she"—because if she were, then probably something would have been done. I said: "Hasn't it occurred to you people that there is such a thing as the Attorney-General's Department which happens, throughout its history, to have drawn up one or two mortgages on a typewriter?" No, it had not occurred to any of them. Last week, the person of whom I am speaking, passed away. I leave it at that.

I would now take issue, to some extent, with the honourable member for Casuarina in light of which I have just told the House. I do not think it is time the Department of the Northern Territory took on an attitude of running this Territory. I think it is darn well past time that the Department of Northern Territory gave up and handed it over to this Assembly so that there was some accountability to the people who live in this Territory.

The second question is one honourable members may get some amusement out of. This character came to me about a fortnight ago and asked me to look into the situation whereby he had been billed $130—I forget the exact figure; I haven't got the documentation with me; it is still in the public service machine where I fed it right back. Some $130-odd dollars had been charged for a repair to a high tension powerline that he had damaged with a front-end loader while digging a sewerage pit. I think that perhaps the whole thing could have been tipped upside down and the whole of the public service structure—not so much the the public service structure but this incredible waste structure—should have been put in the ditch he was digging. The situation is that a cherry-picker arrives. And what happens? He tells them: "I ran into the wire with a bucket and the wires touched together and there was a great big bang on that pole and this pole and all the power has gone out in the whole subdivision.

That's all right. One of them jumps in the bucket and another jumps out of the driver's door and stands there watching while another bloke cranks the levers and up she goes. He gets out 2 fuses and goes plonk, plonk, and down comes the cherry-picker and they drive off, I am led to believe, to another job. He gets a bill in excess of $130, the labour component of which was $98. Here is the real laugh: the fuses are worth $3.52.

There is absolutely no question whatever that if that was done by private enterprise and the person who was sent that bill went to the Consumer's Protection Council, they would scream the roof down. But it happens to be the public sector doing it to the private sector and there seems to be absolutely no recourse. I will say that the officer I have taken it up with—and I won't name him but you all know who he is—happens to be the District Officer of Alice Springs and that man is a credit to the public service. There is absolutely no question that he is doing everything within his power to sort the thing out. However, he has no control over union policy or over awards. Had this same incident occurred on a Thursday afternoon at exactly the same time as it occurred on Sunday afternoon, the total bill would have been $15 plus $3.55 or whatever the exact amount was for the fuses. Because he was unlucky enough to do it on Sunday, it cost nearly $130. Admittedly, if you get your television set fixed by private industry on a Sunday you expect to pay more for it because it is a call-out. What is so important is that, when this happens to the average citizen, he just despairs. He cannot understand it and he gets all upset. It is frightful PR for the public service and it seems to me that this continual process of alienating the community from the public service is unending.

I will now shift finally onto my pet topic at the moment and I will draw some parallels between the Araluen project in the middle of my electorate and the situation on the golf course and East Point. It is an incredible parallel between what has been put up by a branch of the Department of Northern Territory and what has been put up by a bureaucratic administration of the Australian Government. In both cases, there was absolutely no consultation. In the case of the Araluen, there was no consultation between the people of the town and the Town Planning Board which decided that this prime park area was to be used solely for the purpose of streets and houses. They said, "If you look at the plan, you will find that there is a park set aside in the area". You would have to be a mountain goat to enjoy it; it is a sheer-faced hill about 100 yards across the base and that is their park. If it was not for a meeting between myself and several other interested people and the assistant secretary who happens to be the chairman of the Town Planning Board, the whole project of subdividing our park and community recreation and cultural centre would not have been displayed to the people in accordance with Town Planning Ordinance.

Six months ago this particular scheme to subdivide Araluen was put up to the people of Alice Springs and the result was that 1,300 people signed formal objections under the Town Planning Ordinance objecting to the proposal to use it for the purpose of a subdivision for housing and clearly stating that they wish to reserve the entire area for the community for all times, for cultural and recreation purposes—theatres, clubs, parks and gardens and family picnics. We have now condescendingly been told that we may possibly get half. I can assure the Town Planning Board, as the Honourable member for Port Darwin assured the Darwin Reconstruction Commission in this place yesterday, that they are not having it. It is as simple as that. I do not know what the people of Alice Springs are going to have to do to secure this land but I can assure the Town Planning Board that we will have that land and they will not put their bulldozers through it. They will not build houses on it.

Mr MANUELL: I would like to support the remarks that have been made by the honourable member for Gillen and also some remarks made by the honourable member for Jingili. It seems to me there is a certain hate session on this afternoon and I would like to make my remarks about some of the development that is taking place in Alice Springs. Perhaps I could revise my remark and say the non-development taking place in Alice Springs. There are a couple of subjects that I would like to talk about in relation to this non-development and particularly the attitude of the Town Planner and his board in subdivisional activity.

Mr Robertson: Not all of his board; some of them have got some sense.

Mr MANUELL: That may be so but nevertheless it does not stop it exhibiting itself.

Unfortunately, in Alice Springs at the present moment it appears that some of these subdivisions are like giant jigsaw puzzles. You cannot put a house of reasonable size on some of these blocks and step outside and swing a cat without knocking the chimney pot off the next door neighbour's house. It is absolutely astounding. Some of these housing blocks have frontages approaching 45 to 50 feet. Admittedly, they may diverge towards the rear of the block, but nevertheless some of the gutters overhanging the walls of some of these homes approach the next door neighbour's hedge. I believe that it would be proper for us to review the attitude towards the size of blocks in some of these dwelling areas.

Another point of contention is the size and width of the roads servicing these subdivisions. I can recall driving down some of these roads during the recent by-election campaign and, if there are 2 cars parked in the road, it would be very difficult for one car to traverse through the middle. It would be even more difficult if one driver was alighting from his vehicle and had opened a door. I believe that we should look towards perhaps arriving at a policy as far as the width of these roads is concerned. Of course I endorse completely the remarks of the honourable member for Jingili in relation to street lighting because it is no better down in Alice Springs than it is in his electorate. It also comes to my notice that some of these roads and their access is a combination of collusion between perhaps the Town Planning Board and the gentleman wielding the .08 machine. It seems to me that if you have the ability to negotiate some of these access roads it would be a very good test of your sobriety.

The other point in relation to these blocks is the attitude in the construction of them. It seems that once the blocks are actually divided they are fenced to indicate the boundary between one block and the other. These fences are expected to be tolerated by those people who inhabit the land whether they build their own private dwelling on this land or whether they adopt a Housing Commission home. These fences are most remarkable. I do not know what they are supposed to fence, in fact they would be a jolly sight better if they put down a white chalk line because if they are supposed to be a fence, I think you, Sir, would have a higher standard of fencing on your pastoral leases.

Some of these fences are constructed of approximately 2 foot 6 inch mesh and if your next door neighbour has a terrier and you don't like it, there is nothing you can do about it unless you beat it on the head if you can catch it as it comes past. But the point is that these fences are constructed out of poor quality material and they are supported by star pickets. Now for goodness sake! I think some of the pastoral leases would have better than star pickets in their fences. They cap it all off by putting in a 2 inch piece of galvanised iron pipe and drop it into a dob of concrete, which is really only of nuisance value once the owner wants to erect a true fence. I believe that, in all fairness to the dwellers in Alice Springs and in other areas where this type of treatment is meted out, some revision of attitude to the building standards of fences and so on should be made.

I would like to carry on in this discussion and say that, if there is any revision to be made, I believe that it should be done to include the participation of private developers. It has been suggested to me by some members of the community and some government officials that one reason for the decreasing size in housing blocks in Alice Springs is the rapidly increasing costs of the development of the subdivsion. In order to get money back and amortise their development costs, they have got to put a greater number of home sites within the parcel of land being developed. If in fact there is a problem with the allocation of funds and the disbursement of funds by the government departments in the development of land, I believe that some of these parcels of land ought to be made available to private enterprise to develop.

Members: Hear, hear!

Mr MANUELL: It strikes me that there are sufficient examples around of private development of subdivisions where the standards probably exceed those that can be obtained by government departments.

I would like to carry on with another comment about the development of Alice Springs and this is perhaps in a slightly lighter vein. Nevertheless there is a note of seriousness in as much as I am particularly interested in seeing the further development of the tourist industry in Alice Springs and the central Australia region. The other day a representative of the Alice Springs Chamber of Commerce, in fact the secretary, was reported as advocating the Concorde aircraft landing in

Alice Springs. I believe that is an excellent idea and I am sure one day we will see it come to pass. But I think, as the Executive Member for Transport and Secondary Industry will be prepared to agree with me considering his intense interest in aircraft, the Concorde might well land at Alice Springs but it could not turn around. I suppose, if we look at the lighter side of it, the flight steward could run a commentary on the flora and fauna of the Alice Springs airport and the MacDonnell Ranges while it reversed 8,000 feet to the terminal.

Apart from the fact that there is considerable justification in looking at the Concorde landing in Alice Springs from a tourist development point of view, I also suggest that a different problem arises when you consider that Alice Springs is often nominated by overseas airlines as an alternative for bad weather. If you had a genuine situation arise where you had the Concorde choosing to use the Alice Springs airport as an alternative, if it landed it would not be able to turn around on the tarmac. This would also apply in some other instances with other types of aircraft and would include the Boeing 747.

There were some criticisms of this concept made by other members of the community including some environmentalists. I would like to point out that it is statistically correct, and in fact discounts the claims made by some of the environmentalists, that Alice Springs is in fact one of the best airports in Australia in terms of daylight hours and has some of the best records in terms of good flying weather. It is serviced with all aids that you would find in any international airport and it is ideally suited from the point of view of the overseas route from Sydney to Singapore.

Mr Pollock: Hear, hear!

Mr MANUELL: I suggest as an addition to this it would be very interesting to consider that we could get some of these overseas airlines to call into Alice Springs on their way to Singapore and pick up a few of us fellows instead of having to go from Alice Springs to Darwin and from Alice to Sydney to pick up these connections.

The other point that I think is of significance as far as the Alice Springs airport is concerned is the fact that, in relation to the environment and pollution, Alice Springs airport is remote from the town; it is separated from the town by the natural barrier of the MacDonnell Ranges which provide an excellent sound deflector for arriving and departing aircraft. From that point of view, it is ideally suited for utilisation by aircraft such as the Concorde.

I have expounded my belief about the virtues of the Alice Springs airport but I would like to make one other comment in relation to tourism and this interlocks with the previous comment I made about the attitude of the Town Planning Board. There are some limitations placed on high rise development in Alice Springs by the town planning authorities. I would like to point out to members that there is no point in us considering that the Concorde could ever land in Alice Springs because we would have nowhere to put these people in beds. I suggest to you that, if in fact we are going to encourage investment in the Alice Springs area, we are going to have to ask for a revision in attitude from the town planners so we can get high rise development because otherwise we are not going to have investors capitalizing in beds—I refer to the construction thereof—let alone getting tourists there in a Concorde aircraft. There are indications from the Government that the private sector is going to be encouraged. In order for this to happen in Alice Springs, adjustments of the present attitude towards the building codes and restrictions will have to be made.

In the field of education, many members are aware of the problems that face the Northern Territory. However, the Alice Springs Community College is faced with the prospect of sending some trade apprentices to Brisbane. This concept is totally unacceptable from the point of view of employers and the employees. These students, some of them in first year, are expected to spend their first block release of 8 weeks away from home in Brisbane. That means that they are divorced from their families for this period and they are supposed to go into a strange environment and take on academic research and learning. I don't believe it is acceptable to them, I don't believe its acceptable to their families and it is certainly not acceptable to their employers. If an employer was employing 3 first year apprentices out of a total of 12 tradesmen, it would mean 25 per cent of his tradesmen would be absent for 8 weeks. It would represent quite a cost to him in terms of lost production so therefore I suggest very strongly that some immediate attention must be paid to the upgrading of the Alice Springs Community College so daily release systems

may be implemented for all classes of trade apprentices.

I believe that the greatest resource in labour needing employment today are those who have no skills at all and have had opportunities but have not exploited them. The greatest aim we should have today is to educate those interested in furthering themselves in higher skills. Our problem is to convince those unmotivated that a real need exists and that, unless they accept this fact, not only will they fail but they will pull us all down with them. From my observation, the bulk of unemployed people seeking work within the Northern Territory do not really want work; they just want money for nothing. It is also more interesting that those who work do not enjoy work for work's sake. Until we as a community are able to substitute enjoyment for work at a work level, we are lost. I suggest to all members that we as a Territory have a tremendous opportunity. If we would like to take a lead, we could show the Commonwealth that, given the opportunity, gain for national use may be made.

Miss ANDREW: This morning the honourable member for Jingili asked a question about the "Mariana". I am advised by the Attorney-General's Department that it is not in possession of the vessel which was forfeited by order of the court to government and comes under the instructions of the Department of Business and Consumer Affairs. The Crown Law Office Darwin received instructions on 5 June 1974 from the Minister of Customs and Excise to release the vessel subject to satisfactory agreement between the claimants to the property and on receipt of the appropriate indemnity. There are 3 persons who have claimed an interest in the vessel. Negotiations were opened with claimants through their legal representatives in July 1974 but to date claimants have been unable to agree. On 15 April 1975, we were advised by the solicitors for one of the claimants that a Supreme Court writ had been issued by her against another claimant claiming a dissolution of partnership and the winding up of the partnership affairs. The Attorney-General's Department have had no advice as to the results of that action or any indication that the parties have come to any agreement.

In answer to the second question, the Attorney-General's Department has no information as to value of the vessel at the date of seizure.

In answer to the third aspect of this question, the Attorney-General's Department has no information as to the value of the vessel today although advice was received on 2 June 1975 that the boat has progressively deteriorated despite caulking and pumping operations carried out by the department holding the vessel. The Attorney-General's Department was also advised that the boat was damaged during the cyclone and was totally unseaworthy as at 2 June 1975. The Attorney-General's Department has no information as to the cost of reinstatement of the vessel at the present time.

Mr KENTISH: I find this afternoon that I am touching on the edge of the subject that the member for Jingili was speaking about. However, I have some different things to say. The Australian people as a whole have always been a carefree people; they are noted for their carefree attitude and this is a very good thing. Perhaps we could also be called a people who are sound asleep. We may be lucky like some people who are sound asleep and die in their sleep and that is a good way to go out of this life. It is more likely that we may become a sleeping people who wake up in a midst of a horrible nightmare and that is not quite so good. Once the Tibetans were a carefree people; I don't know what they are like now because we have not heard anything from them for 12 or 15 years but we are told that they are very carefree. The Czechs were a carefree people once, so were the Lithuanians, the Estonians, the Austrians and the Hungarians. We could name many more but that is just a few. Many of the people in Africa were once carefree and we in Australia may think they are all carefree now because many of them have independent governments. This is a mirage. We are not told much about this in Australia because we don't get much information of this sort. In 1972, when I was over there, I came back with my suitcase laden with some African newspapers which were most illuminating. The members at that time saw what was going on in Africa according to the newspapers. They seemed to be very frank about a great number of things.

We heard an estimate in Australia last year that it would be 15 years before we would need to worry about defending ourselves or getting out of our lethargy. The previous government sold a few more planes and put a few more warships out of commission and laid off a few more soldiers and sailors and airmen and settled down for 15 years without

worry. Since that time, we have seen things happen in Timor. No one told us this was going to happen but these things come along; it was part of the Portuguese decolonisation which has affected Timor and Africa. These sorts of things happen. We have seen things happening in Africa. They were not unpredictable things of course in Angola and Mozambique previously; we expected something of this sort would happen there. But these are not things of which we should take no notice or treat lightly. It has not affected us perhaps but we don't realise that they have a profound effect on Australia. Someone might ask in what way would the gaining of independence by these nations affect Australia. If that was the whole story, we could be very pleased and happy, but they are not gaining independence, they are becoming puppet governments under the control of super powers which is the position in most of Africa at the present time.

When I was over there in 1972, the Chinese air force was well established outside of Dar es Salaam, the capital of Tanzania, and the Chinese were steadily working down through East Africa with missions and railways and road development and all that sort of thing. At the same time, Russia was working down from the Congo through West Africa. In October when I was in South Africa, newspapers carried startling headlines of remarks by a Chinese delegate to the United Nations that did not even get into Australian papers as far as I know. The Chinese delegate declared that within 4 years China would smash the white government of South Africa. That was early October 1972 and we can see the happenings in Mozambique and further supporting work north of Mozambique, all aimed towards this end.

As well as the African people listening to this, Russia was also listening and they have not been quiet. So we see that Russia with its long-range plans and short-time opportunism is now getting ahead of China in this race towards South Africa. Most of Africa knows—all of Africa knows I would think, anyone who is educated enough to sign his name—that the object of this movement southward is not in any way to liberate the black people of South Africa, which is generally the stated objective, but to get control of Cape Town and the Cape of Good Hope. That is the big prize of course. We never see this in Australian papers. We are not told this sort of thing. But the Africans know all about it and if you are over there for any length of time and you are interested in these sorts of things, you would very quickly become aware of it.

Russia has got ahead of China in this race towards Cape Town and we may expect that further steps will be taken. Again perhaps we are still unworried, still unperturbed, but there must be someone in Australia who is interested in seeing that the ports in Southern Africa facing our sea lanes from Europe are coming under the control of super powers. The last and final point in our sea lanes from Europe is Cape Town. For a hundred years or more, we have not had to worry about that. We have seen it in the control of South Africa and it has never been a worry to us. The old migrant ships coming from England used to call at Cape Town for provisioning and, oddly enough nearly a hundred years ago, my great-great grandfather bought a ready-cut home in Cape Town on his way out to the first founding of Adelaide. So Africa was an old country when we were starting to grow. Things are changing there and there is a strong possibility that in the event of war we would have no sea lane link with Europe. Russia is already in a position to control the Suez Canal and our air communications with Europe would very likely be interrupted in the event of any strain. So Australia would be in the position where she has only a connection across the Pacific with America and a super power could possibly seal that off in less than a week in the Pacific islands which would have very little resistance.

Timor has become a source of concern to us; New Guinea may become a source of concern to us. But still we are carefree and still we slumber on uninterrupted while the nightmare is being produced around us; we seem quite unaware. At the present time, there seems some possibility that Rhodesia will be put to the sword. This is not unpredictable of course. Again this has been on the books for a long while. Again, although we have a free press, we may be getting a slant of news that is not quite correct about some of these places. My impression would be that the majority of black Rhodesians, knowing their northern neighbours and knowing the Cubans and a few other things that they know, would be throwing in their lot with the white Rhodesians, but we might never hear about that. Although we have a free press it is free to tell us just the things they think we ought to know and it is a peculiar sort of freedom.

This is not a local matter of course because practically all African news would be cleared through Reuters in Holland, Amsterdam or somewhere, and the news is sorted out as to what is good for Australians to know and what is good for other people to know and this is the way it goes on. That is the freedom of the press. So it is that many things that are in papers there will never reach us in this country; the truth of the matter is hidden from us.

I am of the impression that when South Africa's time comes most of the black Africans will be fighting beside the white Africans because they know their northern neighbours very well too. They have been at each other's throats for several thousand years, and they do not fight very gently at all; it is complete annihilation in that country. It reminds me of a question I asked yesterday. I asked a question about the stock squad here. They have disbanded down to one man now. They have wonderfully efficient stock squads in East Africa; if they hear of cattle stealing they go out with jeeps and machine guns, one man driving and 3 with submachine guns. I read an article in an East African paper, where they had come across a crowd of cattle thieves with a hundred cattle. They rounded them up—I brought that paper back; I think other members may have read it—and they sang out "Stand!" to the thieves, but they ran and so they cleaned them up, closed the case and returned the cattle to the owners. This is Africa. We can't imagine this back several hundred years ago from where we are here. It is very hard for Australians to understand the country. But that is so with most of the law-keeping there; it is on-the-spot decisions, on-the-spot judgments, and immediate executions if you run. I asked Africans why these people always seemed to run, and they said: "Well they have more chance that way; they might dodge a bullet, but they never dodge that rope". That was an interesting sidelight on the law there. It is back in Wyatt Earp country.

What is cooking there is in the context of Africa and the way they fight in Africa is to complete annihilation mainly; it is a terrible thing to contemplate. I feel myself that, if we were supporting the white Rhodesians and the white Africans, we would also be supporting the majority of the black Africans in those countries. The tragic thing is that the voice of these people is never reaching the media. They are organised of course; in both South Africa and Rhodesia they have a quite substantial parliamentary membership and are still ruled by their chiefs and so on. But all we hear about are terrorists and nationalists and gangsters, many of which don't even belong to the country that they are attacking. The majority of the people have some organisation if not a wonderful organisation and their voice is never heard and we would never know the truth about them.

Anyway, I would hope that Australia will become more alert to the position there; that is, we may wake up a bit because all of this is very vital to Australia.

Mr RYAN: The subject of the wharfies' fund was brought up again this afternoon by the honourable member for Nightcliff.

Mr Steele: Not again.

Mr RYAN: Yes well we might bury it this time although I am sure that we can still contribute quite a lot towards it.

Mr Robertson: You don't bury those things; you drop them off the wharf.

Mr RYAN: I received a phone call this morning from the vigilance officer of the Waterside Workers Federation in Darwin, and he advised me that the money is held in trust fund as was stated by their representative from Nightcliff—fairly appropriate representation I should imagine. However, I am not satisfied with the state of affairs. It would appear that some of the rank and file wharfies clearly do not understand that the federal body had laid down the specific method by which the money should be distributed, and that is similar to the way it was distributed to Darwin. It is a pity they could not learn a lesson from that in view of the shemozzle that occurred there and the number of fights that went on. They should realise that it would be much more appropriate to divide the $93,000 by the number of wharfies; it would be a fairly satisfactory result, I should imagine. I intend to write to the National Waterside Workers Federation and put this view forward. I have no doubt that they will take a lot of notice of me, considering my standing with the wharfies in this community.

I now refer to the question of the sewerage problem in my electorate. I had a report from the Department of Construction outlining the problems that exist and there is no doubt that problems are serious and will not be able to be fixed in the short term. The honourable

member for Nightcliff indicated that possibly nothing was being done. She has this habit of instigating investigations or making inquiries and then not following it up to see if anything has been done. If you initiate an inquiry, that does not end the matter; you have to keep at it to make sure that something is done. From the report that I have, there was action taken and several things that have come out of it are quite interesting.

In one of the lots concerned, the owner has contributed to the existing problems by not building to regulations with regard to a patio that he put in. Instead of having the gulley trap 4 inches below floor level and 6 inches above ground level, the floor is now level with the top of the gully which means that he has 4 inches more that he gets into the house than he should have. However, I'll keep following this case up and try to see if something can be done for these people. There may be some acceptable solution although not an immediate one. Because of the condition of the ground and the wet weather, nothing will be able to be done until the end of the wet season.

I would like to put in my four pennyworth this afternoon to complaints about various departmental operations. The one that I am going to concentrate on its one which I have had a grievance with for many years—the Education Department. I am concerned about the way that they are educating the children of this country. I am talking mainly of the end result if you look at it from a commercial aspect of trying to produce a product. The Education Department forget that the education system in Australia is producing a product and that product has to be used by industry and various government bodies to keep the country running. We cannot operate without people who can contribute skills to the country. It is my opinion that we are gradually losing any real end result. As far as I am concerned the product is deteriorating quite drastically. English is no longer compulsory although it is in some states according to the Executive Member for Education and Law. I wish it was compulsory in all states because, unfortunately in those states where it isn't compulsory, it is quite significant that a lot of the kids who leave school do have certain difficulties in writing and some even in talking. How can we expect to train people in various jobs when they don't have a reasonable command of English and are not able to write and spell. Speaking as a previous employer, we employed school leavers as apprentices and it was quite astounding to interview these young blokes and look at their qualifications. On paper they looked quite good and we would employ one of them who appeared to be keen and willing and reasonably intelligent. However, we would find after some time that we would notice that he would be having trouble filling out his time sheet and his spelling would be terrible. We also found that they would become rather inattentive during an eight hour shift. This points back to the system that we educate our children in. The educators, instead of operating to produce somebody who can apply himself to a job for 8 hours—they are getting paid for 8 hours—are trying to make the child happy at school. I think that you also should enforce a certain discipline upon these children so that when they leave school they are prepared to work for an 8-hour period. This is one of the problems and I have taken this up at parents and citizens school meetings that I have attended. In fact at the end of last year, I brought it up with Geoff Hodgson and put the point very strongly. But you are greeted with the same answer every time: "We are not turning out factory fodder".

I don't know what they are turning out—"individuals" but individuals who cannot, most of them, ever make a living as individuals. Certainly in the state they are being turned out, they will never make a living; it is just impossible. I am concerned because, by not giving these children a reasonable amount of discipline and education, we are making their life a lot harder and we are contributing to the number of dropouts and no-hopers we have running around the place now who have reached, as far as the Education Department is concerned, "a good level of education" but find that they cannot cope with the system. I suggest that it would be much easier to change the system of education to produce children who are capable of accepting our way of life rather than trying to change our whole way of life.

It is serious and I think you could point to the planners once again; they keep changing the education system. We have open-type schooling, we have new maths——

Miss Andrew: I wish we did.

Mr RYAN: We have non-compulsory English. My children go to Nightcliff Primary School and are among the fortunate children

in Darwin because they have a headmaster and teachers out there who are dedicated to teaching the kids to read and write for a start. It is amazing——

Miss Andrew: So are many other teachers.

Mr RYAN: I am not talking about individual teachers; I am talking about a system and here is one school where the system is applied. They teach kids to read and write. Last year when I went out to one of these open nights, we spoke to the teacher who was teaching one of my girls. She spoke in this fashion: "And you know, we get them to chant the tables", as much as to say, "Don't tell anybody, I could get the sack". Fancy that, chanting the tables. That is fact. That is the sort of thing they are trying to avoid, chanting the tables. That is how I learnt maths, not that I ever turned out really well but I reckon I'm better than a lot of them they are turning out these days.

I intend to write to the Minister for Education and try to put this point forward because I feel that unless a realistic view is taken by the educators in this country we are going to continue to get children who finish school but are not ready to come into society and work. When I pointed out to Geoff Hodgson that they are not ready for this 8-hour day occupation, he said, "We are not turning out factory fodder", and then he defended it by saying, "In fact these children fit quite well into certain areas of occupation". I asked: What areas? And he said, "The public service". Well, after I had picked myself up from off the floor I said, "I've no doubt that they would fit into that system because they certainly are not expected to work 8 hours a day". Certainly I feel that it is very important that the education system should be reviewed so that we put out an end-product that is capable of carrying on the industry and the livelihood of this country.

Motion agreed to; the Assembly adjourned.

Tuesday 24 February 1976

GOLD BUYERS BILL

(Serial 91)

Bill presented and read a first time.

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

Since the drafting and printing of this bill, events have overtaken us in that maybe the bill is no longer necessary. The Gold Buyers Ordinance regulated the buying, selling and trafficking of gold. The Prime Minister has recently made an announcement, and I have not been able to clarify exactly what is meant by his relaxation——

Dr LETTS: Mr Speaker, I rise on point of order, but I am not quite sure under what section of standing orders it applies. I was unable to decide whether this was going to be the case or not until I had seen a copy of the bill, because I did not know whether what the honourable member was proposing to introduce was an amending bill or whether she had some new legislation to propose. It has been brought to my attention that the Gold Buyers Ordinances of 1935 and 1940 were repealed by the Ordinances Revision Ordinance of 1973, and she may in fact be attempting to amend an ordinance which is no longer in existence. I bring that to her attention so that she can re-examine the situation and see whether a different approach is required, rather than take up the time of the Assembly on this particular aspect.

Mr SPEAKER: There is no point of order, but the information provided by the Majority Leader may be of value to the honourable member.

Mrs LAWRIE: Thank you, Mr Speaker. I am appreciative of the information provided. It had been my intention not to proceed with the second reading but, as it was on the notice paper, I thought I should proceed. Before debate ensues at the next sittings, the position may be clarified.

If I may just speak briefly to the second reading, the present Gold Buyers Ordinance states in section 6: "The Administrator may issue to a bank or to any person of European race or extraction, a licence in the prescribed form". My simple bill deletes the reference to "European race or extraction". I felt that in 1976 this was no longer needed.

Debate adjourned.

TRAFFIC BILL

(Serial 92)

Bill presented and read a first time.

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

The purpose of this bill is to make a minor amendment to section 55B of the principal ordinance. I say a minor amendment; it will probably be a major amendment in its effect, but it is minor in so far as the contents of the bill are concerned. Section 55B of the ordinance was inserted in 1970 for the purpose of dealing with that case where a man is convicted of driving under the influence, has his licence cancelled for a considerable period of time and, as a result of that conviction, has his means of livelihood taken away from him. For instance, a person who has been engaged in the transport industry for all of his life and who has no other skills, will suffer a penalty far more serious than a person engaged as a clerk, lawyer, or schoolteacher. The purpose and aim of the section was to ensure that, where this sort of excessive punishment resulted from the suspension or the cancellation of a licence, the person concerned would at least have an opportunity of going before the court and putting to the court the difficulty facing him. The court could then exercise the power confirmed by the section to grant to the person convicted a special motor vehicle licence permitting him to drive only during those periods during which he was carrying out his employment. It has been a useful section and it has been used on a great number of occasions. Bus drivers in Darwin, I think, have taken advantage of it, and, so far as I know, the operation of the section has not resulted in any further offence being committed by anybody who has obtained a special licence.

Section 55B permits the Registrar of Motor Vehicles to object to the granting of this sort of licence. The intention behind that provision was that the Registrar could say that, in addition to the fact that he has now been convicted of driving under the influence, the offender is as blind as a bat or he has been in an accident and been deprived of the use of his arms or his legs to some extent, and therefore it is inappropriate that he should be given a licence in this circumstance. For a while, this section worked pretty well that way. It was the practice to write to the Registrar of Motor Vehicles a short letter, saying the man had

been convicted and giving his name and address, date of conviction and asking whether the Registrar had any objections.

The Registrar of Motor Vehicles, up until recently, went along with that and notified whether or not he had any objection.

Recently, the public service caught up with the law and decided that this sort of thing had better go on to somebody's duty statement. It went on to somebody's duty statement and immediately we had to have a form. The form is quite a gem; it is headed, "An application for a certificate of no objection". The person revising the form should have been a little more careful with the English language that is going into public use. It requires the applicant to state his full name and address and date of birth. However, it then goes on to require the person to nominate what convictions he has had. There is no law that gives the nature of a man's convictions to the Motor Vehicle Registrar to consider. Relevant convictions are always put before the magistrate and it is the magistrate's duty and privilege to decide whether a conviction is relevant and whether a conviction is such that he should refuse a special licence. It would appear that the Registrar of Motor Vehicles is now going to pre-empt the magistrate's decision, give his own consideration to the convictions the person has and decide, on that evidence or information, whether he would object. We are getting to the stage that, when somebody has another conviction, the possibility is that the Registrar of Motor Vehicles would say, "No, I have an objection" and the person can't go to the court. The Registrar of Motor Vehicles would have taken away the function of the court.

The next pieces of information required are really hair-raising. This man, who has had his licence taken away from him and handed to the very person who is asking for this information, is asked to supply the following information: "What is the number of your licence? What is the date of expiry of the licence?" Anybody who has any sense would say: "Have a look at it; you have it".

The third piece of information simply consists of the one word "State". I presume this asks in what state of Australia the licence was granted. The court has no power over interstate licences; the court cannot cancel or do anything with interstate licences. It merely says that he cannot drive with it here. In the case of interstate licences, we may have the one occasion when the applicant will be able to supply a licence number.

The last piece of information on the form concerns the reason for the special licence, but only one reason is permitted by law, and that is for the purpose of the applicant's employment. The details of that employment is what the hearing is all about before the magistrate. The magistrate decides, if the circumstances are proper and just, that the licence should be issued—not the Registrar. If the information is required by the Registrar, it is a clear indication that he thinks he is going to be able to decide whether or not the reason is good enough and so object. That objection, of course, is fatal to the whole application.

If the form is any indication of the attitude of the Registrar, it is that he is going to decide, before the magistrate ever gets a chance, as to whether or not the convictions are such as to cause him to object and whether or not the reason is good enough for the application to succeed. This is not what was intended. I do admit that the provision in section 55B in giving the Registrar a right to object is very wise. However, I do know that the Registrar, on at least one occasion, has used that provision quite wrongly though not unlawfully. The case I refer to is a case of a person convicted of driving under the influence in 1975. He had been convicted some years previously, I think 5 or 6 years previously, for the same offence and the Registrar gave the certificate saying that he objected. As a result, that person, for 18 months I think, was unable to earn his living at his normal work which required him to drive a motor vehicle during practically the whole of the time in which he was employed.

Mr Everingham: Then he should have thought about the consequences.

Mr WITHNALL: I am not concerned about that, I am concerned about the law and I say that the decision whether or not that conviction should be taken into account is, according to the law, a matter for the magistrate. The magistrate may very well have done the same thing, but it is not a matter for the Registrar to decide. The honourable member mistakes the point I am making.

I suggest that some amendment to the section is necessary and I propose by this bill that paragraph (c) of subsection (2) of section 55(B) be repealed and that a new subsection be added to the section. Section 55(C) says: "Upon the hearing of an application, the court may, if the Registrar by certificate in

writing certifies that he has no grounds for refusing to grant a licence to drive a vehicle of the class specified in the certificate, order the Registrar to issue a special licence". I propose that that paragraph be taken out and a section put in enabling the Registrar to appear at the hearing and place material before the court which he considers to be relevant. In other words, I am amending this section so that the Registrar will have all the right in the world to urge his views to the magistrate, but will have no right to pre-empt a decision of the court and refuse to grant a certificate that there is no objection to the application.

I commend the bill to honourable members. I do not suggest that it is an urgent bill but I do suggest that it is a bill which, because of the nature of the situation, deserves early consideration.

Debate adjourned.

SALVATION ARMY (NORTHERN TERRITORY) PROPERTY TRUST BILL

(Serial 90)

Bill presented and read a first time.

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

This is the first occasion upon which I have proposed the passage of legislation through this Assembly, and in doing so I can think of no organisation more worthy of receiving the benefit of legislative support than the Salvation Army. All honourable members will be aware of the great job performed by that body following Cyclone Tracy. I am honoured to be able to make some small contribution to their efforts in the Territory by introducing the bill now before honourable members.

The Salvation Army intends to continue its active role in the Territory and it has plans for an expansion of its social and community work. To some degree, these plans are being hampered by legal technicalities which it is hoped this bill will overcome. As the Salvation Army in the Territory is not a separate legal entity, it has been found necessary to vest Territory real estate in the name of the Salvation Army Victoria Property Trust. This is a body established by a 1930 act of the Victorian Parliament that is not wholly appropriate to present-day Territory needs; it would be much more satisfactory if the land was held by the body legally established in the Northern Territory. One possible way this could be done would be by incorporation under the Associations Incorporations Ordinance. However, such action would still require other legal formalities to transfer existing land to the new association. A more satisfactory method is to establish a property trust by ordinance. I understand that for similar reasons all states of Australia have passed legislation to set up property trusts in a similar manner to that proposed in this bill.

The passage of this legislation will achieve other purposes not possible by incorporation under the Associations Incorporation Ordinance. For example, I refer members to clause 19 of the bill which will assist in clarifying future bequests and gifts to the Salvation Army. The bill proposes to set up a body of trustees numbering between 5 and 7 members. These trustees will have control of trust property vested in the trust. The manner in which the trust is established and regulated follows, in substance, legislation in the states. The draftsman has had regard to the Victorian and South Australian acts in preparing this bill, although an attempt has been made to use a clearer, simpler form of language than that used in the older state legislation.

The passage of this bill will assist the Salvation Army in its work in the Northern Territory and will enable expansion plans to proceed. It will legally establish the Salvation Army as a Territory body with full powers to deal with its property and assets. I therefore commend the bill to honourable members.

Debate adjourned.

MOTION

Select Committee on Legislative Assembly Building

Mr ROBERTSON: I move that a select committee comprising Mr Speaker, the Chairman of Committees and Mr R. Steele be appointed to inquire into, report on and make recommendations concerning (a) the refurnishing of the Chamber; and (b) methods by which the general security of the Legislative Assembly building may be reinforced; that the committee have power to sit during any adjournment of the Assembly and to adjourn from place to place; that the committee report to the Assembly on the first sitting day after 30 March 1976.

It is apparent from the wording of the motion that the proposed select committee's purpose will be two-fold. Firstly, it will inquire into the type of furnishings most

suited to a chamber of this type, the type of furnishings used by chambers of a similar nature elsewhere. The second purpose is equally obvious in that the security of the premises needs some review. In proposing the motion, I do so in the very firm belief that we will be in these precincts and using this building for quite a long time. Your answer to a question this morning, Mr Speaker, indicated that the Darwin Reconstruction Commission has not even given any consideration, as they interpret it, to the mere allocation of further land as a suitable site for the construction of a new Assembly building. It is therefore clear that we will be here for a decade at least.

It is also true, Mr Speaker, and recognised by all honourable members, that there are other priorities in the Northern Territory in these difficult economic times that are of more importance than a new Chamber for ourselves. It would be a very expensive undertaking and it seems that, because of the shambles of the last 3 years in the economic field, it will be quite some time before that sort of money can possibly be made available for the purpose of rebuilding. It is also obvious to honourable members, quite clearly, that something must be done about this place. I struggle here every morning trying to open and close my drawer. It must annoy your Hansard staff no end with the racket I must be making. The tops of the desks clearly are in a state which is not befitting a house of parliament. We have extensive problems with the wiring throughout the building, particularly in the microphone circuits; our shielded cabling is clearly giving trouble—we have temporary cabling laid across the floor. A lot of this damage was, of course, caused by the cyclone but I do believe that a review of the building would have been necessary even if the cyclone had not occurred.

It has been pointed out to me by the Clerk that additional damage was done by the contractors in trying to revitalize the building and make it at least liveable. It is my view that they have done an excellent job. However, some further damage was necessarily done to the building.

The composition of the proposed select committee is fairly obvious. There is yourself, Sir, the most suitable person to be on this type of committee, because the House is your precinct and it is my wish that you remain in the Chair for many years to come. Your interest in the House's wellbeing is quite obvious. The Chairman of Committees is your assistant and Deputy Speaker and he is the second person who is intimately involved with the welfare and wellbeing of the House. The third person is Mr Steele, the Majority Party Whip. His problems are those of logistics around the House and communication with the members during the course of sittings; he has grave difficulties at the moment stumbling between chairs.

It has been suggested by some honourable members that the House Committee perhaps could have taken care of this. My answer is that the present economic climate simply cannot justify that type of expenditure. In the event that it is necessary to travel, I consider that 5 people is far too many. It would also be quite unfair for a person such as myself to propose that some of the House Committee stay and some go. I consider that it is more appropriate to completely review the membership of such a select committee and to appoint people from outside the House committee, thus saving any difficulties that may arise in that direction. I commend the motion.

Motion agreed to.

PREVENTION OF CRUELTY TO ANIMALS BILL

(Serial 57)

Continued from 4 December 1975.

Dr LETTS: I have a very substantial file on this bill which, unfortunately, I have temporarily mislaid and therefore I will be dealing with the matter largely from memory. I wish to indicate support to parts of this bill, my opposition to some sections and to indicate certain amendments which will be needed.

Since his cave dwelling and stone age days, man has had a close association with and, in fact, a dependence upon, other animals. He has domesticated them for economic purposes and as companions. Over thousands of years, some of these animals have become so selected for specialised functions, such as the domestic fowl, or so adapted to man's protection, that they cannot now live without his patronage. An example of the latter is the domesticated sheep. In any consideration of the handling and welfare of such animals, this is an important point to bear in mind.

Society has found it necessary in relatively recent times to have legislation to ensure the proper care of domesticated animals. We have our version of this legislation in the Northern Territory. As the sponsor of the bill has said, time and experience has revealed

some imperfections in the ordinance. It has been difficult at times to make prosecutions stick and this has tended to discourage those who have a particular interest and responsibility in relation to the enforcement of this law. In seeking to correct those weaknesses that the courts have revealed, it is important that we do not over-react and place excessive power in the hands of people who may not be fully equipped to use it.

These remarks are based on a lifetime of experience of working with a wide range of domestic animals and household pets, close contact with owners and association with members of organisations such as the SPCA. People who belong to such bodies are invariably well-meaning. Occasionally, however, some of them err on the side of being overzealous and insufficiently familiar with the practical aspects of handling a wide range of domestic animals under a variety of conditions, from the farm to the home. Such people, and they tend to be the exceptions, might be described as over-enthusiastic amateurs. As such, they are not well fitted to undertake the enforcement responsibilities which this type of legislation would give them. Unfortunately, their misguided efforts on occasions have lowered the reputation of their organisations and have not helped their cause.

This brings me to a point made by the honourable member for Nightcliff in the introductory remarks of her second-reading speech. She said: "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". In answer to a question from the honourable member for Jingili, she indicated that she based this statement on section 15 of the principal ordinance which says: "The Administrator may appoint such persons as he thinks fit to be inspectors . . . may specify the area of appointment . . . the Administrator shall not appoint a person to be an inspector under the last preceeding subsection unless, where the inspector's duties and functions are to be carried out within a municipality, the person is an officer of the council of that municipality or an officer, agent or servant of a society for the prevention of cruelty to animals; and, where the inspector's duties and functions are to be carried out outside a municipality, the person is an officer of the public service of the Territory or of the Commonwealth or an officer, agent or servant of a society for the prevention of cruelty to animals." I do not believe that section 15 as it stands substantiates the strong assurance that the honourable member for Jingili was given and this Assembly was given in the honourable member for Nightcliff's second-reading speech. With respect, I content that municipal officers, and officers, agents and servants of a society for prevention of cruelty to animals are often not skilled people in the context of this legislation. That is the purpose of my earlier remarks.

Mrs Lawrie: True.

Dr LETTS: This point is very important in relation to the additional power she seeks to confer on inspectors. I suggest that it is not adequately covered in the principal ordinance as it stands, and not dealt with at all in her bill. In considering the contents of the bill, I have had letters and representations from a number of sources, departmental branches, the Canine Association, commercial interests and individual people, and I have had the opportunity for some discussion with the honourable member for Nightcliff. In clause 3, I have no problems with the definitions as suggested. The inclusion of the word "cruelly" in the principal ordinance has caused undue difficulties in making cases stick, and its removal will give proper discretion to the court. In the further definition of "inspector" proposed, I have made contact with the Commissioner of Police and understand he has no objection to the broader inclusion of police officers as inspectors under the ordinance. In clause 4, I agree with the omission of the words "wantonly and negligently" by subclauses (1)(a) and (1)(b) for the same reasons given in respect of clause 3 definitions, but subclause (1)(c) is a different kettle of fish; that is the part of clause 4 which deals with the exercising of dogs, including bitches. I think that previous speakers have alerted members to the problems they see in relation to this part of the bill, and it also has been raised in question time. I do not know that the honourable member for Nightcliff indicated that a fair bit of the material in this bill is taken as a transposition from the South Australian legislation; that may in itself not be sufficient justification to just use it in relation to our circumstances up here. It is impracticable to try and tie down the exercise provisions for dogs in ways that clause 4(1)(c) seeks to do, that the dog for at least one hour in every 12 hours has to be released or exercised by walking it. There are a number of

situations where this would be practically difficult or impossible. The temporary difficulty raised by another member at question time, of a bitch on heat, which may need on occasions to be confined for periods up to possibly 72 hours over the ovulation period in order to escape an unwanted mating, is just one of the practical problems involved here. It would certainly not be in the best interests of an animal which is sick or old or suffering from heartworm to give it this kind of compulsory exercise treatment. It was suggested that it might even require somebody who exercised a dog at 4 o'clock in the afternoon to make sure that he could exercise it at 4 o'clock the following morning. It does not make due allowances either for the type of weather that we have in Darwin in particular and possibly in other parts of the Territory, where you can get continuous periods of rain and cyclonic disturbances occupying 2 or 3 days. In the best interests of the animal, it might then be far better for it to be in confinement for a longer period.

I understand what the honourable member is trying to achieve and I have sympathy for the principle, but the way it is expressed there is likely to be nothing but a source of trouble, particularly with an over-zealous inspector at the other end of the proposition.

I go on to clause 4(1)(e) which proposes to insert in the principal ordinance a provision relating to the cropping of the ears of a dog, including a bitch. This, again, may be present in other SPCA type legislation in South Australia or elsewhere but, logically, this kind of provision has no proper place in this kind of legislation. I say that because it relates to a cosmetic operation on an animal, designed to change its appearance; it is an operation which can be carried out without any question of cruelty being involved; the operation presumably would be carried out by a qualified person under an anaesthetic if required. It is a very gray sort of area and it impinges on the standards of show animals. It is considered not ethical, of course, to operate on a pure-bred animal or an animal designed for show purposes in order to improve its appearance over and above what nature intended. That is a matter which breed societies guard as vigilantly as they can; but, in spite of the ethics of the situation and the efforts of such societies, it is a fact that minor cosmetic and plastic surgical operations are carried out on dogs; sometimes it is the matter of an eyelid which is drooping slightly and it effects the appearance of the animal without affecting its health. Minor plastic surgery operations to rectify that kind of appearance defect are common. I suppose the amputating of tails of dogs is another sort of cosmetic treatment which in some cases is required to be done by breed societies, but the operation of the cropping of ears, apart from the appearance angle, is something which might have to be undertaken as a corrective measure in the case of a damaged ear of a dog. A dog that has damage to an ear and had a haematoma with subsequent scarring and deformity of the ear which affected its appearance might well be given plastic surgery in order to return it, to a large extent, to its normal appearance, and this could involve some trimming of the outer surface of the ear.

These difficulties could arise and might be regarded as "one off" cases, but I do see that we have a departure from the main principles of an ordinance dealing with cruelty by trying to deal with a subject matter which is really a case of appearance and cosmetic surgery rather than cruelty.

I note in relation to clause 6 that it is proposed to repeal section 13 of the principal ordinance, and I note also that the honourable member for Nightcliff did not make any mention of this in her second-reading speech or of the reasons for which she intended to seek that repeal. Section 13 relates to a complaint being laid within one month after the cause of the complaint. It may well be that the point which the honourable member for Nightcliff had in mind was that one month is too short a time in the circumstances in the Territory and the operation of the courts for an action to be brought and that some cases have failed because the action could not be brought within the month. However, to remove that one month and leave the matter open may not be the right alternative, I suggest that the honourable member for Nightcliff should clarify the situation here, and indicate whether perhaps some alternative might apply other than the normal 6 months limitation that applies fairly widely in ordinances of the Northern Territory. Perhaps she might have a look at that and explain it to us because she did not do so before.

The inclusion of the police, covered in the definitions and in clause 7, is another area that I do not have any dispute about and the Commissioner of Police is apparently satisfied with it. In respect of clause 8, killing of animals, I have some queries which I raised

earlier in discussion with the honourable member. These refer to the killing of an animal which is behaving badly and likely to cause death or injury to a person, which is suffering from a disease that is likely to be a threat to the health of a person, or is likely to suffer unnecessry pain or distress by reason of being abandoned or physically injured or diseased. The killing of such an animal is permitted in the case of a veterinary surgeon, medical practitioner or an inspector under this ordinance.

This matter, I think, was alluded to by the honourable member for Arnhem at an earlier stage. I do not think that the list of people who have this special responsibility and power is wide enough and I ask that the honourable member examine it and perhaps explain it or justify it further. There are other people who have a responsibility and a requirement to destroy animals from time to time, in particular people like stock inspectors. What the relationship between the Stock Diseases Ordinance and this bill is, I am not quite sure; perhaps the honourable member would be able to clarify that for me. It does seem to me that there will be circumstances where an ordinary civilian, acting humanely and properly, should be able to destroy an animal that is injured and diseased, and put it out of its misery, particularly in the circumstances of the Northern Territory where it may not be easy to get an inspector under this ordinance, or a doctor, or a veterinary surgeon, at short notice, to do a humane disposal. There is also the situation that could arise in the event of some animal diseases getting into the Northern Territory, such as foot and mouth disease, African swine fever, and a number of very serious animal diseases, where immediate action might be needed to be taken to obtain a specimen for confirmation and to stop what might be a nation-wide calamity. It seems that clause 8 may be too restrictive a clause to cover certain other circumstances.

When we come to clause 9, I have one of my biggest problems and greatest objections to the whole bill. I do not agree with the whole of the new section 17 as proposed because I believe it is faulty in trying to achieve the objectives which the honourable member indicated she was setting out to achieve. Those objectives were, to some extent, to excuse rural areas where people were carrying out normal husbandry practices from the operation of the greater powers the bill would confer. In fact, the additional powers given to an inspector under her proposed new section 17 would relate, if one reads subsection (1)(a), only to rural areas, to commercial premises and not to residential premises. So that inspectors in a town area like Darwin and Alice Springs would have none of the powers to enter that new section 17 proposes to confer. To my mind that is where a good many of the cases that might need investigation would occur, so the honourable member has not achieved what she said she set out to achieve. In any case, the extent of the powers generally which are proposed to be given to inspectors to enter without warrants are not agreeable to me, certainly without greater assurances than the existing section 15 of the principal ordinance contains as to who might be appointed as inspectors.

Moving on to clause 10 which deals with section 21 of the principal ordinance, again I find that, while I don't disagree entirely with the principle of this clause which is an exemption clause, I think it needs further examination because it does not take into account sufficient practical cases and needs. It makes an exemption in the confining of an animal while it is undergoing or is in preparation for undergoing veterinary treatment, but it does not make provision for the confining of an animal post-operatively or post-treatment while it is recovering; and that is the very time when close confinement—in the case of broken legs and surgical operations—may be the greatest need. Proposed paragraph 21(1)(h) makes exemptions for the confining of animals for certain purposes which might be described as husbandry purposes: dehorning, branding, shearing, sale or slaughter. There are a number of other activities which need to be looked at to see whether they need to be defined, or defined in some more general way: things like marking or gelding, ear-tattooing, vaccinating in certain situations—animals are confined in crushes and confined spaces for the purposes of vaccinating. And while we have not got a great number of sheep in the Territory, there are operations to sheep such as foot-paring which are done with a view to humane treatment of animals but they are done by lay people in their normal farm operations. I would be happy to discuss this particular provision at greater length with the honourable member for Nightcliff to see if we can achieve the covering of these husbandry and farm-type operations in a more comprehensive or general way.

Those are some of the principal areas I have noted in my study of the bill. There are a few other matters which I think need further examination.

In relation to proposed new section 26(6), I don't know whether the word "kennel" in common usage covers the variety of animals that might be kept, even with the exclusions that are provided there for zoos, stables and agistment areas. In relation to agistment areas, the only mention made of exclusions are "horses and cattle", but we have in commercial use in the Territory quite a number of other animals which might need to be included in that exemption; that is, animals like goats, buffaloes, donkeys and pigs which could, I guess, all be subject to agistment. Once again, that is only a matter of minor detail but it needs to be tidied up, as does the next area.

In section 27(6), we find that a "stable" means a place where 3 or more horses are habitually kept but does not include a place where horses are kept principally for the purposes of working cattle. Surely, there are farm animals other than cattle where horses are kept. In central Australia there have been sheep properties on which horses have been used and they may well be used again in the future. There are also other animals such as goats and buffaloes. There are a number of small points like this that occur throughout the bill and which are not as tidy as they should be.

I do not know what the honourable member for Nightcliff will finish up doing about this bill. Other people, no doubt, will draw attention to defects other than those I have mentioned. In the light of my opposition to proposed section 17(1) which is one of the main clauses in the bill, I do not know whether she will seek the continued passage of the bill to retain those areas of agreement, even though some other major clauses may be opposed or defeated, or whether she will seek to redraft the bill in the light of the comments made. After the second-reading debate, we will need a further period of adjournment for discussion and evaluation of the suggested amendments.

Mr DONDAS: I must make it quite clear that I support the principle of prevention of cruelty to any animal, and that I find the present principal ordinance a far better document than the proposed amendments that I have before me today. The sponsor of this bill stated that she wanted to give the principal ordinance more teeth and that other honourable members would be shocked at the powers she intended giving to the inspectors. I was not shocked but horrified when I read the wide-ranging powers that were to be given to these inspectors, especially when the principal ordinance could be up-dated with several minor amendments to serve our present-day needs.

I would support the removal of the words "wantonly" and "negligently" from paragraph (1)(b) of section 4. The removal of these words would assist the court in finding a person guilty of an offence against the ordinance because the inclusion of those words means that it is not necessary merely to prove ill-treatment but also that ill-treatment was wanton and negligent.

I would have to disagree with the proposed amendments to paragraph 4(1)(j). The principal ordinance requires reasonable exercise for dogs that have to be chained up. The proposed amendment is somewhat partial. For example, it may be convenient for a dog owner to walk his dog at 2 pm every afternoon. If the proposed amendment were observed, then the owner would have to get out of bed in the middle of the night, 12 hours later, to exercise his dog if he is to avoid prosecution. I find it ridiculous to specify the hour for exercising a bitch, especially a bitch in season with all the suburban terriers on the loose. I wonder what havoc would be created.

Paragraph (1)(j) of section 4 of the principal ordinance includes the term "reasonable exercise'. The courts have determined what was reasonable in various circumstances. The additional paragraph at the end of the section 4 that refers to an animal, other than poultry, being in a cage or receptacle of such dimensions as to deny it reasonable opportunity for exercise, is somewhat confusing. Aren't poultry animals? The poor old hen is confined in her tiny cage with no exercise, standing cramped up all day laying eggs. I ask who is to judge the size of a cage for the confinement of animals, including caged birds, especially when the penalties that the honourable member prescribes are so severe.

The paragraph relating to the cropping of the ears of a dog, including a bitch, is also somewhat confusing. The honourable member states that this new section is important; it prohibits the cropping of dogs' ears. Why does she consider it an offence to crop a dog's

ears but not his tail or his testicles? The cropping of a dog's ear is no more painful than the docking of his tail if these minor operations are carried out by qualified persons. These types of surgery are usually carried out a few days after the pups are born and they suffer very little pain. Surgery to an animal should be a consideration for the dog owner and his veterinary adviser because of the various requirements of the very many different breeds. I have 2 Dobermanns and, in Western Australia, it is legal to crop a dog's ears but it is not legal to show them because it is against the show society's regulations. It would improve the appearance of my dog if I did crop its ears. It is an accepted practice in America and also in the United Kingdom but, unfortunately, it is not recognised by our show societies because it does make the animals look a lot more intelligent and a lot more ferocious.

A further addition to section 4(1) paragraph (o) relates to the abandonment of animals: ". . . being the owner or person in charge of an animal of a species that is ordinarily kept in a state of confinement or for domestic purposes, abandons that animal". I appreciate the introduction of the new concept. However, would the honourable member for Nightcliff consider it an offence if an owner or a person of a certain species of bird confined by them was abandoned by them to their natural habitat or surroundings, or would they have to rely on the mercy of the court as suggested in the new subsection 4(1A)?

Mrs Lawrie: Would you read that again?

Mr DONDAS: "I appreciate the introduction of this new concept. However, would the honourable member for Nightcliff consider it an offence if an owner or person of a certain species of bird confined by them was abandoned by them to their natural habitat or surroundings, or would they have to rely on the mercy of the court as suggested in the new subsection 4(1A)?" If there appears to be no reasonable excuse for abandonment, they must be found guilty and pay severe penalties as suggested in the proposed new paragraph.

I would agree to the proposed increase in penalties in section 7(3) of the principal ordinance. However, I do not support the repealing of section 13 of the principal ordinance: "Any complaint in respect of an offence against this ordinance shall be made within one month after the cause of the offence or complaint arose". The honourable member for Nightcliff has not given any indication as to why this limitation of time is repealed. I feel that the section is justified and should remain.

I agree to the proposed amendments of section 15 of the principal ordinance which relates to the inclusion of the Northern Territory Police Force as affecting this ordinance. This action is obvious and I make no further comment as the Majority Leader has also covered this section.

The honourable member has proposed to repeal section 16 of the principal ordinance. In this instance I would agree. No person who puts an animal out of its misery should be subjected to civil or criminal proceedings for humane action; however, I would insist, before accepting this amendment, that some allowances should also be made for stock inspectors and members of the Primary Industries Branch. If we are to protect veterinary surgeons, medical practitioners and inspectors, the same protection should be afforded to the men in the field because they come into contact with the various types of problems of animals in their day to day routine.

I disagree with the proposed amendment to section 17 of the principal ordinance. The honourable member intends to repeal a perfectly good section and replace it with an amendment providing for Gestapo-type activity which horrifies me. This is apparently the section which is getting more teeth; it certainly does. The proposed amendment gives an inspector, if he thinks he has reasonable grounds, power to enter premises with force at any time, to search vehicles, aircraft, break open chests, boxes, trucks—and practically do as he likes. Further, if somebody is present at the premises he is investigating, all he has to do is show his credentials and proceed to do as he wishes. After this inspector has finished creating all the havoc on reasonable grounds, all he has to do to absolve his actions is give a written report to the Administrator.

Honourable members, this is not on. The same power does not exist if one thought an offence was being committed against a child or a person. The present section 17 is sufficient to allow the inspection of premises, not being premises that are principally residential premises, where domestic animals are kept. Also the present section 17 relates to all premises including residential and urban housing.

If an inspector requires powers of entry, let him satisfy a magistrate or justice and obtain such access if the circumstances warrant, and not have such power himself as this amendment intends.

The amendments to section 21K subsection (1) of the principal ordinance are favourable, with the inclusion of new paragraphs (f) and (j). However, I am at a loss as to the inclusion of (h): "in the confining of an animal for the purpose of dehorning, branding, shearing sale or slaughter". I find the inclusion of paragraph (h) somewhat confusing as the honourable member stated that this amendment was necessary to protect domestic animals whilst in confinement or whilst travelling.

The amendments of section 22 of the principal ordinance seem unnecessary because that section already gives power to the court to deprive a person, convicted under this ordinance, of ownership of an animal. The only difference is the huge fines for contravening a court order.

The new provisions regarding an inspector giving directions to mitigate the suffering of animals may be reasonable to the inspector but may not be reasonable grounds to an experienced owner. The inspector may also, if he feels it necessary, expend money to the value of $50 in carrying out his duties and then proceed to claim reimbursement from the owner. Does the honourable member intend that this claim be for petrol, food or accommodation for the inspector to travel around remote areas to carry out his duties?

Provisions relating to private zoos, boarding kennels, and stables should be amended to relate only to commercial undertakings. All the exceptions should be removed as stated; they are confusing, suggesting that zoos, stables and boarding kennels are similar projects, and throwing in dog shows and racecourses for good measure. I agree that some form of registration for commercial undertakings of this nature is desirable, but it should be kept simple and limited to commercial undertakings, which should work in association with the Animal Industries Branch. In its present form, it would necessitate permits for any premises that keeps fresh food or animals and to which the public have a right of entry.

With regard to new section 30, I find that there may be some over-reaction on the part of the sponsor of the bill whereby it is requested that the Administrator in Council provides menus for the quantity and standard of food to be provided to animals whilst in confinement. This is absurd. I wonder who makes the menus for the prisoners in the Fannie Bay Gaol? I am sure it is not the Administrator in Council.

Whilst I commend the honourable member for Nightcliff's intention to amend the principal ordinance to upgrade standards, the amendments in this bill are unrealistic. I find that the principal ordinance, with a few minor amendments, would serve the purpose of protecting animals. This new legislation is unwieldy and sometimes laughable. Whilst I do not oppose the general principle to protect animals from cruelty, I do not support the amendments in their present form.

Mr PERRON: The sponsor of this bill has claimed in her second-reading speech that the bill does not strike new ground but just brings the ordinance up to date with similar legislation elsewhere in Australia. I am surprised at this statement as it is difficult to see how responsible legislatures could pass laws like those proposed in the bill now before us. I do not propose to speak on all the aspects of the bill as I feel that they have been covered reasonably well by previous speakers. I will confine my remarks to clause 9 of the bill to which I take particular exception.

Clause 9 relates to an inspector's power to enter and search premises without a warrant. It is the type of clause I would expect to find in legislation in Uganda. Among other frightening aspects, we see that an inspector who is satisfied there are reasonable grounds for suspecting that an offence against the ordinance is about to be committed can do certain things. An inspector may without warrant break into or enter, with such force as is reasonably necessary, any premises at any time. Perhaps under this section, we can imagine an inspector breaking into premises because he suspects that the owner of a dog was about not to give the dog his 12-hourly exercise. This is absolutely absurd and we should not provide for absurdity in legislation. Surprisingly and, I suspect mistakenly, the section covering inspection of premises does not relate to, and I quote from the bill, "premises that are principally residential premises". If the bill intends to relate mainly to domestic animals, where else would we find those animals but in residential premises?

Section 17A states that a person in control of a vehicle or vessel shall cause that vehicle

or vessel to stop when called upon to do so by an inspector acting in pursuance of his power under section 17. The penalty is $500 or imprisonment for 3 months. That seems a little savage when the only offence committed is failing to stop when called upon to do so. It is not related necessarily to the person having to be convicted of an offence under another section of this ordinance, merely that he failed to stop. I doubt if the drug squad could place a deterrent like that. The penalty under the principal ordinance for assaulting an inspector, and the inspector may be a police officer, remains at $100. However, for no other offence than failing to stop when called upon, the penalty is $500. It is up to $250 for letting a bird go free. If we can bash a policeman for $100 as often as we like, I do not see why it should cost $1,000 to kick a dog 3 times; $1,000 is the maximum fine for a third offence of ill-treating an animal.

The bill provides for an inspector to produce a certificate of appointment before commencing any search of premises. However, there is no such provision when an inspector wants to stop a vehicle. Unless an inspector is a policeman in uniform, a driver will have to stop for every person who calls upon him to do so, because the person may be an SPCA inspector and to fail to stop forthwith could mean a $500 fine or three months imprisonment. Add to that, clause 6 which removes the time limit for initiating action and you really have us all on tenterhooks.

It seems that only a vet, a medical practitioner or an inspector can kill an injured, suffering animal without committing an offence. I believe this is very wrong and it should be changed. I have witnessed road accidents involving dogs where the most humane action was to kill the animal immediately by whatever means were available on the spot. I do not believe that it should be an offence to do so in every case.

We have heard the sponsor of this bill chastise other sponsors of legislation in this House for not seeking the views of special interest groups. It appears that she does not practise what she preaches. There was a letter sent to all members of the Assembly by the North Australian Canine Association which stated: "It would be appreciated if any proposed amendments to any ordinance related to this subject were in future referred to this association for comment". It seems like a perfectly reasonable request.

In conclusion, I recommend that the bill be withdrawn and rewritten, taking into consideration all the aspects which honourable members have raised in objection.

Mr POLLOCK: I am going to speak briefly about the bill. One area which has not been mentioned is in relation to clause 4(1)(e) where an animal other than poultry is confined in a cage. It has been pointed out to me that other animals such as pigs are kept in cages. Why shouldn't they too be exempted because, under this definition, no animal except a fowl may be kept in confinement?

In relation to inspectors, we must be careful that commercial interests are not allowed to creep in and that persons who have some commercial interest in animals, such as boarding kennels—and even the SPCA if it set up boarding kennels—should not be appointed as inspectors under this ordinance. This is a very important aspect to be borne in mind when appointments are being considered.

The matter of search has been well discussed here this morning. From my previous occupation, I am only envious that such provisions are not included in many other ordinances. We have seen the Legislative Council remove progressively over the years similar provisions in the Firearms Ordinance for instance. If the police had these powers in many areas, they would be clapping their hands.

One matter which concerns me is in relation to the registering of private zoos, boarding kennels and stables. Here we have a whole new bureaucratic setup for registering and paying fees. It is all very well to keep a record of such establishments but, when these people have to register and pay fees, it is getting completely out of hand, especially when a special exemption is given to the fauna enclosure at the Old Telegraph Station in Alice Springs. Why should other non-commercial enterprises where they have birds or animals on display have to go through all the ballyhoo of registering as a private zoo? I think it is completely unreasonable. Commercial ventures should perhaps be registered but not private zoos. What exactly is a private zoo? If you have at home a galah, a budgerigar, a canary, a guinea pig and a pet sheep, do you have a private zoo? Do you have to register? I think that is a lot of ballyhoo.

Mr Robertson: What about a goldfish bowl in a cafe?

Mr POLLOCK: I examined the definition of "animal" and I suppose a goldfish could be read into it; it is an animal that is dependant on man for survival. I think that contributes to my point about the ridiculousness of non-commercial enterprises having to register.

I was going to mention the matter of the Canine Association not being consulted. I do hear utterances from the member for Nightcliff saying that she had consulted with them; the secretary said that she hasn't. She may well have consulted them since she received this letter but I don't know. There are comments by the association which have been covered here today by other members.

Mrs LAWRIE: I thank honourable members for the attention they have obviously given this proposed legislation. I shall reply first to some of the points raised by the honourable member for MacDonnell, because his comments are most fresh in my mind. In general, the comments made by the Executive Member for Social Affairs and the Majority Leader are quite relevant. Some of the other points raised were not quite as relevant and I shall attempt to go through them one by one.

The most valid criticism made by the honourable member for MacDonnell was that inspectors should not be appointed where they are in the process of running kennels or zoos or any other type of establishment and where they would be in a position to harass members of rival establishments running commercial enterprises. That point had occurred to me and I completely agree with it. It could be that the SPCA are given a grant to enable them to run a dog pound, or a kennel—all members would hope they do get such assistance—and it would be a conflict of interest perhaps to have the same people criticising commercial establishments. That is the best criticism yet made.

The honourable member asked why it is necessary to register private zoos, boarding kennels and stables. The point in registration initially is that, where it is a commercial undertaking, it is a consumer protection type of thing. People who board their dogs at a registered kennel are entitled to expect a certain standard and that standard will be set by regulation by the Administrator in Council. Many of these proposed amendments rely on the Administrator in Council to do certain things. In many cases it is proposed that the Administrator in Council may make the regulations. It is not my intention to over-regularise such an industry but where one has, within these definitions, private zoos or boarding kennels or stables, surely it would be better for the proprietor and the operator to obtain a certificate of registration which immediately sets a reasonable standard; anybody then committing their animals to that care would be entitled to have that standard maintained. It may still be that people choose other places in which to place their animals but that would be up to them. The benefit to the proprietor is two-fold. Firstly, the person admitting his animal has a certain confidence and, secondly, such registered places should not be subject to weekly investigations because, if sufficient complaints were laid against such a place and were substantiated, it might well be they would be in danger of not having their licence renewed. My reasons for licensing them are to protect the proprietors who are going to run such an establishment, to save them from possible harassment and to lay on the line what is a reasonable standard.

The Executive Member for Social Affairs also spoke of aviaries and fish tanks. My main concern is the three obvious businesses carried on—boarding kennels, stables and private zoos. It would appear from his remarks that he is more concerned with the definition of private zoos than of the other two which are reasonably explicit. I would hope that the honourable member will have amendments to present in committee on the section relating to private zoos.

The Majority Leader had the courtesy to discuss this bill with me and on many of the points which have been raised quite validly by members I had already come to similar conclusions. In my conference with the Majority Leader, I agreed with some of the points raised. Most specifically, I agreed that section 17 is not on. I also agree with him about the deletion of the exercise clause. Under the principle ordinance, one has to give an animal reasonable exercise. I agreed with him that the original clause is probably easier to operate and easier to understand than the proposed amendment. There has been a lot of heat generated quite unnecessarily on that.

I am pleased that the Majority Leader supports the removal from the principal ordinance of the words "cruelly" and "wantonly or negligently" because these have been means by which people have escaped what

could have been considered their just due because of their ill-treatment of animals. Honourable members have received a letter from the Canine Association of Northern Australia in which they oppose the deletion of those words and make other comments. I can advise members that I have known Mr Van Der Velde, the secretary, for many years. I went through his objections with him and he withdrew on behalf of the association his objections to the deletion of "cruelly", "wantonly or negligently", "knowingly or wantonly". I was also able to assure him that I agreed to his objection to the new exercise clause and that probably the old one was quite sufficient and easier to understand.

There has been a fair amount of discussion of the cropping of animals' ears. Some of the remarks made by the Majority Leader I do not think were quite fair. He was talking about the need for surgery in dealing with a haematoma. That is already allowable because, under the principal ordinance, a veterinary surgeon can carry out such operations to preserve the life of the animal or to prevent unnecessary suffering. Thus, those considerations should not come into it. As he is well aware, I was attempting to say that the cropping of ears of dogs such as Boxers and Great Danes would not be permitted. As we all know they are not permitted to be shown in the showring. The reason for the introduction of the prohibition on cropping per se was that the various SPCAs around Australia are trying to get uniformity on this. Honourable members have expressed opposition to this being introduced in this Assembly at this time. Obviously, it will be defeated. That won't cause me much heartburn because normally cropping is done under good conditions. It is not done, as the honourable member for Casuarina suggests, at the same age as tails are docked. The tails are usually done within a matter of days of birth but, for proper cropping, that cannot be done. In the United States, it is some weeks before a Boxer puppy's ears are cropped and they are taped in place. If that provision is going to be knocked out, that is no skin off my nose, but it was put in because the states around Australia are attempting to get uniform legislation. It may well be that, in 12 months time, there will be an approach made to this Assembly to reintroduce this.

The other section which aroused the ire of honourable members was an error. This was the removal of the time limit completely. It is my intention to introduce a time limit of 6 months. In my discussion with the Majority Leader, he did advise me that there was a schedule of amendments being drawn up. I also have amendments which I can see are necessary to many parts of the legislation. It is useless for me to go ahead drawing up my set knowing that the majority party is drawing up its own set. I agree that committee stages should be taken later and I hope that the Majority Leader would at some time afford me the same courtesy of showing me the proposed schedule of amendments. It will cut out much work for the draftsman and will rationalise the whole debate.

I simply do not accept a lot of the criticism because these matters were discussed between myself and the Majority Leader. Having discussed it with him, I had not expected to have to discuss each one individually with every other member and, in fact, none of them approached me. I wonder whether they are concerned at having good legislation or having a go at the member for Nightcliff. Well, my shoulders are pretty broad and they can go ahead.

Another area brought up by the Majority Leader and with which I agree, is the need for the clause dealing with the people licensed to destroy animals to be carefully looked at. There are other areas such as stock inspectors and I have already agreed with him that these are necessary amendments. We heard a lot of talk again this morning of how bad it is when in fact the matter has already been agreed upon.

Mr Perron: What about individuals with no qualifications?

Mrs LAWRIE: That was discussed too. Why don't you see your Majority Leader?

The Majority Leader said that close confinement may need to be looked at. I don't quite share his concern because it does mention treatment, including post-operative treatment, and I think that the one particular point he raised may well be already covered.

Despite the very quick and long speech by the honourable member for Casuarina, there are in fact substantial areas of agreement. He supports the removal of "wantonly" and "negligently" etc. We have already agreed, he now realises, with the repeal of the exercise provision. I think it was the honourable member for Casuarina who spoke of the confining in cages of animals other than poultry. This is one particular aspect where I would imagine

that the Administrator's Council will make regulations. At least, that is my hope.

At the moment, there is no guideline given to the general public, other than perhaps over-the-counter advice in pet shops, as to what is a reasonable size of cage for birds. This has resulted, in some cases, in cruelty to the birds, but not wanton cruelty. It is simply cruelty through negligence. The Majority Leader will be well aware that the vast majority of cruelty to animals, including birds, arises not out of malice but out of ignorance. I would hope, that when some provisions of this amending legislation are accepted, the Administrator in Council—and I repeat that so much hangs on the Administrator in Council—will make regulations and publicise them widely as to what is a reasonable space for a caged bird. It was with this particular aspect in mind that the clause was put in. In other areas of Australia, it has been of extreme concern that birds such as large cockatoos are confined in cages designed for one small canary. It is hoped that the provision will be related to that.

One member raised some doubts about the abandonment clause. I remind honourable members that it does specifically say: "being the owner or person in charge of an animal or a species that is ordinarily kept in a state of confinement or for domestic purposes, abandons that animal". I believe that definition is reasonable and does not need amendment, bearing in mind the defence which can be entered under section 4(1A). I imagine that people who have lived in Darwin or places like Nhulunbuy for some time would be very much in favour of the wilful abandonment of a domestic animal being made an offence. Certainly it is cruel. In fact it becomes cruel not only to the animal but to the population at large.

Someone raised—I was going to say a red herring but perhaps it is a red canary—the point about if you let a bird free, is that cruel? Mr Speaker, in some cases it may well be; there are birds bred in captivity which cannot survive if they are released into what used to be their natural habitat; this is particularly so with finches, canaries and budgerigars brought into the Territory which have been bred for generations in captivity in Melbourne and have no hope of survival when they are turned loose. A good example of this occurred after the cyclone. A large number of birds were released in Nightcliff because there was no other method available then of caring for them and they died. I saw them attacked by chicken hawks and, because the poor little things were bred in captivity, they did not know how to cope. So it may be that in certain circumstances it could be considered cruel. The main reason for that particular clause obviously was, hopefully, to confine the abandoning of dogs.

I have already advised honourable members that I agree that the no-warrant provisions should not be proceeded with. There was one other area of agreement, the appointment of inspectors. It is my understanding that under this legislation the Administrator in Council appoints these inspectors. He is given certain guidelines and, again, in my discussions with the Majority Leader, I said it was probable the guidelines should be tightened up. I invited him, if he had any thoughts on the subject, to prepare amendments and perhaps do me the courtesy of discussing them with me. And, lest it be said that I am criticising the Majority Leader, I am not; he agreed to that and our discussion was at all times amicable and in the interests of getting the best possible legislation.

Mr Robertson: You've replaced Everingham.

Mrs LAWRIE: The honourable member is mistaken. He just said I have replaced everything. I was just about to come to that. Some members have asked if I intend to proceed. Yes, certainly through the committee stage if possible, most particularly because the first provisions of this legislation which have been, by and large, accepted—that is, the amendments of section 4(1) of the principal ordinance—are overdue and necessary and will, hopefully, alleviate a lot of hardship.

As I have not had a great deal of time to consider all the objections raised, I may have missed a few of the points brought up, but I believe that I have indicated, in good faith, my acceptance of many of the points raised with some heat by members some weeks ago. I hope that those provisions which are, by and large, acceptable, will pass this Assembly in the committee stage.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ENVIRONMENT BILL

(Serial 81)

Continued from 4 December 1975.

Dr LETTS: I have in my hands my file on the Environment Bill presented by the honourable member for Port Darwin back in December. I have a large sheaf of material here. The bulk of the comments I have received have in fact come in within the past 2 weeks and some as recently as last Friday. Speaking very generally, what these comments add up to would be a good deal of apprehension about certain aspects of this bill and also a good deal of misunderstanding of some parts of it. Some of the comments which I have received in writing were made before the honourable member for Port Darwin circulated his latest list of foreshadowed amendments. Without wishing to be disrespectful to him, Mr Speaker, I think that the present position is what I might call a bit messy.

We have to hand, and we appreciate the fact that he had done this, a further 10 pages of proposed amendments to the second version of the bill. Over the weekend I spent a couple of hours transposing this latest schedule of amendments into the second version of the bill so that I could try and follow what is going on. In the process of doing that, it came to my notice that some of the drafting of these amendments is, I believe, faulty. For example, on page 4 of the schedule, item 83.17 calls on us to omit "private" wherever occurring. When we examine clause 14 of the bill, we find the word "private" in that clause is not only used in relation to nuisance but it is also used in relation to lands. So the effect of omitting "private" is to substitute for the term "private land" in several places the term "statutory land"—and I am quite sure that is not what the honourable member is asking us to do. I have queries also about amendments on page 9 and page 10 of his schedule.

Be that as it may, because a lot of material and comment has come in quite recently together with the schedule of amendments, I am not really in the position that I would like to be in of being able to furnish to the honourable member for Port Darwin a pretty comprehensive statement today on the things that I like about his bill and the problems which may arise that he needs to have a further look at. In general, the concept of having a broad environment protection bill such as this is one that I think would receive general support.

I have had some comments among those received that some people felt it would be better had the honourable member divided the nuisance aspects from the broader environmental protection aspects and perhaps treated it as two pieces of legislation. I am just relaying to the honourable member the kinds of suggestions that I have had from various people. As far as my own part is concerned, the 2 or 3 examples of areas of the bill which raise questions in my mind I will now bring to the honourable member's attention.

Clause 36 deals with control of roadside advertising and the sidenote reads: 'Consent to erection of boardings". I presume it means hoardings. I just ask him, generally, whether, as he has not prescribed any particular area in which the Director of Environment might have authority, that clause is intended to apply throughout the whole of the Northern Territory, whereas in some other parts of the legislation he has differentiated between municipal type functions in some respects and the areas of authority of the Director of Environment. The control of hoardings and notices and advertising in the city of Darwin and the township of Alice Springs is at least open to some question as to whether it should not be properly the responsibility of the municipal authorities rather than a new branch of the public service, and I would like to know what the municipal authorities and local government associations think about this proposition before I finally agree to it.

I am still not satisfied with the way that he has handled the question of environmental protection orders and the defence against an environmental order which may not stand up to subsequent examination. One finds this in clause 13 where the director delivers an environmental protection order to a person, and the person to whom it is delivered may, within 7 days, apply to the board for the cancellation of the order. But further down, in clause (3), that person "may not apply under subsection (2) for a cancellation of the environmental protection order if he has, on a day after the day in which the order was delivered to him, done any act or been guilty of any omission contrary to the terms of the order or, where the order relates to the use of the machinery of a manufacturing, industrial or mining process, he has continued the use of that machinery or process". This is a matter on which I have had a number of representations. It has been pointed out to me that some of these large-scale operations which are in many parts, each part depending on the other, are perhaps fairly easy to shut down but very difficult and costly to start up again. We need to be certain that industry is not ground to a

halt by the fact that somebody thinks a nuisance or pollution is occurring which subsequently turns out not to be so.

In the general area of dangerous and deleterious substances which runs through parts of this bill, there is provision for these things to be prescribed by regulation, and I am interested to have further discussions with the honourable member for Port Darwin on any overlap or relationship between the regulations to be made in respect of dangerous and deleterious substances and the regulations and law which is already in existence in the Northern Territory, such as the Dangerous Drugs Ordinance, the Poisons Ordinance, the Explosives Ordinance, and a number of other areas, to make sure that we are not creating a new bureaucracy to draw up prescriptions for these things and to administer them over and above what we already have.

Because of the size of the bill, the volume of the amendments and the comment and representations I have had, some of it in quite recent days, I do not believe that the Assembly is in a position to go much further with this legislation here and now. I believe that the best course of action I can recommend to the Assembly and to the honourable member is that the bill be adjourned again. I am prepared to get together with him for a working session to see how well he can explain and justify some of these and other matters to me, and to incorporate these amendments in his second draft of the bill. I am quite willing to make the time available to do this and I trust that the honourable member for Port Darwin will be willing also.

Debate adjourned.

MOTION

Darwin Cyclone Tracy Relief Trust Fund Monthly Reports—August, September 1975

Mrs LAWRIE: I seek leave to withdraw this motion because of the time lapse. When it was originally moved, it was relevant, but it is no longer relevant.

Leave granted; motion withdrawn.

ENCOURAGEMENT OF PRIMARY PRODUCTION BILL

(Serial 85)

Continued from 18 February 1976.

Mr KENTISH: I am pleased to support his bill which is a very timely piece of legislation. It is quite a simple bill, but it will have far-reaching results on the efficiency and effect of the Primary Producers Board. The function of this bill is to provide the Primary Producers Board with its own banking account and accounting system. Providing this is properly accounted in the normal manner, it will be quite a boon to the primary producers organisation and, more importantly, to the people who are depending on this board. Urgent provision of finance is a vital thing to the people of these areas; often, it means a good deal of savings to them.

A farmer may go to the Primary Producers Board with a long term plan but, more often than not, the applicants have a fairly urgent case to put to the board. Mostly, they are people who are chronically short of finance. Because they have to plough so much back into the crop, it is a long time before anything nestles in the bank account. They have so much equipment to buy and stock, fencing, fodder etc. They may come before the board wanting money urgently. It may be towards the end of the dry season and they find out that they urgently need hay for the carry-on of valuable stock, stud bulls or other cattle. They may find that, if they can get immediate finance, they can buy at great advantage because they can pay immediately. The seller may not want to wait 2 or 3 months for payment because he also needs money urgently.

Thus, for the quick purchase of hay in a drought period or at the end of a dry season, finance is of vital importance for the customers of the board. Sometimes a customer may come to the board and say that he can save $1,000 on a tractor if he can seal the bargain in a week. He may have an option for a few days or a week. This is continually happening with this class of people. The ability to clinch a deal quickly is of great importance to them. Some of these farmers are always fighting against some sort of odds; there is too much rain or too little rain; they may dodge the white ants and beat the bandicoots and then get tripped up in the financial stakes. This bill will give them assistance at that point.

Mr VALE: I rise to speak in support of this bill. I will be very brief because the Majority Leader has clearly illustrated the effect this bill will have.

It is quite obvious that the delays caused in financial payments through the Primary Producers Board and the rigmaroles of the public service will be overcome by establishing for the board financial autonomy with its own

bank account. Further, separating its activities from the Public Service Board can only speed up the efficiency and payments of the board to primary producers or pastoralists generally in the centre of Australia. I am sure they would all support the amendments contained in this proposal.

Debate adjourned.

MOTION

Select Committee on Landlord And Tenant (Control of Rents) Ordinance

Continued from 19 February 1976.

Mr EVERINGHAM: As I am one of the members named in the motion for appointment to the select committee, I thought it only proper that I should declare my interest in the matter of landlord and tenant relations. I do have a pecuniary interest in that I am both a landlord and a tenant. I am a landlord in respect of flat premises and also commercial premises and I am also a tenant of commercial premises. I have interests in companies which engage in the same operations. I would hope that my interest in this area, although it is pecuniary, would not blind or bias me to the requirements of the public interest that the Northern Territory should have a system of administration of relations between landlords and tenants for the greatest good of both parties.

At present, I am quite convinced that we do not have such legislation in force in the Territory. I do not want to say that it is bad legislation entirely because, with certain streamlining, it can be improved. However, there are changing ideas in this field and our legislation springs from the emergency legislation first enacted in wartime. Obviously this legislation, which was pushed through in a hurry and was to control a situation where the national resources had to be harnessed to give greatest priority to the survival of the country, is not necessarily the best in today's situation.

In relation to the second term of reference, I have been legal adviser to parties from the south who have been interested in investing money in the building of residential accommodation in the Northern Territory. These people have drawn back because our ordinance provides that no security can be taken from a tenant, that the rental is fixed by the rent controller and that a tenant, even one who is destroying the premises in which he is living, may hang on for months without the landlord being able to evict him. Obviously people who want to build flats do not want to see them destroyed in front of their very eyes and not be able to do anything about it.

I certainly do support the desirability of having this select committee to inquire into the ordinance and I hope that we may be able to propose legislation which will place the Northern Territory in the front ranks of progressive social reform in this area.

Mr TUXWORTH: I want to support the concept of having a select committee to investigate the Landlord and Tenant (Control of Rents) Ordinance in the Northern Territory. I speak both as a landlord and a tenant. There is one very hard lesson I have learned in relation to landlords and tenants and that is that some landlords are very fair and others are crooks, that some tenants are exceptionally good and others are absolute villains. I concur with the remarks of the honourable member for Jingili to the effect that we do need complementary legislation to make the ordinance fair and reasonable to both parties. The general concept is that all tenants are being ripped off and all landlords are thieves. I would just like to put forward the idea that many landlords work, build and invest under very trying conditions. The present formula for assessing a fair rent to a landlord is ludicrous and it is going to have a very damaging effect on the availability of accommodation in the Northern Territory in the next 2 to 3 years. The motion is long overdue and I welcome it.

Mrs LAWRIE: I find no quarrel with the proposed motion. I think the more pertinent debate will be on presentation of the report because, at the moment, it would be foolish to try to direct the committee in its deliberations. My only quarrel is with the final part of the motion, that the committee report to the Assembly on the first sitting day after 1 May 1976. This may be cutting the time a little short unless this committee has a variety of staff members to service it. I have sat on several select committees—one was almost analogous to this: the Tom Bell select committee into consumer legislation—and it takes a hell of a lot of time to consider the legislation in the other states, relate them to the Northern Territory situation and decide what parts could fit into our legislation and how our present legislation should be amended.

I will support this motion and I wish the committee well in its deliberations. I shall be more inclined to speak at length on the presentation of its report, but I do sound a word of

warning: if this committee is to report by the first sitting day after May, either they will work 25 hours a day or they will need staff to service them.

Mr WITHNALL: Since my name has been taken and referred to in the motion, I think I should express some preliminary views that I have about the Landlord and Tenant Ordinance. Honourable members may remember that in 1971 and 1972 I proposed an amendment to the Landlord and Tenant Ordinance which took business premises out of the operation of the ordinance. This was done quite specifically because, when one is dealing with business as distinct from residence, one has to recognise that bargains are made and bargains ought to be kept, and I think that with respect to business it is quite wrong for parties to a contract relating to leasing of premises to have the right to abrogate the contract and to substitute something else upon a determination of the Rent Controller. Consequently, I successfully moved in the Legislative Council to have those premises taken out.

Unfortunately, a fellow called Thomas Andrew Bell, inspired by the opposite view, was able to persuade nominated members and the majority in this Assembly that business premises ought to be taken back into the ordinance, and the amendment I made was taken out. As a result, prescribed premises now, under the definition, means any premises other than holiday premises, premises licensed for the sale of spirits and fermented liquors, hostels, motels and boarding houses. I just wonder why there is an exemption of hostels and boarding houses because mostly boarding houses are shared accommodation within the meaning of this ordinance anyhow. And why, if we are going to have controls over the prices charged for premises, ought we to exclude premises licensed for the sale of spirits or fermented liquor? It has some peculiar side effects: it means that the ordinance does not apply to stores but it applies to office premises. A store which has a licence to sell by retail, spirits and liquors, is not subject to the ordinance at all. The fellow next door, who is not selling booze but selling only soap and bread and other things, is subject. It means that a restaurant with a licence to serve wines with its meals is not subject to the ordinance but the one without such a licence is.

It is about time we had a good look at some of the provisions of the ordinance. The view I have is that the ordinance ought not to apply to premises leased for business purposes. In the past I have listened to all arguments that have been put and at the moment I have not been persuaded but there may be other arguments that may be put.

There are a number of provisions in this ordinance which obviously need very close attention. The ordinance dates from 1949 and is, in fact, not only of that vintage but of a vintage of about 1939 because the terms of this ordinance were an exact repetition, in 1949, of the Landlord and Tenant (Control of Rents) Regulations made under the National Security Act of 1939. Some of these provisions in the ordinance have not only been proved in the courts to be unwieldy and cumbersome, but some have been proved to be completely unworkable. Frankly, I would have liked to have seen the terms of reference somewhat wider except for the fact that in paragraph (d) there is a term of reference which relates to the desirability of altering or amending any part thereof, and I suppose that term of reference could include 90% thereof.

Mr TAMBLING: I am also pleased to support the motion and the intent that we will at least be able to have a very close look at the form of a housing study throughout the Northern Territory community. I do not envy the job of the committee; it has certainly got an onerous task because not only has it got to look specifically at the legislation but it has got to try and obtain a much broader understanding of what the Northern Territory is really about and just what is the relationship between people who are tenants and the requirements for investment and building contractors. If I could just use the 40 kilometre radius as an example——

Mr WITHNALL: I note you have the right pronunciation.

Mr TAMBLING: Thank you. Of the residential property in Darwin at the moment, about 33⅓% is government-owned and that, in its own way, is also a tenancy if you like. The honourable member for Nightcliff, in a question this morning, alluded to economic rents with regard to government housing. Perhaps the terms of reference ought to have looked at the area but I think it would take more than one committee to do that job properly.

The Housing Commission in the Darwin area leases about 17% or 18% of the available residential housing in this community. It also has special subsidies and special considerations because of the peculiar needs of the

market it supplies. But when you look at the private sector which has well in excess of 50% of the residential dwellings of Darwin, the committee has got to take into particular account just what is the relationship of those people who depend on private sector rental accommodation. The Darwin Reconstruction Commission, when it compiled in late December a status report of the accommodation in Darwin, ascertained that not one new multi-density flat-type dwelling had been commenced or built in Darwin since the cyclone. Under the present circumstances, there must be a reason for this that goes further than the built-in planning problems and the constraints of Darwin.

There are 313 government flats in Darwin, 400 are owned by the Housing Commission, and some 1,634 flat units are privately owned. The private sector owns some 231 buildings in Darwin containing 1,634 flats, and there has not been one addition to that since the cyclone. The only medium-density proposals that I am aware of have been as a result of the strata-title legislation that recently went through this Assembly. Investors, or the people who are prepared to build, must be given the opportunity to make a return on their money and they see that the only opportunity available to them is to perhaps use the strata-title legislation which will provide a form of housing in the community. But the committee will have to take into account that the strata-title legislation is probably only going to assist the higher economic groups in the community; it is not going to assist the transient person who does not want ownership or the person of limited means who does not have access to the funds to enable him to purchase medium-density housing.

Another very important issue in the Darwin situation is the necessity to replace the expedient housing that has been injected into this community in the last 12 months. There are some 2,000 or 3,000 caravans and there are 500 to 700 core-units and demountables. Surely over the next couple of years the 3,000 or 4,000 families living in what I can only term substandard housing must look to the provision of suitable rental accommodation. The demands are sticking out and, whilst the honourable member for Nightcliff alluded to the importance of timing, I think that the first meeting day after 1 May is appropriate for a report even if it is onerous on the committee because the urgency of the task is paramount.

Mr ROBERTSON: I rise in support of the motion. I would just like to continue from what the Executive Member for Finance and Community Development was saying in reply to the honourable member for Nightcliff in respect of her concern as to the time limit which the committee proposed imposing upon itself. It is of course a fact that the select committee–if this House sees fit to institute it–may report back to the House by way of an interim report and seek an extension of time. I do agree entirely with the Executive Member in that there is an urgency about this particular matter and, by this Assembly imposing a fairly rigid time limit on the select committee, it will at least make the select committee do everything in its power to get this thing dealt with as a matter of urgency.

Regarding the situation with landlords, tenants and investment–all the parameters involved in this particular industry–I quite frankly do not know what the problem is and of course that is one of the reasons we propose the select committee. It has been suggested that, the legislation being very old, it could be a legislative problem. I certainly have no knowledge of that at this stage but no doubt I will find out as I go along if appointed to this committee. There could also, of course, be purely administrative problems. The only thing I am absolutely certain of is that there is something very definitely wrong. It seems incredible, when you have, as in Alice Springs where there is 3 and 6 months waiting time with each of the property management firms or real estate companies in that town which means you have a massive demand factor, that at the same time there has been no flat-type private development commenced since the commencement of the last amendment to this legislation requiring compulsory determinations of rent. That defies the most basic economic law of supply and demand, so what is wrong?

As has been indicated by other honourable members, if this select committee becomes a reality, its task is indeed a very onerous one. It is a committee which will have to make very wide investigations. I would expect that in fact it will probably have to make investigations overseas. I think that all western societies have probably reached the stage where they have agreed that some form of control of rents is required. We hope from all that information that the select committee will be able to come up with an answer to the

House which will lead to a completely revised form of legislation.

In closing, Mr Speaker, I would point out that I too have a very small pecuniary interest in this particular field. I am a landlord, in partnership, of a small block of flats in addition to 2 houses. Like the honourable member for Jingili, I am quite sure that these interests will not cloud my objectivity if appointed to this committee.

Mr BALLANTYNE: I rise to support the motion. The Landlord and Tenants (Control of Rents) Ordinance has been around for a long time and so have the people looking for good accommodation. The biggest thing I think that has probably brought this to bear is that at the present moment in Darwin we have a situation where the demand is greater than the supply. It brings about all sorts of jealousies because of one person paying a fairly substantial rental per week while the next-door-neighbour might be assisted by the Government with a subsidised rental.

There are other areas in the Territory affected by this particular piece of legislation. I know that at Nhulunbuy there are second grade houses in demountable-type units where tenants are paying an exorbitant rental—$100 or $75 per week for a very poor type of housing. The biggest problem in areas like Nhulunbuy is that the houses or flats are company owned. I would like to see some form of development take place; I am sure that in a place like that and other areas in the Territory people would not be game enough to even buy the land for building flats or other commercial interests. I do commend the motion. I only hope that the time factor is not too long. I am sure they are very capable people—I have had a look at the list. They have a very big job ahead of them but I am sure they will do the job and I am sure that whatever comes out of it we can look to some reasonable legislation from it. I know that in other states they have legislation which covers this particular field and it works quite satisfactorily, but then again, in the Territory, particularly in Darwin, I don't know whether the new legislation would really suit the people here at the present moment under the present situation of having the Darwin Reconstruction Commission proposing to build all sorts of dwellings and buildings and flats. I am sure that will be the biggest problem which will hinder any legislation that comes up. The members of the committee have my support. I wish them every success and I am sure that they are capable of doing the work. Other members have confessed to having some pecuniary interest in this particular field; I have no pecuniary interest in any land or house or flat. All I can say is that I wish the committee well in its inquiries.

Motion agreed to.

ROAD SAFETY BILL

(Serial 93)

Bill presented, by leave, and read a first time.

Mr RYAN: I move that the motion for the second reading be made an order of the day for a later hour.

Motion agreed to.

ADOPTION OF CHILDREN BILL

(Serial 88)

Bill presented, by leave, and read a first time.

Miss ANDREW: I move that the motion for the second reading be made an order of the day for a later hour.

Motion agreed to.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL

(Serial 87)

Bill presented, by leave, and read a first time.

Miss ANDREW: I move that the motion for the second reading be made an order of the day for a later hour.

Motion agreed to.

LEGISLATIVE ASSEMBLY EXECUTIVE AUTHORITY BILL

(Serial 95)

Continued from 18 February 1976.

Mr WITHNALL: At the outset, I would like to say that I have every sympathy with the honourable member who is styled the Majority Leader in this Assembly. To be the leading jockey in the Northern Territory, mounted on the favourite and facing the barrier for 12 months without the barrier rising, must be a very galling experience. I have every sympathy with him in his endeavours to get something started. However, I do not have a great deal of sympathy at all with the measures which have been introduced in this Chamber with a view to getting the barrier lifted. The Prime Minister made a promise

about the creation of a new state in this part of Australia within 5 years. I would have thought that the logical way to achieve that result would be to start building up a state-type government. However, with this bill, the Transfer of Executive Powers Bill, and the Audit Bill, the measures taken towards the attainment of some executive authority in the Northern Territory can only be described as completely unsatisfactory and measures designed to play into the hands of anybody who wants to delay it.

This organisation that is proposed to be set up, let's face it, is a bastard of an organisation. It insists on talking about executive members; it does not talk, as it should, about the government of the Northern Territory or the government of whatever political entity the Commonwealth Government seeks to erect in the Northern Territory. We have had at least 6 years of delay since the Liberal-Country Party in Canberra promised quite firmly that they would introduce an executive into the Northern Territory and that it would have certain specified functions and powers. Since that was agreed at a conference 6 years ago, one would have thought that one could have created, with the powers then proposed, a government of the Northern Territory and an executive of the Northern Territory that could hold its head up and not say it was self-created.

Apparently, nothing has been done. The Majority Leader has been reduced, in extremity, to take a very backward step and a step which is likely to lead to further delay. In saying this, I am well aware that I cannot criticise the present Government which has been only some 3 months in office, but I can criticise that Government for what I feel sure is going to happen. The public service will prevent the Government, or at least delay the Government, from introducing any measures designed to remove from the public service any authority which it presently enjoys. That is my forecast. Many years ago, I referred to the public service as "Princes of Procrastination", and I am sure that since I used that expression in about 1958 it has been completely and utterly proved correct, particularly when a proposal is made which may have the effect of pruning the authority of the public service at the expense of the public service itself.

I do quite vehemently protest against this bill. For my part, I would have wanted to fight the issue fairly and squarely. I would have wanted to force the Government, with every strength I could find, to accede to what has been generally accepted for at least 6 years: the Government, by amendment of the Northern Territory (Administration) Act, should create a government of the Northern Territory. I will not go along with this devious, bastardised system of talking about executive members instead of a government of the Northern Territory. You cannot pull yourself up by your own bootstraps; all you can do is to create an organisation which will not be any better than the Territory of Papua New Guinea was in 1931. Don't give the fight away; you must carry on political fights with every strength you have. Don't say, "I will take second best or third best". I suggest that this is about fifth best.

The fight must be carried on in the way it should be—with a view to creating a government and not just a bunch of executive members whose authority depends upon the fact that they are referred to in the standing orders of this Assembly. This is a devious and improper method of prosecuting the demand for responsible government which has already been acceded to by the Prime Minister and his party. If you have this and the other bills passed, you will not have a responsible government; you will have a curious sort of animal to which will be attached the words "Legislative Assembly", but which will be finally responsible to the Commonwealth Government. If you do this, then you are saying, "This is all we want; we are prepared to accept this". I plead with honourable members not to do it. If you get into a fight, you finish it. You do not call a halt half way through and say, "That will do for the time being, thank you".

I suggest to the honourable member that he should not proceed with this bill, nor prosecute this policy. He should say unequivocally to the Commonwealth Government that the way towards the statehood which has been promised to the Northern Territory is through early amendment of the Northern Territory (Administration) Act and through a policy adopted by the Commonwealth of assigning authority over the 5 years after which the promise is supposed to be fulfilled. I say to the Majority Leader that this bill is a grave mistake. The two other bills are based upon the same false idea of what government of the Northern Territory means and are also grave

mistakes. I hope that he will see fit to withdraw these bills, or at least let them lie without them passing, while he carries on the fight with Commonwealth Government to obtain authority to proceed in the proper way towards the creation of a government in the Northern Territory and not just a bunch of executive members.

Debate adjourned.

ADJOURNMENT DEBATE

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

Mrs LAWRIE: In the adjournment tonight, I want to refer to standing order 39, relating to special adjournments. It is to be expected that, within the next couple of days, the Majority Leader will move a special adjournment of this Assembly for the purpose of fixing the next sittings. I would give the Majority Leader notice tonight that I believe it would be improper for this Assembly to rise and adjourn to a further sitting date whilst the question of the 6% home finance loan remains completely unclear.

The Executive Member for Finance and Community Development was asked a series of questions by me this morning and he answered honestly. He has provided me privately with the answer to one of the questions. I asked on what date housing loan approvals were cut off. He has advised me that it was approximately 19 December. Since that date, people have been making applications for loans and, until some time in January, they had no idea that approval would not be given. There has been considerable discussion in this House of the lack of knowledge of what is going to happen to the 6% home finance loan and whether money will be forthcoming this financial year to process loans already with the Home Finance Trustee but not yet approved.

With the best will in the world, the Executive Member for Finance and Community Development has been completely unable to get any assurance from the Treasurer or from the Minister for the Northern Territory. But, worse, he has been unable to get any indication of when any decision will be given. Because of this, I would request the Majority Leader to consider not adjourning this sittings and for this Assembly to continue sitting until some indication is forthcoming from the Treasurer and the Minister. It may be that he would feel a recess of one week would be in order because the following week I believe the Australian Government is in recess and the Minister for the Northern Territory may well be visiting Darwin. In those circumstances, I believe it would be proper for this Assembly to sit and to invite the Minister to the floor of the House to state his government's policy on the 6% loan.

The people of Darwin are mystified, upset and bewildered, and they look to members of this Assembly for some help. Through the resources available to us, each member has done what he can to the limit of capabilities and within the limits of this Assembly. However, there is one further course open. If there is no announcement in the near future, the Assembly should continue sitting, or at least resume after one week's break, and invite the Minister here to face the people of the Territory through their representatives in this Assembly and to give an indication of what the policy is.

Mr STEELE: I would like to say a few words about some of the problems the member of Nightcliff has mentioned. In saying something about bringing the Minister before the House——

Mrs Lawrie: We invite him.

Mr STEELE: OK, we ask him. We could probably go back to the last 5 ministers we have had and hold Mr Bryant to account for several of his misdemeanors and Mr Enderby for the 32-square mile razzamatazz. I guess Dr Patterson probably would get himself into trouble too. I think everything that has been said in this Assembly in the last 2 weeks clearly strengthens the case for more say in our own affairs. It is quite clear to me that when you look at these matters like the primary surge areas, the home finance scheme and the way they operate, the fact is that you have got to go to Brisbane and it does take 3 weeks to get that cheque even if they tell you 10 days. There was the Darwin Reconstruction Act—we had a couple of very brave people who went down and sorted that out—people were pretty unhappy. In all these areas—police, health, capital works, whether cuts should be made—these matters are not referred to local people; they are decided by people in Canberra most of the time and how in the hell could they know just what should be done in the Northern Territory?

Some members mentioned last week about another small item—forward land development. The way things are today, we have a

situation where no consultants will be employed unless approved by certain Cabinet committees. It is one area I am particularly concerned about because it involves forward land development not only in Darwin but in the Northern Territory. To get a survey for subdivision done costs about $30,000. After the whirlpool is over we are going to run out of land—that will be in about a year from now—and there will be no further land available for Territory people. It costs about a million dollars to prepare a subdivision; all the surveying at this stage is done by contract, and those contractors or consultants will be broke before that time. Once again, no one consults anybody in the Northern Territory about what should be done, how it should be done or when it should be done.

Just on a final note, I am just wondering if anyone has been driving around Darwin with their eyes open lately. It is like a head full of teeth with half of them missing. There are 4 areas of responsibility in this: the shop owners, the city council, the investors and the Government. If we wait for the Government, with due respect to our political beliefs, we could be waiting a long time. The shop owners have got a big say in this matter—they could get off their little backsides and reach some agreement about the shape of the Darwin city-to-be. I am not talking about the outer areas of Darwin, I am talking about the square mile here. I do not know whether the city council would like to make some suggestions, whether they can make suggestions, whether they have the ability—but they might say the same about me. The investors are the people we are going to have to rely on. There has been many a good word spoken in the Assembly this time about trying to get the Territory back on its feet and trying to look at areas of legislation which are hampering the investors, in fact cutting their throats. The town itself is probably not a bad place. I have lived around here since 1948. But I think that—if anyone has been to Port Arthur in Tasmania—if they are here in 2 years time and these 4 areas have not got off their backsides, we will be looking at another Port Arthur.

Mr DONDAS: I rise this afternoon to let off a little bit more steam. We have heard of the song "There's a pub with no beer". I think that there will be a composer in the future who will compose a song about Darwin—"The town with no money".

Laughter.

Mr DONDAS: This is serious, it is not a laughing matter.

The area into which I mean to delve for a couple moments is the travel warrant area, whereby people who were evacuated after the cyclone were promised that they would be brought back to Darwin at Government expense and so on and so forth. I have had several complaints that range back from August, September, October, November until the present date from people who have paid their own fares to return to our fair city. They have applied to the Department of Emergency Services for a refund on their fares, which have totalled anywhere between $400 and $800. That is a lot of money for an individual who has just been through a cyclone and has only got a few material things left. But there is no money. You ask the Department of Emergency Services: "When will funds be made available for re-imbursements?" The answer is: "I am sorry, we cannot answer that question, there are no funds available". How long will this continue? How long can these people be expected to wait? That is the question I ask. It is very unfair that they even have to wait at all.

Another area of concern is the demountables and caravans that the Department of the Northern Territory has purchased for temporary accommodation. Some of the demountables are leaking; we have heard about it before, it is not the first time. But the problem is that the Department of Public Utilities and Housing, the department which is administering the allocation of these demountable units and caravans, have very little say in the matter. The caravans have been paid for in most cases and the companies who have sold these caravans and demountables do not care any more; they have got their money. And we have people out there in the northern suburbs who, every time it rains, have to move their bedding. Every time it rains, they have to move their clothes. Every time the airconditioner breaks down, they have to wait maybe a month or 2 months or even 3 months for somebody to come out and have a look at it. When you ring up the companies concerned, they say they have no parts, they have to get the parts from Hong Kong or somewhere else. Where is the justice? These people who are living in these demountables, under duress, under these unusual circumstances, have nowhere to complain. Even the Department of

the Northern Territory has nowhere to complain. They cannot go back to the manufacturers with any success and say: "Look, 420 demountables and caravans need repairing—what are you going to do about it?" But the situation is allowed to linger on. It will probably linger for another 4 years and the caravans will not be any good. I do not know what is going to happen to these people.

The third area is a subject which I was not going to speak about, but it was brought up by the honourable member for Nightcliff. This is the home loans affair. "The Home Loans Affair Saga" I call it. At 2 o'clock this afternoon I had the privilege of speaking to the Minister, Mr Adermann, on this topic. It was in response to a call I placed last Friday regarding whether a decision had been made to inject further funds into the Home Finance Trustee. Unfortunately, the $8.8m that our 307 applicants have received is all we are going to get for a while. The Minister is putting his proposition forward to Cabinet but Cabinet has not yet met to discuss this particular problem. I asked him whether he thought we would have a reply within one month and he said that he would certainly hope so.

We have another class of people who have already expended their insurance money because they have had to spend their $10,000 or $15,000 from the insurance companies before they can start using the home finance money. They have been advised verbally that they would be entitled to a loan. They qualify because they were owner/occupiers prior to the cyclone; they had a house prior to the cyclone and they were going to get back $12,000 insurance. They made negotiations with a builder to build them another home for $40,000. That means that they need a further $28,000. They were then told verbally that, if they went ahead, they would surely get the approval and be able to pay their builders. There are dozens of people who have commenced their building and now the builder has finished their home yet there is no money. I will conclude with my opening remark, that Darwin could eventually be called the town with no money.

Mr KENTISH: I was interested to hear the remarks of the honourable member opposite regarding the sad situation in the northern suburbs and other parts of Darwin. His remarks on the airconditioning reminded me of the time when I first came to Darwin in the 1930s. When the punkah board stopped, you always found that there was some way to complain about it. They were a bit ahead in those days; you might find that Billy had slipped the string off his big toe and the punkah board had stopped. Things are not quite so easy now.

I was interested this morning to hear the questions from the honourable member for Tiwi concerning Knuckeys Lagoon. However, the replies are not of a very certain nature at this stage. The camp at Knuckeys Lagoon was established after the cyclone. Although people have camped in small spots about the lagoon for a good many years, the camp that is there now was established after the cyclone and is a credit to the initiative of people who found a spot where they could be sure of water and firewood. They set themselves up with corrugated iron dryness for some protection from the wet. They did this while others were fleeing south and getting into all sorts of complications which we have heard about also this afternoon. They are to be congratulated on their initiative in this respect.

A year or more has gone by now and every now and again I hear that expansion is taking place there and that another grant has been made. These are perhaps not from the Aboriginal Affairs Department or the Department of the Northern Territory but there are places south that give grants for this sort of thing. Wherever the money comes from, the settlement is growing. However, it is not growing in a permanent manner nor in a manner that will bring credit to the town of Darwin. It is in the town area of Darwin. This morning, I heard the reply that there could not be any finality about this matter until an application before the Aboriginal Lands Commission was decided to see whether it will become Aboriginal land. If it does become Aboriginal land, it would most likely become a leased area within the Darwin town area but that does not move it out of the Darwin town area.

While it is in the Darwin town area, it affects not only the Member for Tiwi but is also of interest to all people in the town. Some of the people who camp there may be called permanents and there are others who are itinerants who have come into Darwin for a holiday or for some other purpose. They like to camp on the eastern side of Darwin. It is very obvious now that they do not like to go through the town to Bagot; they want to be out that way. It is also apparent that the time is long past for a decision to be taken quickly

as to whether that would become a permanent settlement after the style of Bagot or whether a permanent place will be set up elsewhere.

The reason why an urgent decision is required on this is because of the nature of the buildings which are being built–tin huts and shanties. If we let this affair continue, we can expect that, as a community and as a government, we will be slated. It is ripe now for a journalist to come from the south and take a nice picture of some of the areas that have been rebuilt in Darwin and also a picture of a street of the tin huts out there. We are all used to the old story of course. The headline will be "This is the way the Aborigines in Darwin are forced to live". They are not forced to live that way at all. They are there by choice. Most of them could be back on missions, settlements, cattle stations and other places but they live there by choice.

However, we still have some responsibility as a town and as a wider community for the manner in which these people live and build. Therefore, a decision is required quickly on the siting of this settlement or camp as to whether it will continue, be closed down or phased out. When the decision is made, it should be properly built with permanent structures and be something that we and the people who live there can be proud of.

Motion agreed to; the Assembly adjourned.

Wednesday 25 February 1976

STATEMENT

Aboriginal Land Legislation

Dr LETTS (by leave): the Legislative Assembly resolved on 22 October 1975 to appoint a delegation to convey views to the Federal Government on the 1975 Aboriginal (Northern Territory) Land Bill. With the double dissolution, that bill along with other parliamentary business passed into limbo and legislation will be a matter for reconsideration by the new government. I believe that situation also means the termination of the existence of a delegation as it was set up to perform a task in relation to a specific bill. However, the Assembly cannot leave the matter of Aboriginal land legislation to rest. There has been considerable reference in the press and on radio during the past few days to this subject and I propose to provide some comments and an indication as to how the majority party in the Assembly would like to proceed.

There is no doubt the Northern Territory Aborigines want their land rights properly recognised as soon as possible. We support them in that desire; that is the policy of the Federal Government and the policy of the Country Liberal Party in the Territory. In achieving this objective, the great majority of Northern Territory Aborigines wish to proceed by a process of consultation not confrontation. I have no doubt about that in spite of the views expressed by some spokesman for Aboriginal groups in recent days.

I turn next to the form of the legislation. We were not satisfied with the form of the 1975 federal legislation. There were a number of matters of detail which were canvassed in earlier debates in this Assembly. One of the most important omissions from the bill, which came to my notice fairly late in the piece, was its failure to recognise the system of land titles which exists now at the clan level, and where one Aborigine may at times be clearly seen to be the titleholder under the present law. I believe that the system of conferring titles must be broad enough to cater for community and trust forms of titles where this is the wish of the people and also for the individual or clan title where that is the appropriate form. Unless this is done, the legislation will not stand up in practice. That is not my thinking; it was a view put to me strongly and clearly by a number of tribal elders in Alice Springs recently. These men, who are present titleholders covering large tracts of land under their law, definitely did not accept the 1975 federal bill. They did not accept the view of other Aboriginal spokesmen on their behalf and they have asked me to make their view known to the government.

In general, we have to make a law which attempts to meet all the needs and yet avoid creating a separate nation within Australia and separate states within the Northern Territory. I will be attempting within next month, with assistance from my colleagues and staff, to have guidelines for legislation drawn up here using the best information we have at present. I invite representatives of and advisers to Aboriginal groups to take part in discussions to assist in drawing up a suitable framework. When this is done, the proposed form of any legislation will be available for comment to all communities in the Territory, Aboriginal and non-Aboriginal, and to the government.

As to where the legislation should be made, we still seek to have it made in the Assembly as a Territory law. This would be consistent with other land laws of the Territory; it would be consistent with the position in the states and therefore with the Government's policy of statehood for the Territory. It would make the legislation more responsive to local needs as seen here from time to time. At the same time, the Federal Government with its responsibilities in Aboriginal matters would have the safeguard in that they still have the power to refuse assent or to return unsatisfactory legislation to this Assembly with amendments. I believe that would take care of the concern which was expressed by Mr Justice Woodward in one part of his report. In the last resort, if agreement could not be reached between the Federal Government and this Assembly, the Federal Government would have the power to legislate still which would be a more proper course to consider when all possibilities of satisfactory local legislation have been exhausted.

I believe that, if this kind of approach could be agreed to with the Aboriginal communities, the Federal Government and the Assembly, this Assembly could have passed within 1976 something which would be an improvement on what we have seen before and more closely meet the needs of all the Territory people. I asked the Central Australian Aboriginal Council and affiliated bodies' spokesmen who have expressed an attitude in the nature of confrontation rather

than consultation to reconsider their attitude. I believe that the desire for consultation is much more in keeping with the views of the Aboriginal people that they purport to represent than an attitude of confrontation.

PRISONS BILL

(Serial 78)

Bill presented and read a first time.

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

This short bill is designed to provide for the Prison Officers Arbitral Tribunal to meet in circumstances that are not presently provided for. The present situation is that the Senior Judge is required to sit on the tribunal as chairman. At the moment, he is unavailable and the tribunal is unable to meet. There are several important matters waiting for the tribunal to consider. This amendment will allow a judge of the Supreme Court of the Northern Territory of Australia to sit as chairman of the Prison Officers Tribunal. Things are trying enough now for prison officers and it is frustrating that they are unable to meet to consider quite just claims on their behalf. This amendment is a matter of some urgency and should be processed with the least delay.

Mr DONDAS: I arise to support the proposed amendment to the Prisons Ordinance. Since the cyclone, the prison officers have worked quite hard at the Fannie Bay Gaol. They have worked under adverse conditions. They have worked under conditions of almost ridicule. There have been tourist buses stopping outside the jail and tourists taking photos of the prisoners and of the prison guards. They are under-staffed. There are no training facilities and there are no recruitment facilities. I sincerely hope the amendment will assist the prison guards and officials in their fight to obtain better working conditions without having to wait 6 months or a year before such conditions are improved.

I have spoken on the particular subject of Fannie Bay Gaol on several occasions pertaining to the security fence around Fannie Bay Gaol. Some of the members may wonder why the member for Casuarina is involved with the Fannie Bay Gaol.

Mr Ryan: Most of the prisoners come from his electorate.

Mr DONDAS: Not the prisoners. Most of the prison warders and the security guards are resident or have been resident in my electorate. This is one of the reasons why I have become involved because they voted me in to look after their interest and that is what I have been doing.

I sincerely hope that this particular bill is accepted. It is a very very small amendment. There are very few senior judges around but there always seems to be a judge of the Supreme Court around. This would assist the tribunal in meeting more often to discuss the problems that are arising.

Dr LETTS: I rise to make application to you under Standing Order 152 that this bill be declared an urgent bill. In doing so, I point out that it is very simple. The wording is parallel to that of a bill which was considered by the Assembly last week in relation to the Police and Police Offences Ordinance. Hardships will continue to be caused to prison officers in not being able to have a tribunal hearing while the present situation on judges remains as it is. It seems to me to be a very straight forward matter.

Mr SPEAKER: Honourable members, I am satisfied that the delay of one month provided by Standing Order 151 could result in hardship being caused and, accordingly, I declare the bill to be an urgent bill.

Mrs LAWRIE: I rise to support the bill for the same reason as I gave in my support of the bill dealing with the difficulties being experienced by police officers. I would hope that the problems of the prison officers will come before the Arbitral Tribunal with the shortest possible delay. I would only make one comment. It is a pity that the bill must go through on the one day without any public notice. When the police bill went through I would have liked some reference to be made publicly that a comparable bill would follow regarding prisons. I admit that this bill is urgent and should go through. However, the public should be made aware that such issues are coming up to be dealt with.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

MOTION

Ordinances presented for assent

Miss ANDREW: I move that whereas section 4V of the Northern Territory (Administration) Act requires that every ordinance passed by the Legislative Assembly shall be presented to the Administrator for assent and

that "upon the presentation of an ordinance to the Administrator for assent, the Administrator shall declare, according to his discretion, but subject to this act, that he assents to the ordinance, that he withholds assent or that he reserves the ordinance for the Governor-General's pleasure"; and whereas unreasonable delays have occurred between the time of passage of bills by the Assembly and the declaration by the Administrator of his decision as to assent; now therefore this Assembly resolves that the Clerk shall prepare, with the least possible delay, each ordinance made by the Assembly and shall forthwith present it to the Administrator in accordance with the act; and in the event that the Administrator does not, within a reasonable time, declare his assent or otherwise, the Clerk shall notify Mr Speaker who shall, if the Assembly is sitting, inform the Assembly or, if the Assembly is adjourned, fix a sitting day in order that the Assembly may consider the matter.

The purpose of this motion is to try to restore to the legislative system the practice that existed from 1947 until recent years. There is every good reason why that practice should have existed because it is required by law and is in keeping with the legislative practice throughout the Commonwealth.

Over the last two years, delays have occurred which are unpardonable. Some of these delays have happened to legislation which originated from the Government and was passed in the form suggested. Any excuse that the Administrator needs to await advice on such matters is completely without foundation.

At the present time, the Prices Regulations Ordinance 1975, passed by this Assembly on 23 October 1975, has not been assented to nor reserved. Four other ordinances passed on 4 December 1975 are in the same position. These are the Criminal Injuries (Compensation) Ordinance, the Transfer of Executive Powers Ordinance, the Interpretation Ordinance and the Firearms Ordinance (No. 2) 1975.

As indicated in the preamble to the motion, the act is quite clear in its intention and I quote, "The Administrator shall declare according to his discretion . . ." Note the word "shall" and not "may". This implies an obligation and the time limitation on that obligation is defined in the words "upon the presentation of an ordinance". These words are, for all practical purposes, the same as those used in the Australian Constitution. "When a proposed law passed by both houses of Parliament is presented to the Governor-General for the Queen's assent, he shall declare according to his discretion". It would be unheard of for the Governor-General to delay his declaration in relation to legislation presented to him from the Federal Parliament and there is no reason why the same rule should not apply here.

There is an alternative course to the passing of this motion and that is the taking of action in the courts to require the Administrator to comply with the terms of law. But I do not think that that is the most satisfying line of action open to us.

In the past, individual members have expressed their dissatisfaction with the delays which have taken place but their complaints seem to have been ignored. By passing this motion, the Assembly expresses its opinion, as a body, and it is unwise to ignore such an opinion.

The motion directs the Clerk to prepare the ordinance without delay, which is normal procedure, and to present it forthwith. This is where the direction changes the present procedure. The present procedure is that the Clerk waits for the official secretary to the Administrator to advise him of the Administrator's intentions as to whether the ordinance is to be assented to or reserved. In each case a different certificate is attached according to the announced intention. If this motion is passed, I expect that the Clerk will have to prepare 2 sets of ordinances for presentation—one for assent and one for reservation.

The motion does allow the Administrator reasonable time to declare his intention in such a case as where he is waiting urgent advice from the Minister concerning the Government's attitude to policy contained in the ordinance. I would not consider anything in excess of 48 hours to be reasonable. The crux of this motion is that those public servants who presume to advise the Administrator are going to have to get off their tails and get that advice to him much faster. There should be no time after a bill is passed for writing letters to Brisbane and Canberra to discover what the policy is.

The motion calls on the Speaker to summon the Assembly if the Administrator fails to act as he is required to by the law and by this motion. Such a meeting of the Assembly

could only be for the purpose of considering a further motion or motions critical of the Administrator. I hope that it never comes to that.

Mr WITHNALL: Honourable members may have noticed in the question paper the question that I asked of the Majority Leader in these terms: "Will he obtain from the Department of the Northern Territory a summary of all correspondence initiated by the department and any other department relating to the initial proposal to reserve, and the actual reservation of, the Prices Regulation Ordinance 1975 and the Crown Lands Ordinance (No. 4) of 1975, indicating the designation of the officers concerned, their section and branch? On how many occasions have the presentation copies of ordinances been lost and, when this has happened, did the loss occur in the Darwin, Brisbane or Canberra offices of the Department?" I am assured by the Majority Leader that the question has gone to the department and that he has received no answer. I am not surprised. It is a bit too difficult a question to answer and even people so used to juggling with unintelligible phrases as the public service may find it difficult to justify the extraordinary things that have been going on.

Let us take the Crown Lands Ordinance (No. 4) of 1975. There is a provision in the Northern Territory (Administration) Act that any law relating to the disposal of crown land —and I would not have thought there was any question but that a Crown Lands Ordinance related to the disposition of crown lands— must be reserved for the pleasure of the Governor-General. On a law like that, the Administrator and his department have no option; it must be reserved. Yet what happens? I am told that the ordinance goes from this Legislative Assembly—where it is prepared quite expeditiously—to the Department of the Northern Territory who send it to the Legal Section in Brisbane, who sent it to their people in Canberra for presentation to the Minister—presentation to the Minister is a question which I will refer to shortly—it goes back to Brisbane, and from Brisbane it comes back here. All this in respect of this particular Crown Lands Ordinance is to see whether or not the Minister will give the Administrator permission to reserve it, when he must reserve it as a matter of law. And that is why I ask the question. If that is the sort of thing that is going on, how ridiculous can any public service get?

The public service, so far as most Commonwealth departments are concerned, seems to exist to serve itself rather than serve the public, because all that is happening is a proliferation of work, the quintessence of the Parkinsonian Theory. They are making work for themselves, work they never had to, work they ought not to be doing; and in the process they are delaying a law which was passed by the elected Assembly of the Northern Territory.

The presumption which is abroad in the public service today has got to stop and at least in this respect we can exercise our authority because an ordinance is a law of the Northern Territory and assent is only required to bring it into force. The fully-elected Assembly of the people of the Northern Territory have declared that the law is necessary, and it is not for the public service to carry on, as I said yesterday, like "Princes of Procrastination", making work out of delay. That is what they are doing. They are making work for themselves, with the inevitable result that the passage of legislation is delayed.

The Strata Titles Ordinance had to be reserved. It was necessary because it dealt with land matters in the Nothern Territory. I wonder what has happened to that? I wonder whether that went through the same ridiculous process as the Crown Lands Ordinance did?

I can only support the motion and I can only hope that somebody in the department with sufficient brains reads the text of this debate and realises that the department is failing in its duty by taking legislation of this sort, or legislation which at least which has to be reserved, through this ridiculous chain of action. The honourable member, in the terms of the motion, has suggested that this Assembly resolve that, if assent is not declared, the Clerk shall notify the Speaker who shall fix a sitting day in order that the Assembly may consider what has happened. As the honourable member said, this is a fairly serious course of action because inevitably it must result in a very strong criticism of the public service and, in so far as any of the ordinances have to be reserved, a condemnation of the Administrator himself. I say that because I think it has to be emphasised that the Administrator himself has a duty in this matter and he should not rely on his department. The ordinances should be presented directly to him and, if they have to be reserved, they should then be immediately reserved. I support the

motion but, like the honourable member, I trust it will not have the result which is formulated in the last paragraph.

Motion agreed to.

REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL

(Serial 87)

Continued from 24 February 1976.

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

This bill contains a number of unrelated proposals for amendment of the Registration of the Births Deaths and Marriages Ordinance. The first of these proposals is designed to deal with deficiencies in the principal ordinance arising out of the fact that various registers held by the Registrar-General relating to the period prior to 1941 do not appear to have any legal status under the current ordinance. Accordingly, there is doubt as to whether the Registrar-General has power to issue copies or extracts from these old registers.

I refer members to clause 5 of the bill and section 8 of the principal ordinance. The latter section incorporates with the current registers the various registers kept under the repealed Registration of Births Deaths and Marriages Ordinance 1941, but it does not incorporate the registers kept under the corresponding ordinance in force prior to 1941.

The second proposal deals with the simplification of procedures relating to late registrations of births. The principal ordinance provides a period of 28 days after birth for lodging particulars of the birth. Under section 14, the Registrar may accept late registration up to 12 months after the birth upon proof of the birth on statutory declaration. After 12 months, the approval of the Administrator is required for registration of the birth.

It has been estimated that there are up to 10,000 persons in the Northern Territory whose births have not been recorded in the register of births. Most of these persons were born many years ago and it is considered that the present requirements of the ordinance for late registration would make it an extremely complex and time-consuming task to have their births registered. Many persons would not go to the trouble of making out statutory declarations and making the necessary applications for late registrations. A simplified alternative form of registration is desirable and it is considered that the proposal in clause 7 of the bill will be one way of achieving this end. It is important that persons whose births have not been registered should be able to have their births registered and be able to obtain copies of their birth entry, otherwise they are denied many avenues of self-improvement and advancement in our society.

To guard against unfounded claims for late registrations, the bill provides that all applications for late registration under the proposed new section 13A must come through the Director of Social Welfare. The director will be able to assist the applicant in preparing the necessary papers. He will also be able to check his own records for details of the births. The Registrar would have complete discretion to accept the information supplied or otherwise and to make a late birth registration. As there may be some risk of the particulars being inaccurate, the births will be recorded in a separate volume of the register. I am not entirely happy that this is the best solution to this problem and my colleagues and I will be looking for public comment and for alternatives. Clause 14 of the bill proposes to clarify the registrar's powers arising from proposed new section 13A in those cases where the birth occurred in a period prior to the enactment of the current ordinance.

The next matter dealt with in the bill is that of changing of names, other than surnames, after birth. Under section 18 of the principal ordinance, where a parent changes the name of a child at baptism he has only 28 days to furnish the registrar with a certificate as to the change. However, the parent has a period of 12 months after birth in which he can change the name other than at baptism. The registrar has indicated that there have been occasions where parents have changed the names of their children at baptism and thought they had 12 months from birth to notify the registrar. Unfortunately, this is not so and he has been unable to accept late registration of the change. Because of subsection (4) of section 18 of the principal ordinance, the parents have not been able to use the alternate procedure of changing names other than at baptism. Accordingly, clause 9 of the bill proposes that, where names are changed at baptism, the parents will have a period of 28 days after the baptism or a period of one year after the birth, whichever is the later, in which to notify the Registrar.

Clause 9 of the bill also proposes to reduce from 21 years to 18 years the age at which a

parent may change his child's name at baptism. This corresponds with the 1974 amendment to section 20 of the principal ordinance which reduced to 18 the age at which a person may change his own name.

The next proposal in the bill relates to the matter of fees. A small increase is proposed in the fees payable under the ordinance. This is achieved by an amendment to section 21, the increase being from $1 to $2, and by the substitution of a new and simplified schedule. I do draw members' attention to an error in the proposed new fifth schedule in that the fee for an extract should be $2 not $3. I propose to move an amendment to the bill to remedy this.

The Registrar has drawn attention to the fact that he has no power to waive fees in appropriate cases. In particular, copies or extracts from entries in the registers are normally made available free of charge between governments on a reciprocal basis. The bill seeks to give the Registrar such a discretion by amending sections 21 and 50 of the principal ordinance. I refer members to clauses 10 and 15 of the bill. I will be interested to hear members' comments on this subject of fees.

The balance of the bill contains amendments which are merely of a technical nature. I would like to draw members' attention to one of these. It is proposed in clause 13 of the bill to amend section 42 of the principal ordinance to ensure that the Registrar has power to record the dissolution of a marriage by the Family Court of Australia made under the Family Law Act 1975. I commend the bill.

Debate adjourned.

ROAD SAFETY COUNCIL BILL

(Serial 93)

Continued from 24 February 1976.

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

The Northern Territory Road Safety Council was formed in 1958 when a committee was set up to look at the situation with regard to road safety in the Northern Territory. Since that time, the council has operated as an unincorporated body. Last year, the council agreed that incorporation should be undertaken and it was decided after some discussion that the council should be created as a statutory body. Whilst the same end could have been achieved by incorporation under the Associations Incorporation Ordinance, it was the general feeling of the meeting and it is the feeling of my party that, in view of the importance of road safety in the Northern Territory, this measure should be introduced.

The Northern Territory has a rather devious record with regard to road accidents and we need to take every care that our Road Safety Council is capable of achieving some satisfactory reduction in our accident rate. Other states in the Commonwealth have similar road safety bodies operating under various forms, ranging from advisory bodies within certain departments to statutory bodies similar to the one proposed in this bill.

It is proposed that the council will consist of 12 members appointed by the Administrator in Council. Quite obviously, the Administrator's Council will look to certain departments of the government and groups in the community with the necessary expertise to contribute to the Road Safety Council. In making the nominations for 12 people without specifying any particular departments or organisations, we have given the Administrator in Council the opportunity to use its discretion in the appointment of members of the Council. It is hoped that the Administrator in Council will recruit the highest representation from both the departments considered appropriate and those bodies which could contribute to road safety. This hopefully will give us a well balanced organisation.

Clause 16 of the bill outlines the function of the council. The functions of the Council are to promote the safety of the public, the protection of property from damage and the prevention of or minimising of the effects of accidents arising from the use of motor vehicles on roads. It is a fairly straightforward function but a very important one in the light of the standard of driving in the Northern Territory. This standard has deteriorated over the past couple of years and it is most important that this council function and bring to the view of the public as forcefully as possible the fact that we are well on the way to being the worst drivers in Australia. We are possibly assisted, Mr Speaker, by the presence of drivers from other states, such as South Australia and Queensland, who in my opinion are vying for first position.

One other point I would like to mention is the appointment of the Executive Director, proposed by clause 5 (1): "The Administrator in Council may appoint a person who is a public servant to be the Executive Director of Road Safety". It is important at this stage

that the functions of the Road Safety Council are taken care of by the Department of the Northern Territory, and it is necessary under those circumstances that a member of that particular branch act as the person responsible for the running of the Council.

Mr Withnall: Do you agree with that?

Mr RYAN: I wouldn't be proposing it if I didn't.

Eventually, with the transfer of executive powers, the function of the control of the Road Safety Council will become one which is vested in the Executive Member for Transport, whoever he or she might be. Hopefully, while it is not included in clause 70A of the JPC report, this particular council after assent to this proposed ordinance, will be included in those functions and will be amongst those handed over to the control of this Assembly. I commend the bill.

Debate adjourned.

STABILIZATION OF LAND PRICES BILL

(Serial 60)

Continued from 2 December 1975.

Dr LETTS: Mr Speaker, I seek leave to make a statement in relation to this bill.

Leave granted.

Honourable members will recall that this bill was drafted and presented to the Assembly in response to the action of the Senate. The Senate considered that a Commonwealth bill for an act to stabilise land prices in the Territory dealt with a matter which should more properly be dealt with by the Territory legislature. We agreed with the Senate approach, but not necessarily with the legislation and, accordingly, had a bill drafted and presented following a committee inquiry into the matter.

Our view was that, if this matter was to be dealt with by legislation, it should be Territory legislation. The pressure for the legislation, however, came from the previous Government. I do not know whether the present Government shares the same attitude. I hope and expect that it does not, but I will have to establish this. In any case, the matter needs a good deal more examination before any financial action is taken. Accordingly, it is not my intention to proceed with this legislation at this time.

Debate adjourned.

LAND ACQUISITION BILL

(Serial 59)

Dr LETTS: Mr Speaker, I seek leave to make a statement with regard to this bill.

Leave granted.

Dr LETTS: Although this bill was introduced as a necessary complement to the stabilization of land prices bill, the one that we were just talking about, there is no good reason why we should not proceed with it. As members are aware, at present all acquisitions for Territory purposes must be done by the Governor-General under the Land Acquisition Act of the Commonwealth but it is right and proper that the acquisition power in respect of Territory matters be vested in a Territory authority under a Territory ordinance, and that would be the effect of this bill. Even though we do not at this time intend to proceed with the Stabilization of Land Prices Bill, I consider that we should go along with this second bill because it represents another legislative step along the path to responsible self-government.

As I remarked in my second reading speech—and I remind the Assembly—because of the provisions of the Northern Territory (Administration) Act, our powers in the Territory are restricted to leasehold land, and that situation must be reviewed. In suggesting to the Assembly that this bill might proceed, I also call on the Commonwealth to expedite the work on the long overdue amendments to the Northern Territory (Administration) Act, and to include in those amendments provisions enabling Territory acquisitions to deal with land and, in particular, freehold land. Who knows, Mr Speaker, we may be surprised; we may find out, on further enquiries, that the Constitutional Development Division of the Department of the Northern Territory, which has been in existence for some 12 months, has already got this matter in hand and may have the necessary amendments to the Northern Territory (Administration) Act ready to proceed. This is a matter I think we shall find out at the first meeting of the consultative committee set up to examine constitutional development in the Northern Territory.

Motion agreed to; bill read a second time.

In Committee:

Clauses 1 and 2 agreed to.

Dr LETTS: This bill has 61 clauses and it seems a bit warm to go through them

individually. No honourable members have in fact at any stage suggested amendments. I know there are reasons why some honourable members have not examined every clause of this bill but the fact is that the bill will be reserved anyway as a land bill——

Mr Withnall: No, only bills disposing of land.

Dr LETTS: I was going to propose, Mr Chairman, that the bill be taken as a whole.

Mr CHAIRMAN: Is it the will of the committee that the remainder of the bill be taken as a whole?

Mr WITHNALL: No.

Clause 3:

Mr WITHNALL: I move that the committee report progress and seek leave to sit again. In moving this motion I must confess my own sin. I had not expected, in view of the subject matter and in view of the course to be taken with this bill, that it would have come to the committee stages today. I have considered the bill and I am in general accord with its principles but I regret to inform the committee I have not considered the bill from the point of view of perfection of clauses or from the point of view of achieving a better result as far as the policy of the bill is concerned. In moving this motion, I confess it is my fault that I have not done this and I leave it to the committee to consider whether or not it will agree to the proposal.

Motion agreed to; progress reported.

REPORT

Committee of Privileges

Mr WITHNALL: Mr Speaker, I seek leave of the Assembly to present a report from the Committee of Privileges.

Leave granted.

Mr WITHNALL: I present the report of the Committee of Privileges upon the editorial of the Northern Territory News of 18 February 1976.

MOTION

Report of Committee of Privileges

Mr KENTISH: I move that the report be noted. The report reads as follows: By letter dated 18 February 1976 Mr Speaker referred to this Committee "for inquiry and report, the complaint raised by the honourable Majority Leader this day, Wednesday 18 February 1976". A transcript of the speech of the honourable Majority Leader, Dr G. A. Letts, requesting the reference was included. In the course of making his request to the Speaker, Dr Letts produced copies of the Northern Territory News dated 17 and 18 February 1976. The text of the newspaper editorial referred to is as follows:

> By-election allegations: Allegations about conduct during the Alice Springs by-election for the Legislative Assembly must be investigated quickly. Australia is fortunate in having an electoral system free from corruption and malpractice. Everything possible must be done to keep it that way. The Territory Returning Officer has forwarded a Statutory Declaration made by a polling booth scrutineer to the Chief Electoral Officer for examination. However, a member of the Legislative Assembly is considering raising further allegations of a more serious nature. If the evidence supports the allegations it should be produced without delay. The Speaker would then be able to properly determine whether the integrity of the Assembly is compromised by the presence of the elected Member for Alice Springs.

After a detailed analysis of the editorial, the committee was of the opinion that only one sentence constituted a possible breach of privilege, that being the sentence: "However, a member of the Legislative Assembly is considering raising further allegations of a more serious nature". The view was taken that if this sentence was a statement of fact then there could be no question of a breach of privilege by the writer. On the other hand, if the statement could be proven to be an untruth, it still remained for the committee to decide whether it could be classified as a breach of privilege and, if so, on what grounds.

The committee deliberated at some length on this question and accepted advice on the nature of privilege and the precedents. In the light of that advice, the committee reports that it is of the opinion that no definite breach of privilege has occurred and, consequently, that no further action should be taken.

Mr Speaker, the committee met 3 times concerning this matter and also enlisted advice from Clerks of other parliaments on this matter and, as the report said, it is the opinion of your committee, and the advice of other people expert in these matters, that there has been no breach of privilege. There have perhaps been some indiscretions and some mistakes made perhaps in places, but these do not in themselves constitute a breach of privilege. I am pleased to present the report from the committee.

Dr LETTS: I rise briefly to thank the Privileges Committee for the work that they have done on this difficult matter and to say that I

accept the recommendation of the Privileges Committee. When I raised the matter to you, Mr Speaker, and suggested reference to the Privileges Committee, I had in mind section 10 of the Powers and Privileges Ordinance which states that a person shall not publish any words, whether orally or in writing, or any cartoon, drawing or other pictorial representation, tending to bring the Council—now the Assembly—into hatred or contempt.

Throughout Australia and the western world, it is true that parliaments have tended to become objects of criticism by the press and, to some extent, the public. To some extent, some parliaments may be accused of bringing this on themselves. I have found, by personal observation, that the standard of performance within some of the legislatures that I have visited is not all that I would like to see it. The personal exchanges between members and the general behaviour on the floor of the house sometimes leaves something to be desired and this does lower the standing of parliament when this happens. Fortunately, my observation over many years when outside this Chamber and also as an official member for several years and more recently as an elected member, I believe the standard of behaviour and relationship of members to one another in this legislative body is higher than any I have seen. A good deal of the credit for that goes to the people who have occupied the Chair from time to time as well as the honourable members themselves. I would certainly hope that we are able to maintain those standards and that the media and the public will continue to regard us not in any way with contempt but with the respect which the Assembly is entitled to. Anything directed against that respect in an unmerited way, I will seek to bring to the notice of the Privileges Committee.

I thank the committee for their report. The honourable member to whom some of the publicity was directed, while he now has the report of the Privileges Committee, has means open to him if he wishes to pursue the matter on his own behalf.

Mr WITHNALL: As Chairman of the Privileges Committee and the author of the report, there are 2 or 3 things that I should say in this debate. The committee considered whether or not the words, as used, could possibly constitute a breach of privilege. The committee decided they could not be a breach of privilege whether true or false. I would like to say that, if the committee considered that the words could have been a breach of privilege, I would have excused myself from sitting on the committee. Obviously, I was a person concerned with the actual fact and it would have been quite unfair to this Assembly and to the other members of the committee if I had been concerned in the decision as to the falsity or otherwise of the report. I did consider that I was entitled to sit on the committee while the committee considered the question as to whether the words, whether true or false, could amount to a breach of privilege. The committee decided that they could not amount to such a breach of privilege.

I would like to add a few general remarks. The privilege of this Assembly, particularly privilege, relating to individual members, must always be taken to be a very fragile thing. There has been a good deal said about the powers of courts to punish for contempt and the origin of the privilege of the Parliament probably stems from its authority as the supreme court in the land. The Parliament of Great Britain was the supreme court. The Parliament itself could punish any act or offence and something of that attitude crept into the Parliament's deliberations as a legislature and the laws relating to privilege grew up.

Today, we live in a society which is more enlightened and certainly the courts have very much cut down the occasions upon which they will insist upon punishment for contempt of court. Similarly, parliaments now regard breach of privilege as something to be pursued only in the gravest case. I do not consider that the present instance was a very grave offence. It was entirely a matter for the committee and the committee has decided on specific grounds without any relation to the gravity of the offence. Indeed, I think that one must be very careful today to assert that this Assembly has any rights instantly usable against members of the public for a breach of what is called privilege. We must remember that, in the wisdom of the last legislative body that we had here, breach of privilege in this Assembly cannot be dealt with by this Assembly at all. It must be dealt with by prosecution of the courts. This has been a very great advance in the law of privilege in so far as it relates to legislative bodies. When one considers that the offence has to be prosecuted in the courts, the Privileges Committee is reduced to a situation in which it must decide whether or not there is a prima facie case for prosecution. We must always remember that, in dealing with the matter or privilege, they

cannot act arbitrarily at all. They must consider whether or not they consider there is sufficient evidence to place a man or an institution on trial for an offence against the law. In the prosecution of that trial, the matter of the offence has to be proved beyond reasonable doubt.

Motion agreed to.

SPECIAL ADJOURNMENT

Dr LETTS: I move that the Assembly, at its rising, adjourn to a time and date to be fixed by Mr Speaker and notified to all members.

In speaking briefly to the motion, I would point out that there are some matters of considerable moment that may require us to meet other than at the pre-scheduled time. There is the matter which the Assembly debated earlier in the day in relation to assent to bills. There is a proposed meeting of the Consultative Committee to plan and help carry out constitutional reform for the Northern Territory which I hope will be down for about two weeks' time. There are very important questions as yet unanswered concerning the Territory's financial problems over a number of fields; information is being sought but is not yet available. There are certain circumstances that I could foresee where, if they came to a head, it might require an earlier meeting of the Assembly than the normally scheduled one. That is why I move a special adjournment in these terms. However, if everything goes along satisfactorily and some of these problems are satisfactorily resolved, I would envisage that the next normal meeting of the Assembly would be one starting on or about 6 April, perhaps a little earlier than usual, with a view to fitting in with the Easter and other holidays which fall later that month.

Mrs LAWRIE: I support the motion, which, I believe, is that the Assembly is rising to adjourn to a time and place to be fixed by yourself and to be notified to all members.

In speaking specifically in support of this motion, I note the remarks of the Majority Leader, that there are certain questions left unanswered—indeed there are. This morning a question was asked of the Executive Member for Finance and Community Development, asking him if he had been able to ascertain the precise nature of the $5m worth of cuts in the Capital Works Program for the Northern Territory which was alluded to in a ministerial press release. The honourable member replied that he attempted to contact the Minister by telex on the 19th of this month but had received neither an acknowledgment nor receipt of the telex, nor any details. That is an impossible situation for the Executive Member for Finance and Community Development to be placed in. It is also impossible for this Assembly to accept that this detail is not available to us or to the general public of the Northern Territory whom we serve.

The Capital Works Program is a public matter. It is detailed in the Budget which is debated not only in the Federal House but in this Assembly, and deservedly so. Therefore, alterations to the Budget to the tune of $5m are equally of public concern and they should be liable to be detailed properly in this place and debated properly by all honourable members. It is a source of annoyance and frustration to me and also, I am sure, to the Executive Member for Finance and Community Development. The relevant minister or ministers, as the case may be, have not seen fit to advise the honourable member and, through him, this Assembly and, through us, the people, just what the announced cuts will entail. I castigate the present Government for their attitude.

There are other questions which have been asked properly and correctly during the sittings, mainly with regard to the 6% home finance loan. There were 3 specific questions. We asked for an indication of what money is available to service the outstanding approved loans. The honourable member has not been able, with good intent, to supply that information. We asked that money will be made available to service the applications received, processed, and awaiting approval. Again we have had no information forthcoming. Thirdly, this Assembly asked the honourable member if further finance would be made available this financial year for applications yet to be received by the Home Finance Trustee. Again, there has been a resounding silence.

There are problems all over the Territory, especially with the cut back in capital works with no details available. There is a specific problem in Darwin with people and builders going broke and I do not think I have to rehash that. I ask Mr Speaker that, in your consultations with the Majority Leader in consideration of this special adjournment motion, you consider that if the Minister for the Northern Territory is to be in Darwin in

two weeks time, he should be invited to take a seat on the floor of this House, that you contact members and reassemble this House, and that the Minister be invited to tell the people precisely what his Government's program for the Northern Territory is. That is an approach to the Minister which can surely only come from yourself, sir, and the Majority Leader; it certainly cannot come from myself. We have the most peculiar situation of a majority of Country Liberal Party people in this Assembly, 17 to 2; and on this particular issue, the mystery surrounding the Territory budget, I would say the Assembly is united 19 to nil.

Members: Hear, hear!

Mrs LAWRIE: And yet, with what the majority must consider a favourable government in the seat of power in the Federal House, the responsible executive members have not been able to receive the relevant information. I have spoken specifically of the information sought by the Executive Member for Finance and Community Development, but of course information has also been sought by the Executive Members for Finance and Law and for Transport and Secondary Industries. I am sure that these Executive Members are equally interested in getting this information to the public, not only to their constituents but to the public of the whole Northern Territory, and I most earnestly recommend that the course I suggest be followed and that an invitation be sent to the Minister forthwith. I hope, Mr Speaker, that this Assembly does reconvene with a recess of approximately only a week and that the Minister will see fit to tell all members, his own party members, and all Territory people, just what is going on with the Government's program for the Northern Territory.

Motion agreed to.

ADJOURNMENT DEBATE

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

I would like to make reference to the departure from the Northern Territory recently of somebody whom the Territory could ill-afford to lose. During the past 12 months, we have seen many good people leave the Northern Territory, particularly from around the Darwin area. The person I am referring to is Mr Barry Hart, formerly Director of the Animal Industry and Agriculture Branch in the Northern Territory. He served up here with that branch for some 15 years. Barry came up originally as a recruit of mine in 1961, served for a period as a senior animal husbandry officer and then as assistant director of the branch, and then from 1970 as director of the branch.

He was always a conscientious officer and he made a very useful contribution to the history of the agricultural and the pastoral industry up here. He will be well remembered because of the support he had from his family, a family which grew up in the Northern Territory. Further, he will be well remembered as a former official member of the Legislative Council. Words have already been spoken about his service in that regard. Barry and his family had a pretty tough time through the cyclone and the post cyclone period and that probably was the last straw which broke the camel's back in their case. However, I think that his departure reflects more than that. After 15 years, and I hope that I am not misjudging him in saying these things, Barry had probably had enough of the system of trying to manage and develop agriculture and the pastoral industry in the Northern Territory.

He is a very good example of what the Forster committee on agriculture had in mind in 1960 when they said that a Commonwealth government trying to run state type services of the agricultural type in the Northern Territory was bound to fail and, if they set up pilot farms under remote control, they would not succeed and that the future of experimental agriculture, its success, depended on local policies and local control. While we all hoped that would happen, it has not happened as yet. When any senior professional officer in the service comes up against this, he battles with it for a period of years and eventually his patience runs out and he is inclined to go somewhere else where perhaps the worries of the job are not quite so great. We will go on losing professional officers while the background to their work is like this.

I am sorry to see Barry go, personally as a friend, as a working colleague and as parliamentary colleague here. I only hope that, when things get better, Barry and some of the other very useful officers who have been here in the past and have now left may see fit to return to the Northern Territory.

Mrs LAWRIE: I rise to echo the remarks of the Majority Leader regarding the departure of Barry Hart, Gwen his wife and their children. They were of service to the whole

community, not only through Barry's direction of the Animal Industry and Agriculture Branch and not only through his participation in the old Legislative Council as an appointed member, but generally by spreading their life style throughout the community of Darwin. They are a tremendous family. Barry, in his capacity as a official member of the old Council, did much to preserve the viability of that parliamentary body. I spoke earlier of Senator Kilgariff's tremendous sense of humour. That remark also applies to Barry Hart and I lament his leaving the Northern Territory.

Barry's service in the Council was exceptional. He gave advice willingly to all members, not only to the elected members, no matter what their political creed, but to other official members who were often seeking advice from him. He was one of the most non-political people I have ever met. His advice at all times and his political skills were always put to the betterment of the Territory and the people of the Territory. He was a non-political person in the best sense. Whilst he occupied a position in the legislature, he brought his sense of fair play, his knowledge of his subject and his well-balanced realism into full play and he was an asset to the House. I too hope that, some time in the future, Barry, Gwen and their children will see fit to return and I am sorry that he has seen fit to leave.

Miss ANDREW: The honourable member for Jingili asked me a question regarding the time taken for the incorporation of a company. I am advised by the department that this is taking 2 months and not 3 as suggested by the member. However, the certificate is back-dated to the date when the prescribed fees are paid. There has to be a search to ascertain whether there are other companies or business names identical to or similar to the proposed name and this takes 2 weeks. Secondly, the documents must be examined to check that the requirements of the ordinance are complied with in all respects and this takes two weeks. Thirdly, the typing of a certificate of incorporation takes 4 weeks.

By far the greatest delay is in the typing. Normally, there are 5 typists in this establishment. However, for some considerable time, there have only been 2. Within the last week, successful application has been made to get 2 typists from the Public Service Board. As well as this, another typist has been taken from higher duties to assist. Therefore, normal establishment has been returned and hopefully the time will be reduced to 1 month.

Mr KENTISH: I would like to support the remarks of the Majority Leader and the member for Nightcliff concerning Barry Hart, his wife and family. We will miss them very greatly in the Northern Territory and I was disappointed when I heard that they were leaving. Mr Barry Hart in his position in the AIB has been of great help to people in rural areas and, although he has perhaps had a difficult task and not the backing up that he may have wished, he has done his best at all times for the people. He was approachable and interested in their problems.

I would like also to support another member of our community who has been speaking to us from Katherine. Smiler Major has had something to say about the social degredation and the deterioration in the standards of living in the Katherine area. People think that standards of living are tied up with the brand of car you have and things like that. However, there are many smaller things that go to make up our standards of living and the goodness of the life that we enjoy. Smiler Major has been urging that the police be given permission again to clean the town up and to get drunks off the streets who are a menace to other people in the town. I don't feel that he has had the support that he deserves.

Today I would like to take you back a little way in history. I have a paper here dated 9 July 1974, containing a special circular signed by W. J. McLaren, the Commissioner of Police, and a copy of a letter attributed to the Attorney-General:

> He is concerned at the number of charges for drunkenness in Alice Springs. In his view, mere drunkenness should not be an offence. If a person who is drunk is acting in a disorderly, offensive or indecent manner, he should be charged for that behaviour. Accordingly, he has asked the Commissioner of the Northern Territory Police Force to ensure that charges are laid against persons only where there is an element of conduct other than drunkenness that offends against the law. With respect to juvenile drunkenness in Alice Springs he has asked the Commissioner of Police to see that the law is rigorously enforced. He has been told, however, that it is often difficult to prove the age of an Aboriginal offender. As the law relating to the above embraces the whole of the Northern Territory, it is directed that effect be given to the policy of the Attorney-General as far as is legally possible.

I do not know how it could be legally possible at all to set aside the laws of the Northern Territory. However, that was done nearly a year and a half ago.

The results of that action by the Attorney-General, Mr Lionel Murphy, have not been good—not good at all. He has given directions apparently here:

> Consultations between officers of my department and the Department of the Northern Territory have been held with a view to rectifying this weakness in the Licensing Ordinance of the Northern Territory. Amendments to the ordinance will, it is expected, be introduced into the Legislative Assembly in the near future. The purpose of the amendment will be to place an absolute prohibition on the licensee selling intoxicating liquor to a drunken person. A person serving alcohol to drunken persons will also be guilty of an offence. In substance, this will introduce legislation such as is in force in other places such as the United Kingdom that reflects the view that the licensee should accept responsibility for the acts or omissions of the staff he engages.

This is a stupid thing, Mr Speaker. It presumes that all the drunks on our streets come out of pubs; nothing could be sillier. The brand we have at Berrimah do not come out of pubs at all; they come out of the grass on the side of the road; they come out of the bush and all over the place but not out of pubs. I would say that 50% of the drunks in the area where I live have not even been in a hotel; liquor is carted out to them in cartons and flagons so that they do not have to go near a hotel to get drunk. We still have this old presumption that you have got to front up to the bar to get drunk—nothing could be more stupid; you can carry it in the boots of cars and on your shoulders; you can carry it in bags; it does require someone not drunk to purchase it but that is all.

The former Attorney-General, Mr Lionel Murphy, said: "In my view mere drunkenness should not be an offence". Perhaps it should not be a criminal offence, but it is definitely a social offence and a pretty obnoxious social offence too when you have to put up with it. If a person who is drunk is acting in a disorderly, offensive or indecent manner, he should be charged for that behaviour. Accordingly, I have asked the Commissioner of the Northern Territory Police Force to ensure that charges are laid against persons only where there is an element of conduct, other than drunkenness, that offends against the law. There are other social problems that arise from drunkenness, that require action. For example, I believe that urgent action should be taken to establish a detoxification unit in Alice Springs. I understand that there is still no detoxification unit in Alice Springs. This letter was written on 9 July 1974 and, on 25 February 1976, we still have no sign of a detoxification centre in Alice Springs, but we have had nearly 2 years of the operation of this nil law controlling drunks—or "uncontrolling" drunks—behind us. We have had 2 years of putting up with this social cancer and evil that has finally got the better of Smiler Major to the point where he wants Katherine cleaned up.

If he came up to Darwin, I think he would want much the same done up here. Today, I had a phone call and I have had to advise someone who rang me to get the police to remove a drunk from my house at Berrimah. He had taken over the house; he was assaulting women and was more or less taking possession of everything and causing consternation. A few weeks ago, I was at the airport with a few women waiting for a plane—and I considered myself to be responsible for the care of these women—when a drunk assaulted one of the women and I got mixed up in the fracas that ensued. I had a responsibility, perhaps not a legal responsibility but the age-old responsibility of being a male caring for women. There is trouble all over the place with these people.

I have spoken to a very well experienced policeman in the Northern Territory, an officer who has been here for a long while and, just speaking casually about these things, he tells me that it is time that the law was put back to where it used to be before Mr Murphy tampered with it. He says it is causing them a great deal of work. He says that, although drunkenness may not be an offence, nevertheless, half the work that they are getting around towns is emanating from the fact that these drunks are allowed to roam at large. He said it is leading to other offences which is greatly multiplying the work of the police. It is amazing to me that more than 18 months after the Attorney-General had recommended the establishment of the detoxification centre, nothing whatever has been done about it and I seriously consider that the law should be reverted to where it was before, until a detoxification centre is built. Let that come first, rather than the altering of the law. It should have come first in 1974. Two years later, nothing has been done. Let us have a detoxification centre first and then change the law to make drunkenness no longer an offence. The public is suffering very badly; Mr Smiler Major is suffering—and so am I.

Mr WITHNALL: Taking up the last remark of the honourable member for Arnhem, I think he should know by now that ministers make policy but, if the public service

does not like the policy, it does not go into effect. I do not doubt that there was a policy that detoxification centres would be established but the public service did not care much for the policy so it was never put into effect. It is as simple as that.

I would like to support the remarks of the Majority Leader concerning the departure from the Northern Territory of Barry Hart. Barry Hart was a very great friend of mine and I knew him, not only as a personal friend, but as a member of the legislature. He was a person I always admired because of the objectivity with which he could consider a question and the certainty with which he could make a decision on any matter coming before him. On the personal side, he and his wife were very good friends of mine. They were people whose company I always appreciated and often sought. He had a disarming quality: he could make a decision most adverse to somebody but at the same time make it acceptable as he said it. He was, of course, concerned with the Legislative Council for many years and he was one of the last of those poor, benighted people, the official members, of whom I was one for 12 years. He carried out the tasks of an official member with more equilibrium perhaps than I did and perhaps with more wisdom than I did. He really considered every question with the greatest of care and, once he had come to a decision, he was quite unperturbed by any criticism or furore that might result from his decision. He was a member of the Legislative Council who deserves to be remembered. He is a resident of the Territory who will always be remembered and, in his official position as Director of Animal Industry for some years, he achieved a good deal in that field which was to the benefit of the Territory and is recorded as being such. I have very great personal regrets that he has gone. I don't propose to discuss the reasons why he went but I think some members may guess at the difficulties he might have found as an extremely honest, intelligent and effective operator in the public service in the Northern Territory.

Mr EVERINGHAM: I would like to place in the record of this House my particular appreciation of the services to the Northern Territory of Sylvester Michael Murphy, the Clerk of Courts, previously of Darwin, who was buried this morning in Darwin after accepting transfer to the position of Deputy Registrar of the Supreme Court of the Australian Capital Territory in Canberra. Mr Murphy came to the Territory 18 years ago. In company with men of the calibre of Ken Bagshaw, Andy Hogg, Jim O'Callaghan, he was one of the stalwarts of the Attorney-General's Department in the Northern Territory for many years. That particular department seemed to be able to supply all its necessary services to all citizens of the Territory through the good offices of those 4 men at one particular time: Ken Bagshaw was Deputy Master, John O'Callaghan was Deputy Registrar-General, Andy Hogg was Clerk of Courts at Alice Springs and Syl Murphy was Clerk of Courts at Darwin. To do the same work now, they require virtually an anthill of people and to me this is a tribute to Syl Murphy and these other men. To my mind, these are the greats and they will never be replaced. For that reason, I am terribly sorry to have to place on record my condolences to the family of Sylvester Michael Murphy who was buried at Darwin this morning.

Passing from that, I should like to read a letter which I have received from a young gentleman who is attempting to build a house in the northern suburbs. The original of this letter is addressed to the Home Finance Trustee:

> Dear Sir, As my personal situation has now become desperate, I must write to request, if not some assistance, at least some answers. My application for the low interest loan to rebuild has been completed since mid-December 1975 and as I have recieved a letter from you stating that I am eligible, there is no reason why my loan should be refused. I realise that with the present Federal Government's economic policies, funds are temporarily suspended. I submitted my application for approval in principle in September last year so that, before having to spend money on engineer's certificates and design drawings, I would know of my eligibility. Having been given the verbal assurance by a member of your staff, I proceeded with my plans. Delays caused by the loss of my original plans by the Building Board cost me 4 weeks in time. There was further delay of 3 weeks over the Christmas period because the new plans did not state what each room was and no one from your office contacted me to ask what each room was what. Having received your letter addressed to the Commercial Bank of Australia, Darwin, I proceeded with bridging finance and have upgraded the house to the new code.
>
> I am now in debt to the bank for $15,000, the maximum the bank can allow me until I receive assurance that the 6% loan will be available. I have, within the next 3 weeks, further bills to pay of $4,800, $650, $1,500, $500, $1,950 and $530 which I am unable to finance. I have still to pay $1,000 for the engineer's certificate and have been advised that the fixed prices quoted for additional work cannot remain fixed due to the 2 months delay and will be subject to rise. In writing this letter, I draw your attention to the additional costs the cost-saving policies of the government are costing me. I am also forwarding a copy to my local member so that the Legislative Assembly may take action to assist not only myself but others in a similar situation.

A decision has to be made on these low interest loans forthwith.

Members: Hear, hear!

Mr EVERINGHAM: We cannot be humbugged any further. Either we can get a decision tomorrow or we do not get a decision at all. We have been ginned around. I really cannot apologise for the explanations offered by my political colleagues for these loans not coming forward. The fact of the matter is that over 6 weeks have gone by and there has been no positive assurance that the loans will be coming or they will not be coming. If they are not coming, say so! Don't humbug. We have a Government which we elected on the basis that we would get a straight answer from them. At least, that is the reason why I worked for their election. If these loans are not coming, then I want to hear "No"; I do not want young people to commit themselves to something they cannot manage in the hope that some humbug loan may be available in the never never. The people of Darwin want a straight answer.

I ask the Minister for the Northern Territory to stop ginning around, to go and see the Treasurer himself and ask for a yes or no answer on these loans. If he cannot get that answer, then he had better think about how the people of Darwin are going to view the situation. We have been given many promises; we have been given a lot of humbug. We want someone in Canberra who will fight for us.

The situation here has been created by the Federal Government. Now the Federal Government, for the greater part of last year, was the Labor Government, and I will go into that now. The Treasurer, Mr Bill Hayden, budgeted for a 4 million dollars deficit. The reason he had to budget for this deficit was because his Prime Minister, Mr Whitlam, had driven up wages as soon as he became Prime Minister. He gave wage rises to everyone in the public service except the professional groups. He then proceeded to introduce his programs for health, education and welfare; he said the provision of these services was to assist the disadvantaged groups. In fact, they assist the already advantaged groups as much as they assist the disadvantaged groups. Thus, he has driven up the costs by increasing the wages bill for welfare services, education services and health services to the groups that can already afford them.

In the society that we are in today, you can afford to take two avenues. If you force up wages, the people should be able to afford to pay for these things. If you do not force up wages and you keep the lid on them, then you have to provide supplementary welfare services. This is economics; it is virtually two and two in the economic sphere. You cannot provide both; you cannot force up wages and then provide them with the Eldorado. You do one or the other and, unfortunately, Mr Whitlam has done both. In so doing, in the Darwin situation, he has forced up wages, he has forced up costs and he has driven the cost of building out of the reach of the ordinary man. The only way the ordinary man is going to be able to build is if he gets this 6% loan and he must get it. Whilst we may be in power now, and we may say what Mr Whitlam did was not a policy of ours and is not a concern or ours, it is. We have the care of these people who cannot control events. We must assist them. We can control events if we get together and operate as one, and we must get together and control these events and force the Federal Government to face its responsibilities to the Northern Territory where, in a cocoon-like situation, the policies of the previous socialist government have driven the cost of living and building out of sight.

Mr Speaker, I ask you, what are we going to do about that one man in the northern suburbs who cannot build his house because he is stymied for the loan? He could be bankrupted on any of these bills that he has incurred, thinking he was going to get the loan in all good faith. What, Mr Speaker, are we going to do? If we do nothing, if we do nothing for all these people right across Darwin, then we have lost all respect as any sort of a House of Parliament at all.

Members: Hear, hear!

Motion agreed to; the Assembly adjourned.

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