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NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Third Assembly

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Tuesday 18 August 1981
Wednesday 19 August 1981
Thursday 20 August 1981
Tuesday 25 August 1981
Wednesday 26 August 1981
Thursday 27 August 1981

Part I—Debates
Part II—Questions
Part III—Minutes

956.829—1

PART 1

DEBATES

DEBATES

Tuesday 18 August 1981

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS

Abortions

Mr EVERINGHAM (Jingili): Mr Speaker, I present a petition from 294 citizens of the Northern Territory expressing concern at the needless abortions being performed in the Northern Territory. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and the members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that needless abortions are being performed in the Northern Territory. Your petitioners humbly pray that the government of the Northern Territory will take legislative and administrative action to protect the unborn babies and also to protect and assist women who are pregnant, and your petitioners, as in duty bound, will ever pray.

Destruction of Rain Forests

Mr EVERINGHAM (Jingili): Mr Speaker, I present a petition from 1146 citizens of and visitors to the Northern Territory expressing concern at the destruction of rain forests in the Darwin area. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the Speaker and members of the Legislative Assembly, we the undersigned citizens of and visitors to the Northern Territory of Australia believe that areas of rain forest in the Darwin area are being destroyed by fire and feral animals and that the loss of such areas is to the detriment of the Northern Territory. Your petitioners ask that members of the Assembly give due consideration to adopting measures which protect these areas totally and preserve them for the enjoyment of all people now and in the future and, as in duty bound, your petitioners will forever humbly pray.

Burning off - Hinterland of Darwin

Mr EVERINGHAM (Jingili): Mr Speaker, I present a petition from 1170 citizens of and visitors to the Northern Territory expressing concern at the practice of burning off each year in Darwin's hinterland. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the Speaker and members of the Legislative Assembly, we the undersigned citizens of and visitors to the Northern Territory of Australia

believe that the practice of burning off each year in Darwin's hinterland is unwarranted and detrimental to the beauty and environment of the Northern Territory. Your petitioners ask that members of the Assembly give due consideration to measures which would restrict this practice, and your petitioners, as in duty bound, will forever humbly pray.

STATEMENT
Draft Criminal Code

Mr EVERINGHAM (Attorney-General) (by leave): Mr Speaker, during the course of this sittings I will table a further draft of the Criminal Code. I am unable to do so today as it is not yet printed but I thought I would give notice of some changes.

Whilst the areas covered in the latest draft will not differ from the areas covered in the last draft tabled before this Assembly except in the major area of bail - to which I will return - there will be a number of substantial changes in these areas. I would like to take this opportunity to draw these changes to the attention of honourable members. As before, I encourage comment from all sectors of the community and, where appropriate, changes will be made.

At this point, I would like to comment briefly on some of the media reporting of the Draft Criminal Code, particularly from the south. Some of this reporting gives the totally erroneous impression that this draft is some sort of immutable document. Nothing is further from the truth, as I now intend to show. The whole purpose of making the draft code available to the community at all appropriate stages was to encourage comment and constructive criticism. Fortunately, the vast majority of people who have troubled to put pen to paper have obliged, and I put on record my appreciation to them. In many instances, their efforts are reflected in the latest draft. I would also like to affirm that no submission has been received from the Australian Council of Civil Liberties despite its being in the van of press comment.

Turning to the code itself, it is my intention that the definition of 'document' found in clause 150 - the 'forgery' definition section - will be transferred to the general definition section in clause 4 as it is felt that the definition of 'document' could properly be applied to the whole code. Subclauses (2) and (3) of clause 4 contain, for the first time in a legislative form, definitions of 'intention' and 'knowledge', the backbone of the mental element in crime. Surprisingly, I have had no comment on these subclauses from within Australia although the English Law Commission kindly provided us with its comments. Such vital provisions, I believe, deserve greater attention.

While on the issue of intention, it has been suggested that the code does not make adequate provision for what is known as 'transferred malice'. This is the common law concept which establishes that, where I shoot at B intending to kill him but miss and kill X, I am still guilty of murder as my intention to kill B is transferred to X. There is, of course, more to it because transferred malice applies to property as well. I hope I have illustrated the concept sufficiently.

Looking at the code, I believe that the wording of the provisions adequately covers transferred malice as seen, for example, in clause 80(1)(a) which relates to murder and clause 120(1) which contains the definition of 'steal'. Again, comments on this would be welcome.

Part IV relates to criminal responsibility and certain clauses will be changed. In clause 43 reference to 'knowledge' will be deleted as the reference to 'knowledge'

originally in the clause would be in conflict with the defence of mistake in clause 45. The idea behind clause 43 originally was to avoid the difficulties the courts faced at common law in deciding when an offence was an offence of strict liability or an ordinary offence. But this idea can be fulfilled in other ways, particularly as all offences in the Northern Territory covered by statute are to be reviewed.

Clause 48(1)(a) will have the words 'the physical character' added which will conform this clause to the Tasmanian code equivalent and confirms the existing common law approach. Clause 50 relates to immature age - that is, the age of criminal responsibility. It will be changed by making the ages 10 and 15 respectively. Originally, clause 50 restated the common law but many people, mostly non-lawyers, drew my attention to the latest developments as far afield as the United States which recommend higher ages for criminal responsibility. This change will reflect these developments.

I turn now to offences against the person in part V. Clause 69 will be amended to extend to elderly people, again as a result of a letter from the Association of Old Age Pensioners, the logic of which was inescapable. In clause 78(1) the definition of 'culpable homicide' will be extended by the inclusion of 'an unlawful act'. Again, this is in conformity with the Tasmanian code and the New Zealand Crimes Act. I will return to the offences against the person part shortly.

Part IV, relating to theft and related offences, will also be changed in parts. In clause 130, the words 'financial advantage' will be deleted and replaced by the words 'benefit or advantage (whether financial or otherwise)'. Established authorities suggested that the old formula may not have been phrased widely enough to impose criminal liability on a person who used deception to induce his victim to render services for him in return for a promise that the person himself would provide a service for the victim in return. I hope the new formulation of the offence will cover this situation. In clauses 137 and 138, the term 'dishonest' will be substituted for fraudulent. This change will ensure uniformity of terminology throughout this part and will also adopt the view expressed by the English Criminal Law Revision Committee that the term 'dishonest' has a readily understandable meaning to ordinary people who sit on a jury thus avoiding the technical legal overtones in the term 'fraudulent'.

Similarly, in part VIII relating to criminal damage to property, clauses 179, 180 and 182 will have the term 'maliciously' replaced by the word 'intentionally'. Again, this is for the sake of conformity as the term 'intentional' is used throughout the code and is given a meaning which is similar to the common law concept of 'malicious'.

Mr Speaker, I would now like to raise 2 issues in the code which have given rise to much public discussion: the sexual offences in division 4 of part V and the provisions on terrorism in part IX. At this point, I would like to pay tribute to the 2 groups which were convinced that certain changes should be made to the sexual offence provisions and took the trouble to prepare detailed and rational arguments which I hope will result in changes to the code. Their hard work was in marked contrast to the emotional, irrational and uninformed comments made to the press by some southern organisations in respect of the terrorism provisions. These 2 bodies are the National Council of Women of the Northern Territory and the Darwin Branch of the Women's Electoral Lobby, although many others took part in the debate. Regarding the changes to the sexual offence provisions, the most momentous will be the deletion of clause 94 which related to what has been inaccurately termed 'rape in marriage'. Since the tabling of the first draft of the code, it has become clear that the vast majority of the community in the Territory feel that this clause has no place in our modern social

and family relations. As I emphasised in my first statement on the code in March, I hope the code will reflect the legitimate feelings and mores of the people of the Territory. In such a fundamental piece of legislation, this could hardly be otherwise.

Other less - if I can use the term - arousing changes will be made. In clause 88(1), in the definition of 'sexual intercourse', the words 'sexual intercourse' in their natural sense will be omitted as the rest of the definition clearly covers the actions the deleted words implied. I refer to the words 'any intrusion, however slight, of any part of the body of the perpetrator ... into the genital or anal opening of the victim's body'.

Minor changes will also be made to clause 88(2)(c), (f) and (h). While there will be other minor amendments in other subdivisions of the code relating to sexual matters, I direct honourable members' attention to the fact that clause 93 will be extended to cover sexual acts as well as sexual intercourse and the word 'buggery' in clause 95 will be substituted by the words 'sexual intercourse'.

The time has come to set the record straight with regard to the terrorism provisions. Those learned gentlemen from the south failed to read my statement made in March where I emphasised that there were more provisions to be included in the code, one of which is the regulation-making power. The effect of clause 19 will be that proscribed organisations will only be proscribed by regulations, and as the code has to be read in the light of the Interpretation Act - particularly section 63 - a proscribed organisation could only remain proscribed with the concurrence of this Assembly. Any suggestion that I as Attorney-General, or any other Territory Attorney-General for that matter, could simply nominate a body to be proscribed and that that body would then automatically become a proscribed organisation is not only erroneous but misleading. I can only say that a heavy onus lies on those who would claim to be learned in the law to ensure that they have their facts straight prior to making comments. I might add that violence for the purpose of this part will be defined to mean death or actual bodily harm. The clear purpose of this part is to prevent people taking steps to cause death or bodily harm to people in the Territory. Any suggestion that these provisions are aimed at unions or pressure groups is wrong. They are aimed only at organisations which deliberately choose to use the medium of death and mutilation to gain their ends - people whose avowed intent is to destroy the democratic process.

Lastly, I point out that these provisions are not drawn from South African legislation. This was an emotional red herring used by people who could produce no better argument. Any similarity between these provisions and any South African or indeed Zimbabwian or Zambian laws, if they exist, is purely coincidental. These laws are based on British legislation and similar legislation of the Irish Republic where the only proscribed organisation is the IRA - a point conveniently forgotten by many.

I noted right at the beginning of my statement that the draft which will be tabled includes bail provisions. Members will be aware that our current bail provisions are scattered through a number of pieces of legislation. The bail provisions that will be included in the code are based upon experience in Victoria, New South Wales and Queensland. In these past few years, these states have enacted comprehensive bail acts which, in effect, amount to codes on bail. Members will appreciate the advantage to all to have the modern bail provisions together in a readily indentifiable piece of legislation.

Before resuming my seat, I would thank again all those members of the public who have assisted in the formulation of this code by their comments and I would emphasise that further constructive criticism is encouraged. In due course, I will move that this Assembly take note of the further draft of the code which

will be tabled during this sittings and I hope that at that time - probably Wednesday of next week with the concurrence of the Assembly - vigorous debate will ensue.

Mr Speaker, I move that this statement be noted.

Mr ISAACS (Opposition Leader): Mr Speaker, obviously, we are going to engage in a vigorous, involved and complex debate on the Draft Criminal Code. Given the Standing Orders of the Assembly, it is the view of the opposition members that one day will not afford a sufficient avenue for that long and complex debate. I am not suggesting that we do not have such a debate - I think it would be worth while - but I suggest to the government that, in addition to the debate which may take place next Wednesday or Thursday, a special 2-day sittings of this Assembly sitting as a committee of the whole be set aside to enable members of the Assembly to discuss clause by clause, part by part, the 356 clauses of the Draft Criminal Code. I think that, if we do it that way, we will ensure that each clause is looked at and discussed by members of the Assembly. I do not say that the exercise next week will not be worth while, quite the contrary, but I believe it would be equally worth while and perhaps add to the Draft Criminal Code itself if the parliament were to sit as a committee of the whole - perhaps even with a redrafting of Standing Orders to accommodate what I am putting forward - so that members can discuss the very complex and wide ranging aspects of this particular code. I commend that suggestion to the government as a worth while exercise for this Assembly to undertake.

Mr Speaker, in typical fashion, the Attorney-General has presented to us a Jekyll and Hyde statement. On the one hand, he has responded positively to suggestions made by many sections of the community with regard to the proposed law relating to sexual offences, which was raised in this Assembly at the last sittings by myself and the members for Fannie Bay, Arnhem, Sanderson and Nightcliff. Even the member for Alice Springs got a guernsey but he seems to have ended up on the wrong side on this particular occasion. I believe that the government has responded correctly to the obvious community view about the question of sexual offences in marriage. The removal of proposed section 94 certainly has the wholehearted support of this side if not the entire Assembly.

I would like to touch on one matter which the Attorney-General raised and this is the Mr Hyde side of his speech. In typical fashion, when anybody raises a question of political sensitivity, the Attorney-General responds with bluster and deceit. This is what happened on this occasion. He took to task the 2 southern organisations which claimed to be lawyers, as he said, and blasted them for their views. It may be that neither of those organisations put alternatives to him but one ought not to blast these organisations simply because they happen to disagree with the sometimes erratic view of the Chief Minister as Attorney-General.

The 2 organisations which came in for the flak were the Australian Branch of the International Commission of Jurists and the Australian Council of Civil Liberties. The president of that body, Mr Ramage, also happens to be the President of the Australian Council of Civil Liberties. Let me deal briefly with the latter and then the former. There is no doubt that the Attorney-General despises people who stand up for civil rights and put a point of view which opposes that put by him. He has done it time and again. It does not matter who you are, from the lowliest citizen to a judge of the Supreme Court, the Attorney-General lashes out. I believe that Mr Ramage, a lawyer respected in New South Wales and by the legal profession around Australia, put a point of view which he is entitled to put and which required to be met with an argument on similar grounds, not one on emotional grounds as put by the Attorney-General. But the interesting organisation is the radical group, the International Commission of

Jurists. That radical organisation has, as its Australian president, none other than that extreme left-winger, Mr John Dowd, the current Liberal member for Lane Cove in the New South Wales parliament. This man has never had the epithets which I obviously satirically put. It is an organisation which is esteemed and respected not just in Australia but around the world. Just to give the Assembly an idea of this organisation's credentials, 3 people, Edward St John QC, Sir Zelman Cowen, the current Governor-General of Australia, and his predecessor, Sir John Kerr, have all been associated with this body which earned the ire of the Attorney-General. I do not believe it does the Northern Territory any good at all for the Chief Minister as Attorney-General to give way to such intemperate outbursts directed against such highly-respected organisations.

Let us get to the nub of the question, the question of these proscribed organisations and acts of terrorism. The Chief Minister, a former lawyer, in his somewhat cute way - because he is a former lawyer and, although I have never been able to understand why, Australians seem to think that lawyers are the font of all wisdom - says, 'It is based on British laws; it has to be good'. Let us put that to rest very quickly indeed. Yes, it is based on British law. The British law of 1974 on which it is based was designed for a specific purpose: to deal with the IRA. It is known as the Prevention of Terrorism (Temporary Provisions) Act 1974. It was designed to deal specifically with an outbreak that I hope and everybody in this Assembly hopes will never occur in Australia. Its predecessor was an act of parliament of 1939 which expired in 1954. I do not have to tell you what that was designed to deal with: the outbreak of the Second World War. The 1974 act was repealed because it required annual review by the government. It was repealed and replaced in 1976 by a further Prevention of Terrorism (Temporary Provisions) Act. That act, again drawn up for the specific purpose of dealing with the IRA, still requires an annual review by the government to ensure that that act of parliament should still prevail. Even in that act of parliament, there are limited appeal rights for exclusions which do not exist under the current provisions of this code.

The Attorney-General said it is based on British law. We are not contemplating an outbreak of the IRA in Australia or the Northern Territory. Why go to British law? Why follow a precedent which was designed for specific acts of terrorism? Why not take Australian law, which has stood the test of time in Australian conditions, to see whether or not there is a way of dealing with this politically sensitive matter? The Attorney-General knows no way of dealing sensitively with any political matter. You are either with him or against him. If you are against him, he will run you down. That has always been his attitude to anybody who dares to stand in his way and question his philospohy.

Since 1914, there has been a Commonwealth Crimes Act in Australia. Since 1926, there has been a specific provision in the Commonwealth Crimes Act to deal with proscribed organisations. It was marginally amended in 1973 but not substantially. Therefore, since 1926, there has been federal legislation dealing with this very matter. When members hear what I have to say about it and what its provisions are, I am sure they will realise it is a sensible and acceptable way of dealing with the problem and ought to be included in our criminal code. Under the Commonwealth Crimes Act - and I refer the Attorney-General to part IIA of the Crimes Act, sections 30A and 30AA - we have a situation where unlawful associations, as they are called in the Crimes Act, are to be proscribed by judicial determination and judicial review. Let it not be said, as the Chief Minister so cutely puts it, that he as Attorney-General cannot proscribe organisations willy-nilly. If members read the Draft Criminal Code, they will see there is no question about it. That is precisely what he can do and without any criteria whatever as to what a proscribed organisation should be. It is as blunt and as bald as that.

Under the Commonwealth Crimes Act, a totally different situation prevails.

I think it would be worth while for me to read the provisions to the Assembly so that members understand the acceptable way of dealing with proscribed organisations. Let it not be said that anybody on this side of the Assembly condones or accepts terrorism or people whose aims are the revolutionary overthrow of government. We oppose those organisations with every fibre in our bodies. We are a constitutional party. We believe in change by democratic means. We do not support organisations whose aims and objectives are revolutions or the overthrow by sabotage of governments of this country or any country.

Let us see how it has been dealt with in Australia. Section 30A of the Crimes Act says:

(1) The following are hereby declared to be unlawful associations, namely:

(a) Any body of persons incorporated or unincorporated which, by its constitution or propaganda or otherwise, advocates or encourages -

(i) the overthrow of the Constitution of the Commonwealth by revolution or sabotage;

(ii) the overthrow by force or violence of the established government of the Commonwealth or of a state or of any other civilised country or of organised government; or

(iii) the destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the states,

or which is, or purports to be, affiliated with any organisation which advocates or encourages any of the doctrines or practices specified in this paragraph;

(b) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise, advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section 24A.

Where it is established that an organisation has such aims, it will be deemed an unlawful association. In order to have such an unlawful association proscribed, the Attorney-General, under section 30AA, must go to the High Court, make an application to a judge of the High Court and have the judge determine whether or not that association ought to be made unlawful - a judicial decision made on application by the Attorney-General. It is not made by the Attorney-General it is not made by a member of the ministry and it is not made by the Fuhrer. It is made by a judge of the High Court. If that is unacceptable to the organisation - it believes it has been harshly or incorrectly dealt with - then section 30AA subsections (8) and (9) take care of that. Under any ordinary course of justice in this country, an appeal lies to the full court of the High Court. That is the appropriate way of dealing with it and not as the Attorney-General has sought to deal with it in the proposed criminal code.

It is worth comparing the extent to which civil liberties are sought to be protected by the Commonwealth Crimes Act with the efforts made by the Attorney-General in the Draft Criminal Code. I refer members to clauses 190, 191 and 192 with regard to that because it is quite clear what happens. A proscribed organisation means 'an organisation that is proscribed for the purposes of this division' - that's cool. The proscribed organisation is a proscribed organisation. Where are the criteria established for that? Simply, the minister determines - because that is what proscribed means, as so nicely pointed out by the Attorney-General, if I read the Interpretation Act - it is proscribed therefore it is a

proscribed organisation. Under clause 191 of the code if you are a person who belongs or professes to belong to a proscribed organisation, if you solicit or invite financial or other support for a proscribed organisation or knowingly make or receive a contribution in money or otherwise for the resources of a proscribed organisation, or you arrange or assist in the arrangement or management of, or address a meeting of 3 or more persons knowing that the meeting is to support or to further the activities of that proscribed organisation or is even to be addressed by a person belonging or professing to belong to a proscribed organisation, you are guilty of an offence.

Subclause (2) goes on to say that you are not guilty of an offence under the clause by reason of belonging to the organisations if you show that you became a member when it was not a proscribed organisation and you had not taken part in any of its activities at any time when it was a proscribed organisation. That is a great let out isn't it? If you were a member of the organisation when it was not proscribed and do nothing about it afterwards, the Attorney-General says: 'We are not worried about you'. A marvellous let out! The court can order the forfeiture or seizure of goods belonging to that organisation. You cannot wear an item of clothing or display an article which in any way suggests that you are associated with that proscribed organisation - imprisonment for 6 months with hard labour for that one. That is it; that is all there is.

What is a proscribed organisation? Where are the criteria by which the Attorney-General will determine what is a proscribed organisation? Given his erratic outburst about 2 organisations which we know are reputable organisations, it is likely that the man will proscribe any organisation that stands in his way. It just is not good enough. The Draft Criminal Code ought to contain the very necessary protection of people's civil liberties to demonstrate against the decisions made by government, to organise themselves and to politically agitate within constitutional limits. There ought not be an intimidatory section, as exists right now in the Draft Criminal Code, to stop that kind of healthy dissent.

The Attorney-General, in his capacity as a former lawyer, said in his speech, quite tantalisingly really: 'Any suggestion that I, as Attorney-General, or any other Territory Attorney-General for that matter, could simply nominate a body to be proscribed and that body would be therefore an automatically proscribed organisation is not only erroneous but misleading'. In fact, that is the case because the Chief Minister referred us to section 63 of the Interpretation Act and we all know that, upon a regulation coming into effect, upon an officer appropriately authorised making a delegation of a proscription under an act of parliament, that regulation, that proscription, that determination takes effect until otherwise disallowed by this Assembly. Members of this Assembly all know what happens to the Subordinate Legislation and Tabled Papers Committee's reports; the chairman stands up, moves them and the debates are adjourned. We debate them whenever it suits the government because it has the numbers; it determines the order on the business paper. Frankly, it just is not good enough. We sit every 3 months; that is bad enough. An organisation is proscribed and we have 3 months to wait before we can even get a look at it. Even then that is not guaranteed because the regulation is tabled in the Assembly within 3 sitting days of the decision being taken and it is debated at the pleasure of the government.

Mr Speaker, I put it to you and to members of this Assembly that the clauses relating to proscribed organisations are horrendous indeed. I do not care whether they are modelled on any law in particular such as South African law. I am not interested in throwing that kind of barb around. I put this point to the Assembly: they are based on British laws which are specifically directed at the IRA, and that is not contemplated in Australia. We have Australian law

which adequately and effectively copes with the question of protecting Australia's sovereignty from organisations whose aims and objectives are the undemocratic overthrow of this country. On the other hand, it protects those people who wish to properly, correctly, constitutionally and democratically dissent from decisions made by government. I put the comparison of the Commonwealth Crimes Act to the Attorney-General in the hope that those provisions will prevail in relation to proscribed organisations not those which currently exist in the Draft Criminal Code.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I wish to reply briefly. I do not want to touch on the substance of my statement this morning, but rather to express surprise at the attitude displayed by the Leader of the Opposition in the course of his oration this morning. I must say that I am surprised to be the subject of such a bitter and vituperative attack on the basis of what is a draft document. I would express to you and other honourable members of the Assembly the hope that the debate which we will have next week will proceed on more reasonable lines, without expressions of personal animus going back and forth from one member to the other.

The Leader of the Opposition is already aware that the government has made considerable changes to the draft code since it was first introduced. I had hoped, in the light of the extremely reasonable attitude the government has taken and concessions that it has made to public opinion, that he would put forward his views in a cool, lucid and logical manner rather than rely on the vehicle of abusing me personally. Indeed, I think at one stage he used the term 'Fuhrer'. Mr Speaker, I take exception to that because I have always had an extremely invidious view of the Nationalist Socialist Party. I would expect that a gentleman and a man of honour would withdraw such a term of personal and bitter abuse at a time perhaps of his own choosing. Certainly, in the carriage of my ministerial responsibilities, I have attempted at all times to listen to the views of all people and to integrate a consensus of public views in decisions that I have had to take. I think that the record shows that and certainly it seems to be the view of the majority of the people of this Territory.

I must say that it speaks ill of the honourable Leader of the Opposition that he takes me to task over my response to intemperate and unfounded reports attributed to people, supposedly leaders of responsible bodies of national public opinion. One such leader - I think it was Mr Ramage but I am not quite sure - said that he had heard of the provisions of the Draft Criminal Code of - to paraphase his words - this tinpot Territory and he was taking it up straight away with the federal Attorney-General to stop it. What sort of discourtesy is that, Mr Speaker? The man does not even intend to approach the Attorney-General of the Northern Territory; he is going straight to the federal Attorney-General. Therefore what courtesy should I extend to him, especially when he refers to us as appropriating South African law for our own? I felt that a strong response was needed to those statements and Mr Ramage received a strong response. I am quite prepared to listen and to read any submissions that I receive from the Australian Council for Civil Liberties or the International Commission of Jurists or whatever body. As you heard this morning, we have already had comments from the English Law Reform Commission and we have had comments from many other responsible and reputable bodies. We have been seeking a submission from the Northern Territory Council for Civil Liberties but, to the best of my knowledge, no such submission has yet been received.

Mr Speaker, this is a Draft Criminal Code and I hope that we can debate it among ourselves as a draft, so that the government can take an advisory view on it. I hope that we can debate it among ourselves as is seeming amongst honourable members of this Assembly who proclaim themselves to be ladies and gentlemen.

Motion agreed to.

STATEMENT
New Health Charges

Mr TUXWORTH (Health): Mr Speaker, members will be aware that the Northern Territory government announced on 12 June this year its intention of introducing, as from 1 September this year, new charges for medical and hospital services at government community centres and hospitals. Amending legislation enabling this to occur has already been dealt with by this Assembly and additional legislation is being dealth with.

The decision by the Commonwealth on 29 April this year to change its policy towards health services in this country once again arose from the 1980 report of the Jamison Inquiry into the efficiency and administration of hospitals. The Northern Territory presented evidence to the inquiry but it was the recommendation advocating changes to the method of funding hospital services and the health insurance scheme which created the most hotly debated issues between the Commonwealth and the states. I would like to take this opportunity to reiterate the main points of the revised Commonwealth policy and to indicate their effects on Northern Territory health services.

The then existing hospital cost-sharing arrangements between the Commonwealth and the Territory would cease on 30 June 1981. From that date onwards the Commonwealth contribution to the cost of operating hospital services would be included as a part of the grants of funds for general revenue. The amount of Commonwealth contribution would be determined by deducting from an agreed cost-sharing base an amount equal to that which the Commonwealth calculated would be reasonable for the Territory to raise in revenue by charging for hospital and medical services. It is to be noted here that this deduction will occur irrespective of whether or not the Territory can actually achieve that sum. The Commonwealth will refer to the Grants Commission the question of state relativity. The Commonwealth will meet hospital expenses for pensioners and other persons who are classed as disadvantaged by the Department of Social Security.

The question of how much the Territory can raise through hospital and medical charges has caused us the greatest concern. The Commonwealth has used a formula which it has applied across the board to all states and which assumes that the Territory has the potential to raise revenue from 50% of total bed-days for inpatients and 50% of the total occasions of service for outpatients. From our experience, Mr Speaker, this figure should be more realistically set at 30% because of the high proportion of disadvantaged persons using our system.

On that basis I met with the Commonwealth Minister for Health on 29 May and, whilst I was not able to obtain a financial guarantee at that stage because the Commonwealth wanted to maintain uniformity with the states, I was able to obtain Commonwealth recognition of the Territory's special circumstances and an undertaking to re-examine at a later date the Territory's revenue-raising capacity. I intend to make sure that this re-examination does take place. In the meantime the Territory has had to gear itself up for the introduction of charges on 1 September.

The Department of Health has liaised closely with all major medical insurance funds on procedures to be adopted. I have written to all health funds in Australia - there are over 300 of them - inviting them to expand their current operations in the Territory or to open branches here. The department has embarked on a concentrated advertising campaign to draw public attention to the introduction of health charges and the need for health insurance. Staff of the department are being trained in the new procedures to be adopted.

I have written also to nearly 800 employers in the Northern Territory asking them to encourage their staff to join a health fund. Honourable members will be aware that, in the past, Aboriginals - like all uninsured Territorians - normally received health care free of charge. From 1 September, the situation changes and, unless an Aboriginal person is classified as disadvantaged by the Commonwealth, he will be levied charges in the same way as will any other Territorian. To encourage Aboriginals to join health insurance funds, I have written to over 40 councils outlining exactly what the situation will be on 1 September. The Department of Health has also arranged for officers to visit Aboriginal communities and explain the situation personally. The Aboriginal population constitutes a large part of the demand on health services and it is considered essential that Aboriginals are aware of the Commonwealth 'user pays' principle. My department is well aware of the difficulties that some members of these communities will have in meeting the requirements of the Department of Social Security for the issue of health care entitlement cards; for example, proof of identity and level of income. We are seeking permission to assist the Department of Social Security in the registration of such people so that their transition to the new scheme can be effected efficiently and with dignity.

I might point out, Mr Speaker, that I think the Commonwealth's criteria for providing evidence of a person's status is quite unreasonable. You are expected to have your birth certificate, marriage certificate, driver's licence and documents from anybody and everybody which will swear that you are who you claim to be. If there is one exercise, Mr Speaker, that I believe is designed to thwart the intent of registering disadvantaged people, that process is it.

To assist the public with their inquiries, the department has established a hotline telephone service and, in addition, every subscriber in the Northern Territory telephone book is being contacted to explain the new arrangements and to encourage people to take out health insurance if that is necessary. To help in educating Territorians, and in particular Aboriginals, the department is being assisted by a number of other Territory and Commonwealth departments and we are very grateful for that assistance.

Efforts in this educational program are also being made on a regional basis. Regional officers are being fully briefed on the new arrangements and are being used as the frontline troops to personally advise the public of the new conditions of receiving health care at Territory establishments. I have undertaken to meet with all of the hospital management boards to explain to them the new arrangements and the charges and procedures to be adopted at the hospitals. It is my intention that hospital management boards be kept fully informed of any developments that affect the operation of their hospitals.

The net effect of the new Commonwealth policy on the Territory services is that everyone will now have to pay for the treatment or service received at government health centres and hospitals unless a person is registered as a disadvantaged person with the Commonwealth Department of Social Security. Persons in this latter category would include pensioners who are entitled to pensioner health benefits, migrants and refugees during their first 6 months in Australia, people receiving unemployment or special benefits who meet the pensioner health benefits income test and people on specified low incomes. The Commonwealth has prepared a pamphlet which outlines the impact of the new health arrangements and my department has made copies available in all our health centres and hospitals throughout the Territory. However, I would urge people to contact the Commonwealth Department of Social Security to establish their standing in relation to eligibility for free care. Those persons who do not qualify for special Commonwealth protection against hospital costs will be required to pay irrespective of whether or not they have health insurance. Those with insurance will of course be covered but those without will need to find the

money from their own resources.

Let me quote a few examples of the sort of money we are looking at. A person occupying a shared room and utilising the professional services of the hospital for one week will be required to pay $840. This is made up of $80 a day for the bed and $40 a day for the professional services and I might add that this is about 50% of the actual cost. A consultation with a doctor either at a hospital or a community health centre will cost $15 on each occasion. A person occupying a single room and using the services of a private doctor will be charged $110 a day for the bed. In addition, he will be billed by his own doctor for his professional services. There are many other permutations of the new charges and I will not detail them here, but I think it is sufficient to say we are talking very big money.

The decision to introduce charges for health services in the Territory was not an easy one to make but, if we are to maintain the present level of services, the government has little or no other viable alternative but to do so. However, the charges will still represent a significant subsidy by the Northern Territory government for Territorians because we have adopted charges similar to those being introduced in the states despite the fact that we are faced with much higher costs in delivering health services to the people. It is estimated that the subsidy by our government is in the order of $100 per day for each bed occupied. The Northern Territory government is very conscious of its responsibility to get the best value for its money and will therefore do all that is possible to ensure that it achieves the highest degree of cost effectiveness in the Territory's health services and maintains the highest possible standard of health care.

I now turn to other matters. Honourable members will recall that tenders were invited in October last year for the leasing of part of the former Darwin Hospital for the establishment of a private hospital. Only one tender was received. The government deferred a decision on the matter because of developments on the national scene which could have affected this decision. I refer to the changes in the Commonwealth health funding policy. Honourable members will recall that the inquiry into health costs in the country was still in progress. I do not propose to recount the events that subsequently occurred but rather to state that the Northern Territory government is optimistic that a private hospital in the Darwin area is a viable proposition. Accordingly, I have instructed the department to re-advertise tenders and I understand that the revised document will be completed shortly and that tenders will be called in both the national and local press in the near future.

I now refer to those services which are still located at the former Darwin Hospital. It is the government's intention to proceed with the next phase of rationalising hospital services in the area. The move of the Alcohol Dependence Treatment Unit has been fully discussed with all parties concerned and I am pleased to announce that agreement has been reached to move the unit to Casuarina Hospital this week. This move is in the best interests of patient care. Discussions are currently under way in the department regarding the transfer of the Psychiatric Unit to the Casuarina Hospital. This will take place as soon as the associated works - for example, some modifications to buildings - can be arranged.

In the medium term, the government is committed to making alternative arrangements for its other functions at the Darwin Hospital site. To this end, discussions are taking place with the Commonwealth Department of Social Security to share the rehabilitation centre and with the Salvation Army to operate the Harry Chan Nursing Home for the aged and handicapped persons. My department is also examining the possible relocation of the Darwin Central Community Health

Centre and its northern region headquarters. With regard to regionalisation, the department continues to devolve responsibility to the regions. A major review is being conducted of those functions of its central office which could be more appropriately located in the regions. I anticipate an early resolution of this matter.

Mr Speaker, I would now like to mention some of the recent decisions which have been taken in relation to the Casuarina Hospital. As I have indicated earlier, my government is conscious of its responsibility to obtain the best value for money whether it be in relation to health services or anything else. Therefore, as part of this responsibility and commitment, the department has undertaken a review of Casuarina Hospital operations in order to identify areas where possible savings could be achieved. As a result of this review, a decision has been made to reduce the number of authorised beds from 312 to 292 which includes a 12-bed surgical day ward. A redistribution of the beds - that is, by transferring beds from wards having low occupancy to wards with a greater need for beds - will enable the hospital to achieve more efficient use of its resources. The reduction will allow the average bed occupancy rate of 72% experienced in 1980-1981 to be raised to an operating level of 80%. As a direct consequence of this decision, Ward 2A will be closed until the demand requires it to be reopened.

The review also looked at the staffing of the hospital. This staffing review was timely as extra staff has been needed to commission the hospital and this phase has now ended. As well, the reduction of beds and the closure of Ward 2A mean that a lesser number of staff will be required to operate the hospital. In this regard, it is proposed to reduce the staffing by 70. This will be achieved by natural attrition through resignations and transfers and not through departmentally sponsored dismissal.

I mentioned that plans are currently being made to transfer the Psychiatric Unit to Casuarina Hospital. This is one part of an overall strategy to improve psychiatric services in the Territory. The Northern Territory currently has an agreement with South Australia to provide care for a number of long-term psychiatric patients from the Territory in its institutions. Hopefully, in the future, the Department of Health will be able to provide this care in the Territory. I must add that we will have to come to some special financial arrangements with the Commonwealth for the provision of these psychiatric services before that time.

Honourable members will be aware that there are currently 3 nursing homes in the Northern Territory. One is run by the Uniting Church Frontier Inland Mission in Alice Springs. The second is the Hetty Perkins Memorial Home in Alice Springs and the third is the Harry Chan Nursing Home in Darwin. The government has recognised the need to encourage the establishment of nursing homes, particularly to reduce the heavy financial cost of providing this type of care in our hospitals and we are presently negotiating with organisations which have shown interest in establishing nursing homes in the Territory.

Honourable members will remember that there have been debates in this Assembly in which the subject of Community Health Centres has been raised. The Department of Health continually reviews the operations of Community Health Centres with a view to rationalising services provided at the centres as well as assisting in the planning of locations of future permanent facilities. I would like to assure honourable members that the government will continue to provide Territorians with access to Community Health Centres and that there will be no walking away from services which are found to be essential at these centres. However, as I mentioned previously, a charge of $15 will apply to a consultation with a medical practitioner at a Community Health Centre. No charges will be made for services provided by nursing staff at these centres.

In conjunction with the Palmerston Development Authority, my department is currently arranging for a demountable to be placed near the authority's site offices to serve as a first-aid clinic for the workforce during the construction phase. The clinic will be serviced by the department's Community Health Branch. The demountable is undergoing minor repairs and modifications and will be placed on site when all the necessary services are available. Planning is proceeding for the provision of permanent health centre facilities. Agreement has been reached with the St John Council to share a site on a joint usage basis. The Palmerston Planning Authority has been asked to set aside a suitable site with this in mind. Studies will also be started shortly on the long-term effects the Palmerston development will have on the existing health services. We are already aware that there is likely to be a shortfall of beds at Casuarina Hospital by the time the projected 40,000 people are living in Palmerston. We will be looking at the various options available to us including the possible development of private hospital and medical facilities in that region.

A considerable number of significant changes to the Territory's health care system have been outlined today. I would like to assure honourable members that every effort has been made to ensure that the best possible policies are being developed and implemented. I am conscious of the need to minimise any inconvenience to the public and ready at all times to receive representations from individuals or organisations concerning health matters. I am confident that the department will continue to maintain the high standards of health care achieved and look forward to the continued support and assistance of all Territorians during this difficult period of change.

Mr Speaker, I move that the statement be noted.

Debate adjourned.

HOSPITALS AND MEDICAL SERVICES AMENDMENT BILL
(Serial 121)

Continued from 9 June 1981.

Mr BELL (MacDonnell): Mr Speaker, in addressing myself to this bill, I would like to say at the outset that it is with some reluctance that the opposition supports this bill. I would like to take the opportunity to explain why that is the case. In his second-reading speech, the Minister for Health explained to the Assembly the arrangements and the changes in arrangements that would be visited upon us on 1 September. Formerly, health care in the Northern Territory had been done on a basis of cost sharing on a 50-50 basis between the Commonwealth and the Northern Territory and the chief feature was that, if there was no insurance, people would not be charged for health care in hospitals. However, now we are to have visited upon us a new arrangement that I do not believe to be in the interests of Territorians or Australians in general. As the minister mentioned in his statement today and in previous speeches in this Assembly, from a base agreed between the Commonwealth and the Northern Territory an amount is to be deducted which would be the amount that the Commonwealth would consider that the Northern Territory could raise.

I say that we support this bill reluctantly because we are not happy about the changes in the funding. We support it because we believe that the government must be allowed to collect funds. We must not allow health services in the Northern Territory to deteriorate. The reason we are reluctant about this bill is because it is a corroboration of the policy beloved of conservatives in this country which, I might add, I believe to be a distortion of the truth - this so-called user pays philosophy. It should more appropriately be referred to as 'user pays more philosophy'. The people of the Territory and the people of

Australia are already paying for their health care services through their income tax. This is an attempt of conservative forces in this country to pull the wool over the eyes of the people and I deplore it.

The Minister for Health has gone on record today and previously as objecting to amounts and figures that the Commonwealth government has talked about. It is negotiating with the federal government but at no stage has it disagreed with the underlying philosophy of the conservative federal government. We might ask who benefits from the changing philosophy. I will say now that the people who benefit are the politically powerful private practitioners who are very well organised, as members of the Assembly will appreciate.

I would like to draw the attention of members to an article in the Bulletin some weeks ago that referred to the amounts of money that a survey revealed were being paid to private practitioners in New South Wales. One specialist was paid an amount of $3.1m. I cannot help feeling that the people who earn these amounts of money are rather like the Great Train Robbers. You may remember the Great Train Robbery, Mr Speaker. I think underneath the public reaction was a certain admiration. These people are like the Great Train Robbers. We have a sneaking admiration for them but, underneath it all, their demand for money is anti-social. However, I do not wish to labour that point today.

What I think is of concern to people between now and 1 September is the nitty-gritty administrative arrangements for health insurance. I believe that there is an attempt by some people involved in the organisation of health care in Australia to inform inadequately the people of the Territory and of Australia in general. We have heard a great deal about the health care hotline. Many people will have seen those sorts of advertisements in the newspapers and heard advertisements on radio and television. I took advantage of this service, being a father of 3 children and having a wife to support and being somewhat concerned about their welfare after 1 September. I took the trouble to telephone Darwin 813745 to find out what would be the most appropriate means of insuring my family after 1 September.

Since most of our health care comes from hospitals, the best option for Territorians is the 'hospital only' cover that the hotline refers to. However, I was rather disappointed to find out that the hotline is in fact advising Territorians that it really is not such a good option because it ~~only~~ insures for a hospital bed only. It makes a point of explaining that this does not pay for a hospital doctor. That is wrong of course, as this Assembly has been advised previously. This hotline service is desperately in need of new information. That is not the end of the bad news. The bad news is that in fact the 'hospital only' cover is the best option for Territorians as it is for Australians as a whole. The fact of the matter is that most people are going to take that out. The insurance industry will not be happy with that and the medical industry will not be be happy with that. They will put more pressure on the federal government. We will have more changes, more confusion and more poeple being denied satisfactory medical insurance. I am sure that you find that as deplorable as I do, Mr Speaker.

A final point I would like to make is the special consideration for the Northern Territory that the minister referred to. I believe that this is a matter of great importance to us. I would like to find out to what extent in negotiations between the Commonwealth and the Northern Territory the special difficulties of the Northern Territory in regard to health care will be recognised. Is the Commonwealth making special provision for the Northern Territory in regard to health funding as the minister suggested was the case in his second-reading speech?

Mr TUXWORTH (Health): I would just like to touch briefly on a couple of points that the member for MacDonnell raised. I will try to put the new health charges into a perspective that he may not be aware of. I think it was last financial year that federal, state and local governments in this country paid out $13,000m for the provision of health services to the community. This amount was blowing out at 15% per annum. The reason that the Jamison Inquiry was instigated in the first place was simply that the country did not have the financial capacity to continue to pay money at the rate that it was increasing and something had to happen.

The results of the inquiry, however distasteful any of us might find them, was that there had to be a system that would not only make the user pay but bring home to the community the enormous cost burden that is on the community for the provision of these services. Whether people pay it as part of their tax base or as a Medibank levy, the cost is there; it will not go away. All we are getting back to is how to cover the cost. While the honourable member and I may have philosophical differences about that, clearly that is the backdrop against which the matter was raised.

The honourable member also raised the matter of private practitioners and how there would be an upsurge in the Northern Territory. I gathered from the tone of his comments that he did not have a great deal of time for the honourable profession of private practitioners. Whether or not that is the case, the reality is that 50% of Australians by choice would like to use their own doctor or a private hospital. I find a great deal of difficulty saying to the population here that the rest of Australia has a choice but Territorians will not have one here because we do not think it is good for them and we will do all we can to try to discourage it. On the contrary, I think we have an obligation upon us all, whatever our philosophies, because 50% of the people wish to have this service. I think it is incumbent upon us to create an environment where it is available. That we are indeed doing.

The member also referred to the health care hotline. I would like to make the point that it was the Northern Territory that introduced the first hotline in the country as a result of this change in policy. In fact, ours started some 3 weeks before the Commonwealth hotline. One of the reasons that we started it was simply that our population base is so small that we could do this without a great deal of cost or inconvenience and perhaps with a greater return to the operation of hospitals by financing through funds. The Commonwealth has since followed with its own line and the activities of the Northern Territory's hotline has changed. We are not sitting there now waiting for people to ring us. In fact, there are 4 girls operating around the clock ringing every subscriber in the Northern Territory saying: 'Are you in a fund? If you are not, would you like advice on how to join one?' If there is any advice required, the conversation continues.

I think the member for MacDonnell was referrring to the hospital hotline operated by the Commonwealth which is different to ours. Nevertheless, it is trying to do the job of advising people. The point that he may have missed in relation to the advice that the Commonwealth is giving about bed costs and hospital services is that, if you go into a hospital as a public patient, you take whatever doctor is assigned to you and you pay $80 a day plus $40 a day for the other services that you require in the hospital. If you go as a private patient with your own doctor, you pay $110 a day and you will receive a separate bill from your own practitioner for the services that he renders to you. From what the member said, I do not think the federal Health Department's hotline is giving out bad information. It is possible that he misconstrued what it said.

On the matter of the Northern Territory's special difficulty, I have an undertaking from the federal minister to receive an approach from the Northern Territory in December on the financial difficulties that may arise out of the Commonwealth policy. The Commonwealth is telling us to prove in hard terms that there is a difficulty. It will not accept our word for it. We cannot prove anything until we have had several months of operation. However, I am of the view that we will have sufficient evidence to convince the Commonwealth that it has shortchanged us. I thank the members for their comments.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

New clause 3:

Mr TUXWORTH: I move amendment 43.1

The amendment is a result of some doubt in the minds of our legal advisers as to whether Community Health Centres actually could be delegated as places where charges could be made. This amendment will give certainty in legal terms to that concept.

New clause 3 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

MARINE BILL
(Serial 105)

Continued from 9 June 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, on behalf of the opposition, I would like to express my support for this bill. It is another piece of legislation which has come into this Assembly as a result of negotiations between the federal government and state and Territory governments. The object of this bill is to regulate and control coastal shipping and navigation and, to that end, some matters have been gone into in extremely fine detail. This is pleasant to see in a bill of this nature because, although it might be argued that the shipping trade that relates directly to the Territory is not that great in volume, from the Territory point of view, there is certainly the capacity to increase the volume of trade that takes place via shipping. In the Territory, we have gone to some length to improve the infrastructure to accommodate that type of trade. I am very pleased to see the detail the draftsman has gone into in this particular bill.

The honourable minister could have outlined for us the broad terms of the agreement that was struck between the federal government and the state and the Territory governments as a result of meetings of its Marine and Ports Council. Certainly, this would have cleared up a number of questions which arise in relation to the specific application of this bill. If members have gone through the bill, they will have seen that in various divisions, for example in clause 23, the application of this bill is limited to certain types of vessels. This particular division relates to the employment of crews. In that particular clause, it will be noted that some vessels are not covered. These include air-cushioned

vehicles, pleasure craft, commercial vessels proceeding on interstate or overseas voyages, fishing vessels that are proceeding overseas, offshore industry mobile units and offshore industry vessels. In respect of these, a declaration is made under the federal Navigation Act. These things can be quite puzzling and if we had had the terms of the agreement between the federal government and the states, many of these questions would be cleared up.

Perhaps the honourable minister will forgive me if I outline some of the broad terms of the agreement in order to forestall some questions which may otherwise arise in the committee stage. The broad terms of the agreement are that the states and the Northern Territory will be responsible for trading vessels except those proceeding to interstate or foreign ports, and trading vessels include tugs, barges, dredges and marine service vessels. The Commonwealth will be responsible for trading vessels bound for interstate or foreign ports. The states and the Northern Territory will be responsible for all Australian commercial fishing vessels except those proceeding overseas. There are some exceptions to that, but the only one I know of is the voyage between Queensland and Papua New Guinea which would be covered.

The safety standards of foreign fishing vessels not engaged in local joint venture operations will be a Commonwealth responsibility. The states and the Northern Territory will be responsible for vessels operating in inland waterways although I believe there has been some modification to that in respect of New South Wales and South Australia concerning the application of that particular agreement to the Murray River. The states and the Northern Territory will be responsible for pleasure craft. The Commonwealth, however, will be responsible for offshore drilling vessels to the extent that the Navigation Act is consistent with the Petroleum and Submerged Lands Acts of the states or Commonwealth. Finally, the Commonwealth will be responsible for offshore industry vessels other than those that operate solely within the waters of the Northern Territory. Had we been given the particular terms of agreement, then clause 23 would have made sense because the very vessels that are excluded are those which fall within Commonwealth control.

Mr Speaker, this bill, as the minister says, has nothing to do with the operation of ports. It is complementary to the federal Navigation Act and the intention clearly stated by the minister and also reflected in clause 196 of the bill is that the uniform shipping laws code will be promulgated by regulation under this bill. There is a large division devoted to regulations and the matters covered are extremely detailed. In addition to those matters, there is also the ability to adopt the uniform shipping laws code by regulation under this bill when it is passed.

The main preoccupation of this bill is not with the operation of the ports or anything of that nature but with ensuring the safety of life and cargo at sea. To that end, its major concern is with factors such as ship construction, adequacy of its equipment, competence of its crew and compliance with international safety practice standards. Some peripheral matters are also covered by this bill. Some of them might have a place more appropriate than in this bill. Perhaps the minister can sort those out at a later stage.

The other provisions which are taken over by this bill are the control of commercial operations other than fishing operations; that is, barge operations, charter operations and so on. The control of pilotage services is specified. In so far as the Port of Darwin is concerned, the Northern Territory Port Authority will be the pilotage authority. Other matters covered include the protection and maintenance of navigational aids and the licensing of pleasure craft and small craft.

I would like to turn now to particular clauses of the bill because I believe them to be of particular interest not only from an historical point of view but also from the good approach this bill takes towards safe practices in shipping. Clause 8 provides that there will be shipping inspectors who will go on board vessels, inspect vessels and cargo and make sure that no breaches of the act occur. We must realise that, even in this day and age, merchant shipping is still a hazardous occupation. It is one of those occupations where it can be easy to use expediencies which are appropriate at a particular time when one is out on a voyage and does not have all the facilities to come to what could later be seen as a more appropriate solution to a safety problem. The tenor of this bill reflects the fact that shipping is still a hazardous occupation. Thus, we find some functions and powers in this bill which are quite detailed. Nevertheless, I was pleased to see that a shipping inspector may not enter a ship just because he believes that the ship may be involved in the commission of an offence under any act but in fact he must be satisfied that there is a breach being committed under this particular act. I think that that phrase is quite important having regard to the fact that we also have a customs bureau, a Commonwealth police force and a Northern Territory police force.

Parallel powers are provided to marine surveyors by clause 77 of this bill. Those people also may report to the director or the minister upon the adequacy of the ship and its equipment. In fact, by this particular bill, all vessels other than exempted vessels must obtain a certificate of marine survey.

There are several divisions, 3 by my count, which relate to the welfare of the crew and the care and maintenance of the crew during a voyage and during the time after they have been engaged by the master of the vessel or the owner. Here again we see that the rights and duties of both crew and master are spelled out in detail. Certainly, having searched through the 3 divisions referred to, I must say that I think the crew has been adequately catered for in all circumstances that might arise during the voyage and at all times while a particular seaman is subject to the control of the master of the vessel.

There are also provisions relating to the competence of the crew and the medical fitness of the crew which I think are important having regard to the hazards which are inherent in this occupation. Notwithstanding those particular provisions, I am pleased to see that there is a provision in clause 35 for appeals by seamen against the director's decision on whether or not they may go on a particular voyage. These relate to whether they are fit and whether they have the necessary certificates of competence. These provisions are quite important because people who engage in this occupation rarely have an alternative occupation to which they can turn and, where somebody's livelihood is concerned, I think that it is quite appropriate that there be a right of appeal from the decision of the director who in fact is the Deputy Secretary of the Department of Transport.

There is a particular matter which I wish to take up with the minister and that is the classes of vessels referred to in clauses 52 and 64. In clause 52, there is a reference to the particular part which relates to crew welfare. It says that particular part does apply to class 1A and 2A vessels and class 1B and 2B vessels which are 35 metres or more in length. I have searched throughout this bill and I cannot find any definition or any description of what those particular vessels are. I am anxious to see that crew welfare is not arbitrarily dispensed with in relation to certain types of vessels which would be appropriate in the coastal trade. In clause 64, there are references to the application of this particular clause relating only to seamen who belong to class 1B or 2B vessels 35 metres or more in length and class 1C or 2C vessels 50 metres or more in length. I raise this matter at this stage. Perhaps the minister can reply and it might not be necessary to raise the clause in the committee stage.

By and large, this particular bill deals with the safety of life and cargo. It provides for compliance with loading specifications, safe practice for the carriage of hazardous goods and the adequacy of equipment for vessels which proceed on coastal voyages. I support the bill.

Mr STEELE (Primary Production and Tourism): Mr Speaker, this bill is the result of quite a few lengthy deliberations with the Marine and Ports Council of which I was a member during part of its deliberations. I must say that those meetings involved to a large degree the staff of the Attorneys-General from the states and most of the discussion that took place was usually of a very technical nature. I do not think that very many of the ministers participated too often in the discussions because of the nature of the commentary. I am pleased that it has finally lobbed on the table even though I have been told by the minister that quite a few amendments are proposed.

The minister said in his second-reading speech that the uniform shipping laws code will form a major part of the regulations to the act. One area that is of keen interest to Territorians is the formulation of regulations to govern small craft of the pleasure and recreation type. These regulations also will have particular relevance in the tourist area where various types of small vessels are playing an increasingly significant role. Safety is of paramount importance to everyone and the potential for hazards increases almost daily as people take to the water and seek to broaden their horizons in tourism and recreational areas. I understand that the regulations will be formulated progressively over a period of time once the act is assented to and I believe the past practice in registering small craft has been a physical inspection by a member of the Port Authority and a licence issuing after that inspection. I believe that a better method may be that the small craft eventually be registered through the motor registry facilities on the computer. That would appear to be a more logical approach.

By enacting its own legislation and adopting a uniform code, the Territory is placing itself on an equal footing with other states in terms of marine functions. With regard to the fishing industry, we are also all aware that the Northern Territory fishing vessels are currently obliged to obtain hull and machinery certificates of survey from other states. At the same time, interstate fishing vessels operating in the Territory need to return to their home ports for routine surveys and annual overhaul of engine and equipment. This relates to Queensland - registered fishing vessels in particular. Queensland will not issue certificates of survey outside of the state whereas Western Australia will not allow the initial survey to be carried out in any other state although the second and subsequent surveys may be done elsewhere. This denies the Territory a great deal of work in repairing small ships and a considerable loss of business through the provision of a ships' stores, chandlery etc. The adoption of the uniform code will overcome these problems and complement the initiatives taken by this government in setting up ship repair facilities in the Territory.

Another most important benefit from the introduction of the legislation will be the conservation of fuel because of fewer ships going interstate for surveys and equipment overhauls. Fuel costs are the major single expense in our fishing industry and any positive initiative to reduce that overhead will receive support from the fishermen.

Mr Speaker, you will also be aware of the steps that have been taken by the fishing industry and the support given by this government to encourage young people into the industry and to develop skills to capitalise on our carefully managed marine natural resources. I refer specifically to the 36-week courses being run at the Darwin Community College for engine drivers and deckhands. This legislation will enable seamen to obtain qualifications or upgrade existing

qualifications reciprocal with and recognised by other states for sea time, certificates of competency and certificates of survey. The existing courses being run for newcomers will complement the new courses which will cover master class 5, coxswain and engine driver certificates 1 and 2. Newcomers to the industry will not be able to take the seamen's courses until they have the necessary sea time to their credit. These new courses have been designed to ensure that all skippers of commercial craft are suitably qualified in accordance with the bill and that they go to sea with a qualified crew in certain areas.

It is fairly complex legislation. There was one area which confused me somewhat and that was clause 103 under the heading 'livestock'. In reading the conditions for the carriage of stock, it appeared to me that a boat could tie up at the wharf at Darwin and, if it did not meet the satisfactory conditions of the inspectorate, the boat could be loaded but, having been loaded, would then be charged for being loaded in a manner not consistent with this bill. Livestock vessels, knowing of this particular regulation, would load at Wyndham. They would not come to Darwin. I do not know if it is worth while the minister examining that or perhaps offering an explanation. I support the legislation.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill. Over a period of time now, I have contacted many people in the shipping industry in the Territory. They all agree that there is a definite need to have laws to regulate shipping in the Northern Territory as soon as possible. However, they query whether enough thought has been given to the differences in local conditions that exist from one area to another. They query whether there is enough flexibility in this bill and the regulations that will accompany it to take account of these variations in conditions. I refer here to the rise and fall of tides in port facilities and that type of thing. Another concern the operators have is this: if time is given, and it will be given, for vessels in other states to upgrade to the requirements of the Commonwealth Department of Transport then they will be able to come here and compete with vessels in the Northern Territory that have already been forced to comply and upgrade their vessels over a period of time to those regulations and high standards. If these vessels are allowed to come here, they fear that they will produce unfair competition. If this is allowed, the Territory operators definitely will be at a disadvantage.

At present, there are no laws relating to vessels carrying cargo outside the Port of Darwin and, as a result of this, the way is open for vessels to come here that are below the standard of the Northern Territory vessels. They do not have any safety survey requirements whatsoever. As I have already said, Territory marine craft have been required by the Commonwealth to bring their vessels up to the standards set down by the Department of Transport. Back in 1962, the federal government advised all marine operators in the Northern Territory that they would be required to upgrade their vessels over a period of time. At that stage we had some 10 vessels operating in the Northern Territory. Surveyors of the Department of Transport inspected those vessels on an annual basis and slowly the safety standards of those vessels were upgraded firstly by the installation of life rafts, radios and other life-saving equipment, secondly, by the inspection of the thickness of hulls and, thirdly, by checking stability and fire proofing. As a result of the inspections that were carried out, many of the smaller vessels were slowly phased out because of the enormous cost that was involved in bringing them up to the required standard. Nevertheless, after considerable work on, and in some cases changes to, their structure and after considerable repair work some of the vessels were able to operate up until about 1974. After this time, the Commonwealth Department of Transport decided to enforce the marine legislation to the letter and, as a result, many of these old-type vessels were phased out altogether. At this time, a number of these vessels changed from cargo-carrying vessels to fishing vessels. A number of the vessels that I was talking about

earlier had in fact sunk and some were also laid off because of the high cost of upgrading them to the required standard.

In some cases where stability requirements had to be met to bring the ship up to standard, the cargo-carrying ability of the vessel would be reduced making the proposition uneconomic. Some operators chose to sell their vessels in other states where the Commonwealth regulations did not apply and this was done in the case of the 'Keats' which was sold to a company in Queensland. Over this period of time, a number of new vessels were constructed at an enormous cost to people in the Territory and we then had a fleet of cargo-carrying vessels around the northern coast of Australia which were of international standard and well and truly up to the Commonwealth requirements. However, a great deal of money was spent in this area. Two vessels of the nature were built by V.B. Perkins and another 2 by Barge Express. As you can see, over a period of time, the Northern Territory vessels have had to come up to these requirements; it is not new. The Marine and Ports Council of Australia uniform shipping code will require other vessels from other states to come up to the standards that we have already. This is where, as I have said, some of the fleet owners in the Territory have some fear. The Northern Territory does not have to bring its vessels up to that standard. That has already been done; it was forced on us by the Commonwealth and there was not any choice in the matter. I feel that some guarantee should be given that any vessels coming into the Territory to compete with our local operators should have to come up to a similar standard. To allow someone to operate a vessel of a lower standard is just not on.

Of course, this does not only apply to cargo-carrying vessels but also to fishing vessels. There is a need in this area to protect our local fishing grounds from being fished by vessels which are of a lower standard than that required by our Australian government of our Australian fishing vessels. There is a need in this area to protect, for example, our mackerel grounds, our tuna grounds and our demersal fish. These fisheries are not being fished by Australian fishermen because of the high cost of upgrading their vessels to the regulations and also the high manning cost. These fisheries are at present being fished by Taiwanese who do not have to comply with those stringent regulations. In the future, the Australian fishermen will perhaps be able to handle these grounds but the big question is whether these grounds will still exist. I believe that what is good for one is good for everyone. If our laws compel our people to have their vessels upgraded to a certain standard and also the manning requirements to be at a certain level, I can see no reason why vessels from other countries or anywhere else should be allowed into those areas to compete on what I consider to be an unfair basis. The Australian fishermen could fish those grounds tomorrow if they were allowed to lower their standards and the requirements for those of the vessels. I am not suggesting here that we lower the standards; they are there for a reason and we should keep our standards high. However, I believe that allowing vessels to come here to compete against our local vessels which have to be brought up to an extremely high standard is not fair at all and should be stopped.

Turning to the bill itself, I might say that it is very difficult to comment on a bill such as this without having seen the regulations. I understood that the minister would try to have these made available for us to read in conjunction with the bill itself. I would like to have seen those regulations. I understand that people from the shipping industry were involved in the drawing up of the regulations and, that being the case, obviously their interests will be protected. One would like to have been in a position to have seen those regulations and have gone through them in detail.

Many of the clauses relating to seamen's wages and seamen's general welfare

would appear to be based on traditional legislation and many of the clauses that relate to this, in fact, are lifted from the Navigation Act. I agree with the member for Sanderson that the bill appears to be extremely protective of seamen's rights. Whilst there are clauses here with which one could take issue and debate at length, I believe that over a long period skilled and experienced negotiators have set patterns and developed arguments in relation to these provisions. I do not think it would serve any useful purpose for me to try to implement any change here. I feel that there are times when certain provisions, because of local conditions, will have to be examined with a view to possible amendment.

It is all very well for us to say that these laws relate to places throughout Australia and to provisions for seamen throughout Australia, but local conditions can make a big difference. I refer here to the condition that I mentioned earlier - the large variation in the rise and fall of the tide. In areas where this does occur, time becomes very critical indeed. An hour's delay of a vessel departing from a port can mean that that vessel misses that tide and can be laid up for 12 hours and, in certain circumstances, if it comes into port on a falling tide at night, it could be delayed for anything up to 24 hours. When we are talking of delays like this with vessels of some size - cargo-carrying vessels - then amounts of $40,000 may be lost every day that the ship is in port. In areas where the tides are not so big as those in the Territory - where the variation is only 2 or 3 feet - time is not as important. It still is important, but the ship can still depart with a delay of 2 or 3 hours.

I believe that, because of this, clause 55, which deals with leaving a seaman on shore or at sea, and clause 45, limitation of liability for breach of contract, should be looked at in more detail. Clause 55 should allow the master reasonable leeway to prevent a considerable financial loss as a result of the seaman's behaviour. The seaman's agreement would obviously place the onus on the seaman to be aboard the vessel before the vessel departed and, in most cases, it is an hour before the vessel is due to depart. It should be spelt out that, where a master has made a reasonable effort to contact that seaman by going to his last place of residence or visiting the hospitals in the area to make sure that he has not met with an accident or is not sick and has also contacted the shipping offices, then I believe that master should be able to sail that ship away without penalty.

Clause 45, which deals with the limitations of liability for breach of contract, really only says that a seaman shall only be liable as a result of his own wilful act or default. That being the case, the penalty of $500 in my opinion is very low indeed. It is ridiculous. A single day's delay, as I have mentioned, could cost many thousands of dollars. This bill proposes that the owner's sole legal compensation for missing a tide because of a seaman's wilful act be limited to $500. That is less than a week's salary for a seaman and I believe that it is far too low. Obviously, the reason for this limit would be to protect the seaman who wanted to chuck in his job and not go back to the vessel from paying full damages which could mount up, particularly if the vessel had to stay in port for that day. Whether it is unjust or not to expect the seaman to pay the damages incurred, there should still be some reasonable maximum penalty if the seaman defaults. I would like to see a figure in the thousands. Someone has to pay and I believe that the person wilfully responsible for that ship missing the tide should have a lot more to pay than $500 towards the financial loss. There are examples where the local conditions can play a big part in the provisions of the bill.

Another point that I would like to raise also relates to the local scene: the situation that will arise for Nabalco when the uniform code becomes law. There are some provisions in this bill which I believe will over-regulate the

industry by making standards that are unrealistically high for the work that is required. For example, Nabalco has an in-harbour facility which has demonstrated itself over a period of time to be effective and efficient in its operation without any artificial external requirements such as those provided for here. For example, tug operators would need to have their licences upgraded. I agree in most cases that upgraded certificates are required in open port areas but, in closed port situations, this should not be a requirement. The bill will require people operating tugs for Nablaco to have formal qualifications well above those that the present operators hold. That will have a far-reaching implication on them so far as union membership is concerned. It will also have a far-reaching effect in terms of rates of pay and the financial cost to the company itself. It is all very well for us to say that the people working on these tugs at present will be able to receive upgraded licences because of the past experience but, where replacement of tug operators is concerned, it would mean that Nabalco would have to get people from the roster which is nominated by the unions to man these tugs. There would also be serious implications from an industrial point of view. I do not think it is necessary to have tugs in closed ports operated by people of the standard that is required under this particular bill. They have been able to operate successfully for many years and I can see no good reason why they should be made to change.

That is another example where local circumstances play a big part in the forming of legislation and regulations. There needs to be a provision that will take account of these variations and enable each situation to be considered individually with reference to the requirements of that local situation.

In clause 66(c) mention is made of disobedience to a lawful command. There does not appear to be a definition of 'lawful command'. Perhaps the minister can enlighten me on this.

The last two points would probably be covered in regulations. In relation to clause 70, there has been emphasis placed on the importance of the ship's log and also the record book, but there does not appear to be any specification as to what minimum entries are required in those particular logs. I would have liked to have seen the details of what was required in those entries. Finally, in relation to clause 100, would the minister inform me what are prescribed medicines? This would probably be covered in the regulations. Many essential items in the ship's medical kit are unobtainable without prescription.

I understand that a number of suggested amendments and submissions have been made by people who have an interest in the shipping industry. I will not comment on the submissions that I have received. Obviously, the minister has copies of those. As I have already mentioned, I would have liked to have had the opportunity to study the regulations in conjunction with this bill. The sooner there are laws to ensure the safety of vessels carrying cargo around the north coast of Australia, the better. In days past, there was a history of sinkings but since the regulations have been upgraded, there have been few accidents at sea. Mr Speaker, I welcome the bill but I stress that there needs to be the flexibility that I have mentioned to enable local conditions and local circumstances to be taken into consideration.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to do part of the Minister for Transport and Work's job for him by replying to some of the points raised by the honourable member for Port Darwin. It has become quite clear that the honourable member, albeit in good conscience and good faith, has paid a lot of the credence to shipowners' side of the story and perhaps has spent less time in investigating the seamen's side of the story and the masters' side of the story. By 'seamen', I mean all those who go to sea - officers and crew.

Mr Speaker, I am one of the fortunate people who has been signed on board a ship and has gone to sea from time to time. I thoroughly enjoy it and part of my enjoyment has been made possible by the rights fought for over a large number of years by the Seamen's Union of Australia which, from time to time, has received some abuse. The conditions on board ships before the union became strong and fought for its members were simply intolerable. Today when one goes to sea, one has a minimum standard of comfort which assists in what has to be regarded as a rather unusual lifestyle. Seamen, by virtue of their profession, are isolated for periods of time from family and from onshore responsibility. It is indeed a 'peculiar' way of life and I use that word in its proper context.

The honourable member for Port Darwin seemed to be saying that the sooner we have laws to stop this laissez faire attitude the better. He said that after spending 10 minutes criticising the laws which are being brought in in the Northern Territory to give uniformity. I find that a little illogical. Either he wants safety to be observed at sea and in port, with proper pilotage, or he does not. The member said it is fine and good but local conditions have to prevail. That is straight out of local shipowners' lips.

Besides calling into question the Seamen's Union conditions of service, the member for Port Darwin also placed in jeopardy bilateral fishing arrangements. He is indeed a very brave man to talk about fishing which is occurring in Australian waters. That fishing is occurring as a result of agreements entered into with the Australian government, overseas fishing interests and indeed the Northern Territory government. It is a pity the Minister for Primary Production and Tourism has already spoken because I am sure he would have picked up that point. These bilateral agreements have been the subject of some discussion in this Assembly, to which I have contributed. I think it is a little unfair of the member for Port Darwin to suggest that the legislation which we have before us should be used as a vehicle to criticise that part of Australia's and the Northern Territory's fisheries policy.

The member for Port Darwin mentioned the protection in this bill for seamen in that they shall not be abandoned by the ship's master and left on shore. He said that, if they contributed to this abandonment, the minimum penalty is only $500 and he mentioned section 45: if special damages are claimed his liability shall not exceed $500. The member obviously is not aware that, under clause 67, seamen attract particular penalties if they persistently and wilfully disobey lawful commands, neglect their duties or, whilst the vessel is at sea, commit a variety of other offences. If he looks at clause 66 - breach of duty - 'a seaman belonging to a vessel shall not deliberately, while under the influence of alcohol or drugs, or in such circumstances or in such a manner that the act or failure to act amounts to a breach or neglect of duty or disobedience to a lawful command, do or fail to do the act ... $2,000 or imprisonment for 2 years'. It is not good enough to pick out one clause and say that is the only clause applying to a seaman. If he looks right through the bill, he will see that seamen can attract severe penalties for neglect of duty. Failure to turn up when the ship is about to put to sea at the prescribed time is neglect of duty. Honourable members may or may not be aware that a seaman receives papers when he goes on board a ship and he has to read the articles of his appointment to that ship. In this bill, it quite rightly says this is only a transfer of responsibilities from the Commonwealth to the Northern Territory; it is not new at all. All we are doing is accepting responsibility for the coastal trade and its proper regulation. The engagement of seamen in that trade was done under the federal act but now it will be done under the local act. We are ensuring that there is unformity between the 2 acts; that is perfectly reasonable and it is not a new concept. When one is signed on board a ship, the shipping master has to ensure that the seaman being engaged understands the terms of the agreement

of his engagement. If he is illiterate, it must be read to him and the master must be sure that, to the best of his satisfaction, the seaman understands the agreement.

Upon discharge from that vessel - I should have brought my papers in and members might have understood a little better - a seaman receives a certificate of discharge. He may receive several stamps on it. It has creditability because certificates of discharge are registered with the federal Department of Transport. From now on, they will be registered when they have local application with the local Director of Transport who is within the minister's department. It is no more than a transfer of responsibility. If a seaman is guilty of a breach of duty, he is likely to receive upon his certificate of discharge a stamp accordingly. He will find it quite difficult to find engagement on another ship because masters require the production of the previous certificates of discharge before they engage seamen. The honourable member for Port Darwin is also obviously not aware that it is a fairly competitive industry at the moment. There are seamen awaiting work and masters quite properly and the union in fact has more people from which to choose than ever before. The union is not the bogey man which sometimes it is made to appear by the press. Seamen who consistently refuse to respond to their duties will not get any guarantee of further employment. If that is not a fairly good penalty, I do not know what is.

I am delighted to see this legislation. I have been asking questions in this Assembly over a 10-year period about when the Northern Territory would introduce its own act to regulate its coastal shipping trade. At last we have it. Some members may feel a little aggrieved that they have not had the opportunity to read the shipping code regulations. I can only say that is their problem because I have had them in my possession for 6 months. Any member who so desired could have obtained them. If they did not want to go to the bother and expense of writing to Canberra, they should have done as I did and contacted one of our federal members who through his good offices made a copy available to me within a matter of days. Of course, it is a federal act with federal regulations but I am surprised that any politician sitting in this Assembly should find the slightest difficulty in obtaining copies of federal acts and regulations. I can only suggest that they contact Senators Kilgariff or Robertson or their House of Representatives member. Having said that, I must state that there is little room to manoeuvre on a bill of this nature because the desire is for uniformity throughout Australia.

The member for Port Darwin mentioned local conditions and the rise and fall of tide. Certainly, that has relevance when one is tied alongside. It has less relevance when one is at sea; safety at sea is a very constant thing. As I said, the penalty which can face a seaman who acts in a manner which stops a ship putting to sea at the appointed time can be severe; it is far more than $500. It can mean the loss of his livelihood and I cannot imagine a more severe penalty.

Honourable members will have noticed that the fishing industry, by and large, is exempt from the provisions of this bill. Those of us who have had any interest in maritime affairs in the fishing industry for some time will realise there is a need for closer scrutiny of the actions of some masters of some fishing vessels which are operating in the Northern Territory waters but are licensed in other ports. Many Queensland vessels operate in the Territory as the Minister for Transport and Works and the Minister for Primary Production and Tourism would be aware. During a visit to Groote Eylandt by sea, I found to my horror that it has been the practice of some unscrupulous masters to abandon their crew at Bartalumba Bay. The normal method of doing this is to

send the crewman to buy them cigarettes or something and then set sail abandoning the crew member. This was put to me by a senior official of the fishing company operating from Groote Eylandt because his company had to repatriate the abandoned fisherman. In many cases, it was a woman but 'fisherman' is the term used. He did not have a permit to be on Groote Eylandt; he could only be there whilst he was engaged in the fishing industry. Considerable distress was caused personally to the person abandoned and most definitely to the company. I invite the 2 ministers to contact the officials of that company and ask them directly if this has been the practice because it was from those officials that I received the complaint. I have also received complaints directly from fishermen who have been victims of this unfortunate occurrence. I felt able to comment on that aspect even in this debate because 2 other members have mentioned, albeit obliquely, the fishing industry and this legislation states in various parts that fisheries vessels are not covered by it. In that context, perhaps the 2 ministers can get their heads together and look at closing what is a most distressing and costly loophole.

The bill itself is not complex; it is straightforward. If anyone has any knowledge of seamanship and the federal act, it simply follows that act. I find little wrong with it other than some small faults which I understand the honourable minister will propose amendments to correct. As far as the principles of the bill are concerned, I find nothing with which to quarrel.

Debate adjourned.

PAROLE ORDERS (TRANSFER) BILL
(Serial 68)

Continued from 3 June 1981.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr EVERINGHAM: Mr Chairman, I move amendment 45.1.

The purpose of the proposed amendment is to correct a minor drafting matter by moving the bracket presently appearing after the word 'document' in subclause (2) to its correct position after the reference to subsection (1)(a).

Amendment agreed to.

Clause 6, as amended, agreed to.

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

Bill reported; report adopted.

Bill read a third time.

ASSOCIATIONS INCORPORATION AMENDMENT BILL
(Serial 103)

Continued from 4 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the amendments before us at the moment to the Associations Incorporation Act. The bill covers 3 matters. Firstly, it relates to problems arising where associations give way to community government councils. It was specifically designed to overcome a difficulty at Lajamanu, but it clearly relates to all situations where community associations cede their property and all authority to community government councils. Secondly, it relates to the appointment of auditors to associations where members reside in outback areas and it is difficult to get people to act as auditors who are not members of the associations. The third matter which is raised by this particular bill relates to the investigation of irregularities which may occur within associations. In each case, the opposition welcomes the government initiatives.

There is one comment which I have to make with regard to the investigation of irregularities. With regard to the ceding of associations to community government councils, the proposed new section 22B is an effective way of dealing with the situation where an organisation with responsibility in a certain area cedes to another organisation with the same objects without going through the process of winding up one association and starting up the other one. Proposed section 22B does just that and does it well because it protects the association. It protects the members of the association by giving them a right to appeal under subsection (3) and it gives rights to creditors who may be affected by the cessation of the organisation which may owe it money. All those matters are taken care of in the amendments. The important thing to remember is that 3 months after the new community government has taken up all the personal property of the old association, the old association is deemed to be dissolved. It is an effective way of dealing with the matter and gives adequate protection to all parties concerned.

The second matter that the amendment deals with is the question of the provision of an auditor. Under the existing legislation, the auditor has to be a person who is not a member of the association. That is done for very good reason as I am sure all members will realise. The auditor should not have interests in the association; he ought to be an independent auditor. As pointed out by the Attorney-General in his second-reading speech, although this is a good principle which ought to be applied, it is not always capable of achievement in associations whose members live in outlying communities. For that reason, the amendment to section 25(1) will ensure that a member of an association, other than the public officer of that association, can be the auditor so long as the registrar approves that person. Again, that safeguard is there.

The third matter dealt with by the amendment to the Associations Incorporation Act is the question of investigation of irregularities and the possible judicial management of associations. Sections 25AT to 25AZD set out an effective way of judicial management of associations which have gone wrong. I am quite certain that every member of this Assembly has come across situations where associations have run off the rails and,although some of them may not have needed appointment by a court of a manager, we all know of cases where such management would have been very helpful indeed.

I would like to point to proposed section 25AW of the bill to raise a point with the Attorney-General which he might consider at some later stage. It relates to the question of entry by an official, registrar, policeman or whatever for the purpose of taking up books and records for investigation. The New Zealand Ombudsman recently conducted an investigation into the New Zealand legislation and found in excess of 130 pieces of legislation which had differing provisions relating to entry by government officials of one sort or another. I understand that some attempt is being made in New Zealand to make those provisions uniform.

For example, proposed new section 25AW reads:

> *(1) Where the Registrar believes on reasonable grounds that it is necessary for the purposes of his investigation of the affairs of an association to enter land or premises occupied by the association, he may at all reasonable times enter the land or premises and may -*
>
> *(a) examine books on the land or premises that relate to the affairs of the association or that he believes, on reasonable grounds, relate to those affairs;*
>
> *(b) take possession of any of those books for such period as he thinks necessary for the purposes of the investigation; and*
>
> *(c) make copies of, or take extracts from, any of those books.*
>
> *(2) The Registrar is not entitled to refuse to permit a person to inspect books referred to in subsection (1) that are in the possession of the Registrar under that subsection if the person would be entitled to inspect those books if the Registrar had not taken possession of them.*

I am not suggesting for a second that the registrar ought not to have those powers. What I am saying is that there ought to be some check. Perhaps the registrar ought to be required to make out an affidavit before a JP or a magistrate setting out the grounds that he has for wishing to enter the premises, examine books and take possession of books. There ought to be a reporting provision where the registrar reports to his minister on the application which he has made and the results of his entry onto the land and the taking into his possession of those books. I think the Attorney-General will recognise that kind of system from the Crimes Act about which I was talking this morning.

I believe that it is important for the protection of people's rights that a uniform provision be set in regard to the entry onto premises and the taking of books belonging to individuals and organisations. I do not suggest that we willy-nilly amend 25AW but I do suggest to the Attorney-General that the question of entry by officials be taken up by his department with a view to having uniform legislation apply in the Northern Territory.

With those comments, I would reiterate that the opposition supports the amendments to the Associations Incorporation Act. The amendments seem practical and they take into account the peculiarities of Territory conditions.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this bill is a most important one. I understand that there are currently 763 associations incorporated in the Territory. About 600 of those are active. I know from discussions with licensed clubs in my electorate that there are something like 20,000 members of licensed clubs in the Northern Territory. The number of Territorians who are members of incorporated associations must be even larger.

While it seems simple enough, this bill is in fact very important. In so far as it attempts to overcome problems that have clearly arisen for certain clubs and in certain situations in recent times in the Northern Territory, I believe it is a valuable move. This type of legislation frequently needs to be examined in the light of problems that arise particularly because of the large number of organisations operating under this legislation. There are always dangers in amending legislation to suit 1 particular circumstance because it will affect all circumstances. This bill has 3 principal aspects. The first relates to the transfer of property. The Attorney-General has told us that this is designed particularly to assist the people of Lajamanu in a problem that they face at the moment. It has another section relating to auditing and, finally, there

is the question of judicial management to which the Leader of the Opposition referred.

With regard to the transfer of property, it certainly will be of significant advantage to those associations who will find it more convenient to transfer property in this way rather than going through the winding-up process referred to by the Leader of the Opposition. Nevertheless, I believe that better provisions for the protection of creditors could have been designed than those included in this bill. I would suggest to the Chief Minister that, if real and personal property can be transferred from one association to another organisation, all the liabilities should be transferred as well. In that way, creditors would be protected. They have protection under proposed section 223(2) whereby they may go to court. I believe that this is a little bit unfair on those people who have entered into a contract with an association which later intends to transfer its assets. Not only do they have to go to court to collect their debt but they have to make a separate application to the Supreme Court to prohibit the transfer. I believe that it would be very valuable and in the interests of justice if liabilities were transferred as well as assets.

Subsection (4) of proposed section 22B actually protects a bona fide transferee. The specific provision is that an association shall not transfer its property until the expiration of 28 days from the publication of the notice - which is reasonable - but if it does so then the person who takes the transfer is protected. That seems to me to be a fairly curious provision. I would ask the Attorney-General to look at it because the law normally does protect the bona fide purchaser and should indeed do so but, in this particular case, it is the recipient who has been given the windfall. It seems to be an unreasonable balance. I would ask the Attorney-General to have a look at it and perhaps explain to me why he feels that liabilities as well as assets should not be transferred at the time this rearrangement is being made.

I turn now to the audit and balance sheet. As I understand it, the existing act says that a person who is a member of the association should not be an auditor. As the Leader of the Opposition says and we all agree, in normal circumstances, this would be a most appropriate provision. However, it has apparently been found to be fairly onerous for associations operating in remote localities where most of the community might be members of that association. However, it seems to me that this bill has erred a little in the other direction whereby anybody can now audit the association's books as long as he is not the public officer. That would mean that indeed the treasurer could audit the books as long as he is not the public officer. It is true that the person who does the audit has to be approved for that purpose by the registrar. We all know that in incorporated associations office bearers frequently change places and simply to exclude the public officer and not other executive members of an association is erring a bit too far on the other side. I would certainly be happier if it excluded any person who occupied an official position during the period of the audit. If those people could be prohibited from being auditors, that would leave any other member of an association free to take up that position with the concurrence of the registrar. I do not think that is being unreasonable at all.

The bulk of the bill relates to the judicial management of associations which is fairly important as it allows for the investigation of associations. We know that some associations do not function as properly as they might. These things do happen. Subsection (2) of proposed section 25AY provides for the appointment of a judicial manager. There should be some limitation on that. Provided that the registrar is the judicial manager, there is no objection. The bill provides for the possibility of other persons to be appointed. I believe that

some qualification should be set. Perhaps they should be registered liquidators or chartered accountants. At the moment, there is no restriction on who could be appointed to that position which clearly is a most important one.

Subsection (6) of proposed section 25AY vests the affairs of the association in the judicial manager but does not in fact remove the existing office holders of the body. I think that a dangerous situation could arise if people held themselves out quite properly to be holding a position when the affairs should be in the hands of the judicial management. Office holders have an obligation that ought to be set out in the legislation of informing persons with whom they have previously dealt that they are no longer in control of the association. That potential problem should be looked at. That is simply one question.

Proposed section 25AZB provides very great powers to the court to amend either unconditionally or subject to such conditions as it thinks fit any contract or agreement between the association and any other person. That really gives to the court the right to change the legal obligations that people have entered into in good faith and for value. It is a very significant section and I draw it to the attention of honourable members. It is certainly not normally part of our judicial system to allow the courts to do this. What is more, the section does not give the courts any criteria to consider when it may be amending those contracts. I compare this with the provisions of the Bankruptcy Act where the official receiver in bankruptcy has the right to divest himself of onerous contracts. If this is what the legislation intends, then I suggest that in fact 'onerous contracts' should have been specified and not the very broad and all encompassing provision that we have in proposed new section 25AZB.

There is a difference between this provision and the bankruptcy provision in that in this case the situation is clearly envisaged that, after the period of judicial management, the control of the club will be handed back to the persons normally elected. It may be handed back to them on terms which are far more favourable. For example, if the court exercises its discretion to terminate a leasing contract for equipment which in its opinion is not justified, this might be very good from the club's point of view but not very good from the point of view of the person who has hired out the equipment or entered into some other contract with the club and has planned his business accordingly.

I once again reiterate that the criteria on which the courts act should be set out in the legislation because it is not at the moment. We do not know whether the court will be acting in the interests of the members, clubs, the general community, creditors or whoever.

Proposed new section 25AZB really is most important and I trust all members have read it. I compared it with provisions in the Bankruptcy Act and I would like to draw members' attention to provisions in the Companies Act where there are very lengthy provisions which permit the disclaimer of onerous contracts in circumstances as set out. But this bill has only taken a few lines to give power not only to cancel contracts but also to vary them. Once again, it does not give the court guidelines as to what provisions it must take into account. In the Companies Act at least,any person who has suffered loss of whose contract has been disclaimed and who has suffered damage ranks as a creditor under the Companies Act. No such similar protection is given under this bill. Such people would not be creditors in the event that an association was in the process of winding up; that is, without special provision.

Mr Speaker, I think the intention of the bill is admirable. The Associations Incorporation Act covers so many bodies with so many individual members of those bodies in the Northern Territory that it will need amendment from time to time.

We should consider it fairly closely. However, I would request the Attorney-General to give some consideration to those points which I have raised. I believe that some of these provisions, particularly those continued in proposed new section 25AZB, need to be spelled out much more carefully because it is really quite a major piece of legislation which could affect a large number of people and the operation of business in the Northern Territory.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I thank the member for Fannie Bay for a very constructive critique of relevant sections of this legislation. I would like to pass some comments myself on the comments made by the Leader of the Opposition in relation to the power of entry to seize or examine books. I think that we are talking here, notionally anyway, of office premises rather than someone's home or residence. We are also talking of premises that may well be isolated communities at some distance from Darwin or other major centres. In those circumstances, I do not know whether having a lengthy procedure to enable the registrar to obtain copies of or to examine the books of the association would be conducive to a fortuitous result in the investigation because it is not unknown that books are lost or destroyed or burned and do not turn up for years afterwards. One of the criteria as to how successful the investigation turns out to be is usually the speed with which the investigator gets to the books.

One must also appreciate that, if this group of people did not want to become an incorporated association under the terms and conditions of this act, which they are presumed to know of, then there is no need for them to do so. However, those that become incorporated after this legislation is passed and any that continue to remain incorporated are presumed to be aware of the provisions of this legislation. I believe that the section is a safeguard to the members. There could be more provisions that require the registrar to go about his duties in perhaps a less hasty way. Nonetheless, it seems to me that, bearing in mind the conditions under which the registrar is very likely to have to operate, the section is not unreasonable.

In relation to the comments made by the member for Fannie Bay, there are a number of comments which I will take from Hansard and ask officers of the Department of Law to examine for me. I do not think any of the matters raised by the honourable member at this stage would persuade me to defer the passage of this bill until a later sittings. However, a couple of matters could certainly be subject to subsequent amendment if, after examination, the suggestions made by the honourable member for Fannie Bay appear to bear merit.

Relating to proposed section 22B, the transfer of property, I think the approach suggested by the member for Fannie Bay and the approach contained in the bill are really a matter of taste. The member for Fannie Bay might well say she has better taste than I have but the procedures set down in section 22B provide safeguards for creditors. It could well be that it might have been more equitable if the liabilities are transferred to the other community government council together with the assets. However, there are provisions to safeguard creditors and I believe that, at least for the time being, they should be satisfactory. However, it is certainly one of the points that I will raise with officers of my department.

The next matter the member raised related to the audit and balance sheet. In proposed subsection (4), she was concerned that an office bearer such as the treasurer could in fact become the auditor. I can only say that it would appear to me that, if the registrar approves the treasurer to be the auditor, then I would be surprised. Nevertheless, he no doubt would have his reasons and we all know of the difficulty in obtaining specialist services, especially in remote communities. Quite frankly, unlike the honourable member for Fannie Bay, I do

not think this bill has a great deal of bearing on incorporated associations which carry on their affairs in the larger centres because the members are pretty much alive to what might be happening by and large with the clubs of which they are members. The word gets around if there is a great deal of funny business going on in any of the affairs of the clubs; in fact, rumours proliferate in relation to the affairs of clubs.

The honourable member for Fannie Bay went on to deal with the applications for judicial management of associations. I must admit that there appeared to be some merit in what she said. We must remember judicial management only happens where the registrar, having regard to the results of an investigation made by him, applies to the court and the court makes a decision and order that the association be placed under judicial management. Before it reaches that stage, there has been an investigation and if the registrar is of the opinion on the basis of that investigation that it is necessary or proper to do so, he goes to the court and establishes to the satisfaction of the court that the association should be placed under judicial management. We have gone through a couple of fairly considerable processes in safeguarding the interests of the members by the time we reach the judicial management stage.

The honourable member then went to subsection (6) of proposed section 25AY where the conduct of the affairs of the association shall, on and after a date specified in an order of the court, vest in the judicial manager appointed by the court and, on and after that date, no person not so appointed shall have the conduct of those affairs while the association continues to be under judicial management. I think one would assume rightly that the court would satisfy itself that the person it appointed to be the judicial manager would be a person of competence. The points the honourable member made about subsection (6) do not cause me grave concern.

Turning to the honourable member's final point relating to proposed section 25AZB and the cancellation or variation of certain points, the honourable member certainly made more sense to me when talking about this particular section. Whilst I do not think it is draconian by any stretch of the imagination - in fact I think, far from being draconian, it is a section which is being more than reasonable to the association and its members - it does provide safeguards for persons having contracts with these associations. It says that the court may cancel or vary any contract or agreement, after hearing all parties entitled to be heard, either unconditionally or subject to such conditions as the court thinks fit. There could be a proviso, in fact, that the association pay an amount of damages or compensation to the person whose contract is to be varied. I think that the section is not as bad as it may appear on first reading. In my view, the court in this situation would have to act equitably to all parties before it.

As I have said already, I undertake that the points raised by the honourable member for Fannie Bay and by the Leader of the Opposition will be given consideration by the Department of Law, and I will ask it to report to me on these matters before the next sittings so that, if I consider it necessary, I can introduce an amending bill at that time. Nonetheless, I would not like to delay passage of this bill because certain events hang upon it. Bearing in mind that there are no provisions that presently cover these matters, I think that this bill is a considerable advance on the present position.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

WEIGHTS AND MEASURES (PACKAGED GOODS) AMENDMENT BILL
(Serial 93)

Continued from 3 June 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, it gives us some pleasure on this side of the Assembly to stand in support of this particular bill. Certainly members of the last Assembly will recall one of the more dramatic speeches given here by the member for Fannie Bay when she marched into this Assembly brandishing a packet of stale coffee beans.

The purpose of this bill is to enable regulations to be promulgated concerning the date-marking of packaged foods which are either sold or packed in the Northern Territory. The matter has been canvassed several times in this Assembly by various members on both sides and certainly we are concerned that the Northern Territory has often become the destination of stale foods which are not saleable in other states which have this type of date-marking legislation. We are very pleased to support this particular measure. Another blow has been struck for the welfare of consumers in the Northern Territory.

There are a couple of points that I want to take up in connection with the bill itself. As I said, its main purpose is to enable regulations to be made, and clearly in the absence of the regulations, this bill will mean nothing. I would be interested, Mr Speaker, to hear from the honourable minister when we may have these regulations in operation so that consumers of foodstuffs in the Northern Territory receive protection as is the minister's intention.

There is no doubt that there will eventually be uniform regulations throughout the states to cover date-marking of packaged foodstuff. Of course some states already have this legislation: New South Wales, South Australia and Western Australia. Other states and the Northern Territory are in the process of drafting legislation based on standards which have been devised by the National Health and Medical Research Council. The regulations will make this very good intention complete. When I speak of the regulations, I notice that the matters which are to be specified are the articles to which this legislation will apply and also the manner of imprinting.

The question of codes arises in speaking of packaged foodstuffs and indeed in the packaging industry, and every consumer here and every person who visits supermarkets will realise that there is indeed a proliferation of methods. Some of these methods, whilst complying with the intent of the date-marking legislation of the states in which they are packaged, are not very intelligible to consumers. Certainly, consumers in the Northern Territory will recall the time a couple of years ago when date-marking on milk cartons was introduced. That was hailed as a great step forward; the only problem was that no consumer could decipher the code. It was one of those alpha numeric codes which was not wholly intelligible or even partly intelligible to many people who were concerned about the freshness of the product bought. I hope when the regulations are being made that the minister will take this point into consideration.

We also have another method of coding which relates to the date on which the item was packaged and which is known in the packaging industry as bar coding. Members will instantly realise that this is manifested in picking up a carton and finding a series of vertical stripes of different thickness on the paper comprising the package. Of course it is impossible to work out what this code means unless one has what is known as an electronic wand which actually reads the code - but it is necessary to know what the code is. This particular method does comply with the legislation of its home state, but of course the uses to which it is put favour the manufacturer and the retailer rather than the consumer.

Retailers and warehouses use this method to determine the age of goods for the purpose of inventory costing and that type of application; it makes no sense at all to the consumer. The consumer does not know what the date of packaging is at all.

I hope that these methods will not be used for the purposes of disseminating consumer information. I do not say that they should be completely disallowed because they do have useful applications in inventory accounting and in stock control as far as manufacturers and warehouses are concerned. I am accepting in good faith that this legislation is designed to give a measure of protection to consumers and, from that point of view, I hope that any codes that are used will be capable of interpretation by ordinary consumers who purchase the articles.

There is one other point that I wish to make concerning proposed section 9A which covers not only the packaging occurring in the Northern Territory but also sales. The persons who would be liable to conviction under this section are the persons who pack the article and who sell it. I hope that this will not be interpreted to mean the person on the factory floor doing the packaging but that in fact it will be the body corporate which is brought to book for breach of this particular legislation.

Mr Speaker, I commend this bill and I am particularly happy to stand in support of it. I think that consumers have suffered as a result of the Northern Territory being a dumping ground for stale foods which have not been saleable. To add insult to injury, we often find on our supermarket shelves goods openly displayed for sale which have a date marked on them which has long since expired.

Mr DONDAS (Transport and Works): Mr Speaker, I too rise to support the legislation as introduced. I believe that the consumer information that will be provided on these packages will certainly enable the Territory public to choose products off the shelf with some confidence in the knowledge that there is some freshness in them. Over the years, the Territory has been used as a dumping ground for produce from other parts of Australia and I believe that when New South Wales took the step to introduce legislation for packaging of goods it certainly was more out of frustration than anything else because it faced the problem of stuff coming in from Victoria and Queensland. It led the way and, as we now know, South Australia has followed suit and Western Australia, if it has not done so, will do so later this year.

Stale food and long distances have been a common complaint of Territory consumers over the years. I certainly hope that the public will appreciate this legislation. They have complained and the Consumer Protection Council which supports this legislation has been working quite hard over the years to try to come to grips with the problem of stale food, long distances and food dumping from the states. I support the legislation and I hope that the minister will be able to cover the points regarding the user date as mentioned by the honourable member for Sanderson.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I think other members have covered the points that need to be raised but, having spoken on a number of occasions in the Assembly about the need for such legislation, I feel compelled to express my pleasure in seeing it here before us finally.

I spoke in the Assembly in May 1978 about the need for such legislation and pointed out the inadequacies of the so-called voluntary coding system which was then being introduced on milk cartons in the Northern Territory. I spoke again in April 1980 about the problem of freshness, which has been raised by other honourable members this afternoon, or rather the staleness of goods

dumped in the Northern Territory once they became out of date in other places. The legislation is long overdue; I am very pleased to see it indeed and pleased that the Northern Territory consumers will receive benefit from it. It is a result of the agreement between the various Ministers for Consumer Affairs led by the minister in New South Wales at the time when the present Minister for Transport and Works was responsible for this portfolio.

There is one particular aspect of the legislation which I want to remark on. It allows either a 'packaged on' date or a 'use by' date to be used. I think that this gives flexibility for articles in the Northern Territory bearing in mind the distances that have to be travelled and so forth. There are articles such as fresh orange juice for which a packaging date is most appropriate and this is frequently what happens down south. However, when it is sold in the Northern Territory, it is frozen and the packaging date is meaningless and so a 'use by' date is perhaps more useful. I think that that provision in proposed section 9A(3) is useful in the Northern Territory. I look forward to seeing the regulations under this act because, as the member for Sanderson said, they will be the meat of the matter.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this bill, and I support it wholeheartedly, I would not like to see provisions of this legislation disadvantaging a certain group of disadvantaged people in the community who supply a service to the travelling public. I think the idea of date-stamping on goods was discussed many years ago, even before the member for Fannie Bay bought those coffee beans that she spoke about. It was about 12 to 15 years ago that the Country Women's Association at an annual conference discussed this very matter. They were concerned about the freshness of goods reaching the Territory. It did not matter whether they were fresh or stale - you paid the same amount of money for them. Things were pretty tough then and you got many more weevils in your flour and much more coloured mould on your dried fruit. It is very important that, when you pay money for a product, you receive the product you pay for. The Territory is still in an isolated situation regarding the manufacturing and food processing industries. It is all the more important that we have legislation like this to protect the consumer. In other states, it might be a relatively easy matter to replace goods that have outgrown their shelf life but it is a much more difficult process in the Northern Territory to do the same. Therefore, it is even more important that goods reach the Territory in good condition. Bearing in mind the transport time and the time they will be on the shelf, it is important that they reach here not only in good condition but with consideration paid to the time they will be on the shelf before they will be bought by the consumer.

The people of the Territory must be protected in the same way as the people in the states. My particular concern when I speak of 'disadvantaged' people - and I hope they will not be disadvantaged further by this legislation - is for the people who are running small shops in very isolated areas. In relation to my electorate, I refer to the border store. The situation could arise that the proprietors of isolated stores could buy stocks before the beginning of the Wet in all good faith. Perhaps the Wet might come before it is due and the roads become impassable. The tourists will not come and the goods will not be sold. I hope that some discretion will be allowed in the regulations so that these people in isolated situations will not be penalised any further. We all know that there is an ideal shelf life for certain articles but there is also a realistic shelf life in that they can be consumed after that ideal shelf life and still be no hazard to the consumers. When regulations are framed for this legislation, I hope that is considered. I support the member for Sanderson in her hopes that the regulations show clearly the date-stamping on the goods is of such a nature that the ordinary consumer can see at a glance what the date

is or how old the goods are before he buys them.

Motion agreed to; bill read a second time.

Mr PERRON (Community Development) (by leave): Mr Speaker, I move that the bill be read a third time forthwith.

Motion agreed to; bill read a third time.

PORTS AMENDMENT BILL
(Serial 94)

Continued from 3 June 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, during the last sittings we processed a Ports Amendment Bill (Serial 58) and part of that amendment included the redefinition of the boundaries of the Port of Darwin. I am amazed to see that once again we are undertaking the redefinition of the boundaries of the Port of Darwin. I support this bill. I have compared the 2 schedules and find that they are quite different. Although the survey description is quite different, the area covered takes into account the exclusion of a number of lots which have since passed to the control of the Northern Territory Port Authority. This is simply a tidying-up exercise. Some survey description areas have been corrected, the description has been metricated and 3 lots which were formerly held by the Northern Territory Port Authority but have since been given by direct grant to individuals who are developing a waterfront industry have been excluded from the boundary of the Port of Darwin. In the interests of having the correct boundary defined, I support this bill.

Mr HARRIS (Port Darwin): Mr Speaker, I was not sure what the Minister for Transport and Works was referring to when he said that a minor survey description had been inserted in the first schedule and that an amendment had been forthcoming. I refer to the minor part. He did refer to the other amendments in the schedule itself but I raised the matter on another occasion where there had been an error in the survey description. Whether or not it is considered to be of minor importance in relation to the Port of Darwin that you are several hundred metres away from the sea or down near high water mark, I do not know. However, I am very pleased to see that the correction has been made and that we are now in fact down near high water mark instead of 200 metres up into the bush. I would think that that is not just a minor mistake.

The port boundaries as described in the schedule are sensible inasmuch as they rightfully cover areas that are under the jurisdiction of the Port Authority. Even though the sea flows under the Frances Bay arterial road and the rise and fall of tide does affect the area to the left of the arterial road on the way out of Darwin, this area has not been included in the Port of Darwin, and quite rightly so. The new boundaries as outlined in the schedule allow for the expansion and growth of the port itself. They recognise that areas have been reclaimed and they relate specifically to the areas that should be under the control of the Port Authority.

Mr Speaker, I have had the schedule checked in detail and I assure the minister that there are no minor survey description errors.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

PAY-ROLL TAX AMENDMENT BILL
(Serial 95)

Continued from 10 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, this is a minor amendment to the Pay-Roll Tax Act to ensure that government policy is implemented with regard to the exclusion of certain employees for the purpose of payroll tax. It is a policy that has been long put by the opposition. It was picked up by the government at the last sittings. In effect, certain categories of employees will be exempt for the purposes of payroll tax: those in specified industries and apprentices.

The purpose was to encourage employers in specific industries and also to encourage employers to take on young people. The problem was drafting the legislation because, although it specified those people as being not subject to payroll tax, nonetheless those employers who were at a level near the threshold were liable to pay payroll tax for any additional employees. Clearly, that was not intended. The amendment put by the Treasurer at the last sittings will clarify that. It will mean that the categories will not be subject in toto to payroll tax. It will mean that it will not have any effect on the threshold which employers have with regard to their payroll. For that reason, we support it.

Mr PERRON (Treasurer): I rise simply to put the record straight and dispel any belief that this government in the field of payroll tax reform has been following the lead suggested by the opposition. That is just a load of nonsense. Most people in the Territory would be aware that the Northern Territory government has in fact been the forerunner in this country in payroll tax reform. It has been this government's policy since self-government to do exactly that. We are not picking up tit bits of policies in this regard from the opposition.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer): I move that the bill be now read a third time forthwith.

Motion agreed to; bill read a third time.

CRIMINAL LAW AND PROCEDURE AMENDMENT BILL
(Serial 102)

Continued from 4 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports and welcomes the amendments to the Criminal Law and Procedure Act. Basically, the bill before us will rectify anomalies which currently exist in the act relating to remissions of sentences. Currently, the Administrator has the power to remit sentences of prisoners but naturally one would want a procedure whereby, if the conditions of a remission are broken, action could be taken. Unfortunately, the current act only allows the remission order to be revoked and does not allow the Administrator to place other conditions on it which may be appropriate even though the remission order has itself been broken. The amendments to the Criminal Law and Procedure Act, specifically to section 3, provide for that.

There are other matters which relate to the powers of police to arrest without warrant persons who have broken remission orders and powers to take such people immediately to a JP and to set out the grounds upon which such persons have been brought before the justice. It seems to me that it is a

practical method because one has to be able not only to give the Administrator power to issue such remissions but also have degrees of non-compliance and allow the Administrator to be able to vary such remissions as may occur from time to time.

The only other matter which the bill deals with is the question of royal prerogative of mercy. The attitude of the Department of Law in its advice to the Attorney-General was that it may well have been that the prerogative of mercy had been affected in some way. I do not know that that is correct, but it is as well to make sure that it is not. Proposed new section 58 is inserted to ensure that the royal prerogative of mercy of the Crown is retained.

The amendments have the support of the opposition.

Mr D.W. COLLINS (Alice Springs): As stated by the Leader of the Opposition, the purpose of this bill is designed to fill a gap in this act. At the moment, His Honour the Administrator is allowed to remit, with or without conditions, a prisoner's sentence. The problem arises that, if the released prisoner contravenes or fails to comply with the release conditions, there is no speedy apprehension of that prisoner and the public may well be at risk. This bill is designed to remedy that particular fault. I believe that, if the Administrator remits a prisoner's sentence, it should be treated as a privilege. It must not be construed by the prisoner or prisoners in general as a weakness. To reinforce this privilege aspect, I believe that swift action should be available to remedy any contemptuous disregard of the release conditions. This bill should achieve this end in a fair manner.

Turning to the bill, by proposed section 56(3)(a), the Administrator can vary and revoke the release conditions. This is very important. He can impose additional conditions or he can revoke the remission order. By subsection (4), the police may arrest without warrant if it comes to their attention that the Administrator has revoked the remission of sentence on a particular person or if the police officer is aware that the released prisoner has contravened or not complied with the release conditions. By subsection (5), a Justice of the Peace may issue a warrant for arrest if he is aware that the Administrator has revoked the remission or if it is brought to his attention that the said person has contravened the conditions of his release in any way. However, before a Justice of the Peace can issue a warrant, he must obtain information from an informant under oath and he must also be satisfied in his own mind that the grounds for that information are reasonable. If the person has been arrested under the conditions of paragraphs (4)(a) or (5)(c) - that is, where the Administrator has revoked his remission of the sentence - then with due haste the person must be brought before the magistrate who must satisfy himself that indeed revocation of the remission has been granted or is in force. In that case, it is very clear that the person must go back to gaol and complete the sentence from which the Administrator released him.

However, as in subsection (8), if the person has been arrested under paragraphs (4)(b) or (5)(b) where it is alleged that the person has contravened or failed to comply with the conditions of the release, then the magistrate must first of all satisfy himself that this is indeed the case. He may then revoke that remission. If he does revoke it, subsection (10) says that he must commit that prisoner back to gaol to complete the sentence. The key word there is 'may' and it appears to me - and my inexperience may be showing here - that there is an all-or-nothing response on the magistrate's part and he can either let him off without penalty or commit him back to gaol. I can well imagine that, for a minor infringement, the magistrate may not be happy to send a person back to gaol. However, if all he does is give the person a warning then, if that continues, a real mockery could be made of the whole purpose of this bill.

I would recommend that the magistrate should be able to approach the Administrator with the facts of the case as he sees them and ask that he be able to vary the conditions of remission. Of course this may well happen in practice and it may be my inexperience which is to the fore here. After all, there must be a purpose in subsection (3) which says that the Administrator has power to change the conditions. If it is a minor infringement, maybe some extra condition of release might be imposed rather than no penalty or return to gaol to complete the sentence. Subsection (12) allows an appeal to the Supreme Court under subsection (8). I believe this is a fair safeguard of the person's rights.

Proposed section 57 allows the Administrator to remit fines or charges and forfeited property and section 58 reinforces the royal prerogative of mercy which is in the Governor-General's province. I support the bill with this one concern for the apparent all-or-nothing response under 56(8) which, as I have said, may well be covered in practice anyway.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support the bill my comments will be brief. The bill itself is comprehensive yet brief and it meets the needs of the times. In his second-reading speech, the minister said that it gives the Administrator greater latitude in considering each individual case brought to his attention. This means that the Administrator can consider each case before him on its merits. Proposed section 56 relates to information being laid before a Justice of the Peace and it gives him a great deal of power. The Justice of the Peace may issue a warrant for the arrest of the person released under the remission order. Subsection (6) imposes conditions on the Justice of the Peace before that warrant is issued. It also mentions that the Justice of the Peace must be satisfied that there are reasonable grounds for issuing the warrant. I am sure there would be no question about this at the time. A Justice of the Peace can never be 100% certain of anything; he can only be certain to the best of his ability, on reasonable grounds, about anything put before him.

Subsection (7) refers to serving the rest of the term of the imprisonment following a revocation of the remission. Subsection (8) refers to conditions being not adhered to. The person to whom this legislation would refer in particular instances still has the power of appeal to the Supreme Court by subsection (12). The principal act is one of the few pieces of legislation which states that sexual equality does apply when it relates to marital coercion. I refer to that in passing.

Mr EVERINGHAM (Attorney-General): Mr Speaker, the honourable member for Alice Springs queried the lack of power for the magistrate to do anything other than give a warning to the person or to reinstate the sentence. In drafting this legislation, it was thought that the magistrate should not have the power to vary the order of the Administrator. In the circumstances, I have not been persuaded that I should change my mind on that point.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 42.1.

This is a simple amendment which will ensure that a magistrate may, where a person has been released under a remission order, revoke that order not only

where the person has failed to comply with the condition of the remission order but also where the person contravenes the remission order.

Amendment agreed to.

Clause 3, as amended, agreed to.

Title agreed to.

Bill reported; report adopted.

Bill read a third time.

LIQUEFIED PETROLEUM GAS (SUBSIDY) BILL
(Serial 70)

Continued from 3 June 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, this bill is really to give legislative effect to administrative arrangements which have been in force in the Territory for some 16 months. Since it involves the Territory's participation in the energy subsidy scheme, there is not much to complain about. The Commonwealth government has its own act, the Liquefied Petroleum Gas Grants Act, which in effect provides for the payment of a subsidy to registered distributors of LPG when that gas is sold for eligible purposes. The current level of the subsidy is about $80 per tonne and some $7,000 per month in subsidy has already been disbursed in the Northern Territory.

The interesting part of this bill is no doubt the notion of eligible use. It is not available to all users. It is not claimable by registered distributors for all users but only for those users who are defined in clause 3 to be eligible users. Of recent times, participation of these particular users has been expanded from purely residential users to other non-profit-making organisations and also to industrial users where natural gas is not available.

The bill makes provision for eligible gas which includes eligible reticulation gas. This caused me to wonder a little because I have been under the impression that we do not have any reticulated gas in the Northern Territory. Perhaps the minister might tell me if indeed there are some places in which gas is reticulated in that way.

By and large, this is just taking up an administrative arrangement which has been in force to cover a subsidy period which started in March 1980. The arrangement was made with Department of Business and Consumer Affairs. To maintain our continued participation in that subsidy scheme this bill is necessary and therefore supported.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this legislation is complementary to the federal act. All other states have introduced similar legislation since the federal act was passed in April 1980. It is a way of formalising the necessary procedures that are required to take advantage of the federal subsidy.

We talk about liquefied petroleum gas but I wonder how many of us know what it means. Liquefied petroleum gas is the term applied to propane and butane gas. Propane and butane are 2 of the products refined from the fractional distillation of crude oil and natural gas. Propane and butane will liquefy at a higher temperature and thus are unsuitable in cold climates because the liquid

tends not to return to its gaseous form. Methane which forms the bulk of the product from fractional distillation of natural gas has a very low liquefying temperature and consequently cannot be used as LPG. This is the gas which is piped around Australia.

When the federal government decided to put LPG on world parity pricing, it jumped the price about threefold. To offset this price rise, the federal government passed legislation to provide a subsidy for LPG users. At present, this is about $80 per tonne. This subsidy has been paid in the states and the Territory since April 1980. This has been made possible by provision in the federal act for a scheme of arrangement to be applied until such time as the Territory and the states introduce complementary legislation, hence this bill which is uniform with other states' legislation.

We in the Territory are particularly disadvantaged by the high cost of sea freight due to there only being 300 tonne storage in Darwin. At present, gas is costing $593 per tonne landed in Darwin compared with about $400 per tonne down south. What I would like to see is an expansion of storage facilities in Darwin thus allowing larger quantities of gas to be brought in and reducing the freight penalty. Also, I would like to see some sort of equalisation scheme implemented in a similar way to that existing for petrol. This would overcome to some extent the handicap people in remote areas have to suffer at present.

Mr VALE (Stuart): Mr Deputy Speaker, I would like to speak in support of this legislation which is designed to subsidise the price of LPG or bottled gas as it is generally called. This subsidy, as the minister has indicated, has been in operation for over 12 months with a 3-year proposed run and has already resulted in around $116,000 being paid to eligible Territory consumers.

Any federal payment which reduces costs for Territorians is most welcome and I must say this scheme would not have been necessary had the federal government several years ago taken a more positive and responsible attitude in relation to its pricing policy for both crude oil and natural gas from which LPG is obtained. Until the mid-1970s Australian refineries were producing LPG gas far in excess of Australia's commercial and domestic requirements. In an attempt to dispose of what was then regarded as a waste or by-product of refining, LPG was exported from Australia at a price well below its then true value. Ironically, Australians even then were paying far more for LPG than our trading nations.

By the late 1970s, demand for this product within Australia had increased considerably and much of this demand was created by the advent of higher petrol prices and the conversion of many vehicles, particularly by fleet owners, to LPG. This increased consumption encouraged refiners to queue up time and time again before the Prices Justification Tribunal to seek, and gain in many cases, price increases for LPG which has resulted in today's unjustified pricing of LPG for Australians generally and, in particular, Territorians. I believe that LPG, because of its environmental qualities, should have been included in the petroleum freight equalisation scheme. Coupled with this legislation, that could go a long way to meeting the present inequities in the current pricing of LPG. I support the legislation.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I thank honourable members for their support. Several points were raised. One member asked about the reference in the bill to reticulated gas. This bill is a uniform bill for the Commonwealth and the states. While it does not apply in the Northern Territory, it must have an application in the states and that is the reason it is there.

So far as the matters raised by the members for Tiwi and Stuart are concerned,

there are 2 important points. Certainly, storage in the Northern Territory must be increased and it is being increased at this very moment. In fact, the storage on the Darwin waterfront is being increased by 1100 tonnes. In Tennant Creek, there is storage for an additional 40 tonnes. In Katherine, 40 tonnes will be provided for. There is an opening in Alice Springs this Friday of a commercial installation holding 80 tonnes. This will certainly improve not only our ability to supply the market but the logistics of carting gas backwards and forwards.

The important thing is that this offer by the Commonwealth of $80 per tonne is pretty meagre. What would be reasonable for the people of the Northern Territory and people in any remote area to get from the Commonwealth would be a freight subsidy that is similar to the petrol subsidy. I would ask that all members join with me in my battle with the federal members of parliament to try to change their attitude. They follow the logic which says it is good for petrol to have a freight subsidy but it is not good for gas to have one. If people want to use gas, they can pay more for it. I do not quite understand the logic of that. The only thing that can help us achieve our goal is for people, particularly members of parliament, to keep hammering away at the federal members who make these rules. I thank honourable members for their support.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 47.1.

This amendment is of a formal nature and is necessitated by the incorrect section reference in the bill.

Amendment agreed to.

Clause 3, as amended, agreed to.

Remainder of the bill taken as a whole agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Mr B. COLLINS (Arnhem): I draw the attention of the Chief Minister in his capacity as minister responsible for police. This problem was brought to my attention recently in the electorate. I intend to make further inquiries about it. I support completely the government's policy that 1-man police stations be done away with. It is a very wise policy, particularly for the morale of the police who feel much more confident about going into sometimes hazardous situations when they have someone to back them up. On occasion in my electorate - and it was brought to my attention again just recently - there is a problem where police officers in 2-man stations go on leave and are not replaced. I realise the manning and finance problems that are involved, but in the case of a 2-man station this can involve up to 3 months of the year when only 1 officer is operating the station. Certainly, in a recent example in the electorate, there was a 6-week period when 1 officer operated the station while the other officer

went on leave without replacement. It does have a very bad effect on the morale of such officers. Unfortunately, situations where police have to deal with violence - and there are particular parts of my electorate where this is, unfortunately, only too common - cannot be planned. An officer is just as much at risk during that period of time when his colleague is away on leave as he would be if he were operating a 1-man station. Although I realise that the risk is significantly reduced by the fact that for most of the year the station is a 2-man station, I would draw to the Chief Minister's attention that the situation could be improved.

I would briefly like to draw to the attention of members the Annual Report of the Northern Territory Police for 1979-80 that was tabled in the Assembly today. The statistics contained in that report are extremely interesting. What is more interesting, as always with statistics, are the stories behind them. Although some of these statistics are quite dated, it does appear that we are not a particularly law-abiding bunch in the Territory.

I was extremely interested to see the statistics relating to burglary and stolen property which is something I have just recently acquired a personal interest in. I was quite staggered in fact to see that in 1979-80 just short of $4m worth of property was stolen in the Northern Territory. That is a lot of loot. I notice that the police recovered in excess of 60% of it. It certainly does indicate that there is quite a problem when $4m worth of property is stolen in a place the size of the Territory.

The main statistics that interested me, as they always do, were those statistics relating to road accidents. There is no doubt that we see here in black and white in front of us the rather grim road accident statistics that we are facing in the Territory. It is a serious problem indeed. It is very bad news that, out of a total of 3339 offences, 1480 were offences directly related to alcohol. Of course, there is a hidden statistic. I would imagine that a substantial percentage of those other offences would have been offences where there was a charge related to alcohol as well. It appears from looking at the statistics that, if you want to have the maximum chance of surviving on the road in the Northern Territory, the first thing is not to drink and also to drive only in December between 2am and 6am and on curves and hills only and not on straight roads.

It is really interesting that, apart from intersections, quite dramatically the majority of accidents occur on straight roads in the Northern Territory. The other interesting statistic is that, again quite dramatically, the majority of accidents occur between 4 and 6 in the afternoon. There is quite a jump between that figure and the next highest figure. Generally speaking, the most dangerous time of the day to drive is between 4pm and midnight. The next highest figure is for the period 6pm to 8pm. People are going home from work between 4pm and 6pm. It is interesting to compare that figure with the figure for the same period of the day, which is in the morning when people are going to work. There is the same volume of traffic on the road between 6am and 8am but it just does not measure up at all. There is a difference of about 30 vehicle accidents as against 150. It is drawing a little bit of a long bow doing this without investigating it but statistics show - I am not talking about fatalities or injuries; I am talking about accidents - that the reason why the most dangerous time of the day to drive is between 4pm and 6pm could well be that the pubs are not open between 6am and 8am, but they are open between 4 and 6 in the afternoon. It may well be from those statistics, if they are analysed and examined, that it would be determined that a great many of the accidents that occur on the way home from work occur after somebody stops off at the pub on the way home.

Mr Speaker, what the figures show only too closely, and I realise that we

talk about it ad nauseam in the Assembly, is the absolutely horrific problem that we have in the Territory with drink-driving. It is clear from the report that was tabled in the Assembly today that the Northern Territory has to carry out an even more relentless program of tightening up the whole area of drink-driving. When people talk to me about random breath testing, they always say: 'Well random breath testing is a good thing; it is something that needs to be continued and encouraged'.

One thing about pubs in Darwin is that every hotel in Darwin has a car-park attached to it. The reason I mention this is because I was most interested to see in black and white in this report that the greatest volume of traffic seen in car-parks at hotels is immediately after work on every working day. That is something that has been mentioned to me before; the car-parks at hotels are generally at their fullest immediately after 4.21 in the afternoon and between then and 6 o'clock when people go home, presumably to eat. I was most interested to see that that observation was borne out by the statistics in this report, and that in fact is the same period of the day when the majority of accidents occur in the Northern Territory. It does make you wonder, particularly when you look at the statistics again and see that about 52% or 53% of these accidents occur in Darwin, whether eventually we will have to face the necessity of becoming even more aggressive about random breath testing than we are at the moment. Certainly, there are many countries where governments do not hesitate to be more aggressive.

We have a very strange philosophy in Australia. If you take the great Australian gamble by driving along a particular road at a particular time and you are caught by a random breath test, that's a fair cop, but if the police were to situate themselves 100 yards down the road from the car-park of an hotel between 5 and 6 o'clock in the afternoon, then that would be bad news indeed and people would scream about it. I have never been able to understand that particular philosophy because the results in pain, suffering and the financial cost to the Territory of drink-driving every year are absolutely horrendous.

I do not know - perhaps the Chief Minister can advise me - but I would imagine perhaps that there is a body in the Northern Territory, not necessarily the police, that does analyse and research these statistics and could come up with the actual causes of these accidents. It does appear that, if the road engineers were studying these figures, they would put a curve every 100 yards in the Stuart Highway because the majority of accidents occur on straight stretches of road.

Every time I drive past, I notice the progress of the magnificent edifice on the corner of Bagot Road and the Stuart Highway - the flyover. Every time I drive past it, I wonder who will be the first ratbag to drive up Bagot Road, hit the ramp at 90 miles per hour and launch himself into Shoal Bay. Is it Frances Bay? I don't know! Some of the people I know in Darwin would be quite capable of launching themselves into Shoal Bay from the Bagot Road flyover. Unfortunately, when I used to wonder about the extraordinary number of people who ended up on the traffic island on the Stuart Park side of Daly Street bridge who could not make that curve - that was a regular place for motor vehicle accidents - sadly, I do not imagine it will be long before someone launches himself into space from the flyover.

The facts and figures contained in this report are worthy of study, not just by members of the Assembly, but by everyone who is concerned about the cost, both financial and in terms of human suffering, of drinking and driving in the Northern Territory. It has been said before that one of the greatest benefits of the random breath testing program has not been the cold hard statistics that may be gained from a reduction in accidents and so on, but the effect it has

had on public education. There is no doubt about that. People are very conscious of the fact that it is a new ball game in the Territory. I believe that, as people become used to the idea and as community education progresses, it may be that a future Territory government, whether it be a conservative or Labor government, will have to become even more aggressive and take an even harder line against drink-driving in the Territory.

Mrs PADGHAM-PURICH (Tiwi): This afternoon, I would like to comment on a petition that was presented by the Chief Minister this morning. I did not take down the exact wording of the petition but it related to the indiscriminate burning-off in the hinterland and it spoke of the consideration which should be given to beauty and the environment.

I do not think I am a rednecked, unthinking anti-conservationist. In fact, I think I am the very opposite. I do not really think I have to establish my bona fides but, over the years, in the interests of conservation both of flora and fauna, our family has given a lot of consideration to this question at some financial disadvantage to ourselves, mainly because, along with other thinking people, we consider having money is not the sole aim of living. There is beauty around us and we must consider the environment. However, I do take exception to the thoughts expressed by some people regarding 'burning-off in the hinterland'. I have not entered public debate on this subject before, Mr Speaker, although I have been seriously tempted to. Today is the first time I will express my thoughts.

Mr Speaker, beauty is a very subjective assessment made through the eye of the beholder. I have had a feeling of terror and utter helplessness when I have been confronted by bushfires. These are the only fires that I have met with over the years. Fortunately, I have not been confronted by a house fire that I had to do something about. I know very well the dangers associated with fire. I would say the vast majority of people in my electorate know of the dangers associated with fire, and certainly all those people in the hinterland of the Northern Territory would know all the dangers associated with fire. However, fire does have advantages. What city people fail to realise is that it is the advantages of fire that the people in the hinterland are making use of. In the present state of agriculture in the Northern Territory, fire is a very useful agent in the management of properties. In the future, with closer settlement, there will be more people living in the Territory. Perhaps there will be smaller holdings and there will be more intense use made of the land. Burning-off, to the extent that it is conducted now, may not be necessary. Burning-off is necessary in some situations where extensive agricultural methods are followed by pastoralists and others as a way of ensuring that they have green feed for their stock. If they do not have improved pastures or sufficient improved pastures on the property, and they wish to continue their pastoral operations, they must have some feed for their stock.

The native grasses that are in the Territory and the Top End are very low in nutrients, but they do have some nutritional advantages up to about 8 to 10 inches in height. After that, they become rather coarse and cannot be used advantageously by the stock. After the Wet when the grass that has not been eaten is still there and has dried off, and a little bit on into the Dry but not too far on, it is advantageous to the property owner to burn off. He burns off knowing that, if he can get an early burn of some consequence, he will have some green pick available to carry his stock further into the Dry than would otherwise be possible.

Unfortunately, these fires do get away sometimes. Accidents can happen in the best regulated households. I think people in the city fail to recognise the fact that not everybody who starts a fire is doing so to his disadvantage.

To expect to stop fires in the Northern Territory is a highly unrealistic approach to the whole question. I know the way many people light fires now. They have a couple of cans to keep them cool late on Sunday morning perhaps and they throw a match in some dry grass and they think, 'Bob's your uncle, she'll be right'. Before they know where they are, the fire has got away. If the city people wish the people in the hinterland to stop firing the countryside, I think they have to consider the question more deeply. They have to consider the makeup of the average Australian. To the average Australian, fire is not a dangerous thing. They are so used to it happening year after year that they become rather blase about it. I cannot see, Mr Deputy Speaker, that this firing of the countryside will change until agricultural practices completely change and more intensive agriculture is brought into the Territory.

I know it is very hard in many cases to find out where these uncontrolled bushfires start but I could take an educated guess about many fires in the rural area and in other parts of the Territory. I think many, if not most, of these fires are started by the same city people who are telling us not to burn off. The city traveller or tourist goes down a country road and tosses his lighted butt out of the car. You will not find a country person doing that because he knows the danger. It may be the city person enjoying the bush by camping somewhere and leaving the campfire alight. A very serious case of this sort of thing was brought to my attention by the manager of Point Stuart Station. They have a system at Point Stuart whereby people can camp there. This particular lady had asked for permission to camp and it was given to her. A short while later, she came racing up to the station to say that she was having a bit of trouble with fire. She had no knowledge of clearing spaces around campfires. She had no knowledge of the ordinary commonsense regulation of campfires and accidentally she had set alight one of their best holding paddocks. Fortunately, in that particular case, prompt action was able to be taken. But I cite these 2 instances and say again - I cannot stress it too strongly - that in my estimation it is the city person who is unthinking and not the country person who is unthinking in lighting these fires.

I would like to add that no city person is going to dictate to me when I shall burn off my property and when I shall not burn off my property if I am doing it quite legally at the time. I think this same thinking would apply to the people in my electorate. They are not going to be governed by what the city people think they should do. Provided they are obeying the law regarding times to burn off, permits and firebreaks, they cannot be forced by people in the city to do anything other than what is legal in the particular situation. These city people mow their lawns on weekends. They might have a quarter acre block. They wash out their rubbish bin, they wash the car and they have nothing else to do so they travel down the track. They expect everything to be all beautiful for their delectation without regard to anyone else's feelings or situation.

Whilst I agree that indiscriminate firing of the country is not the most desirable thing to happen, self-defence has to be considered. The current thinking of burning-off is that, if you do not burn off, somebody will burn off for you at a very undesirable time. You might burn off legally at the most desirable time to you because, if you do not, somebody else will burn you out. I would like to say once more that it is all very well that city people come out to the rural area expecting to see beauty and the environment unchanged by fire but I think it would do them good to think about the conditions of life of the people in the rural area.

Mr BELL (MacDonnell): Mr Deputy Speaker, it might appear strange but the topic I wish to address myself to today is forestry. I do not have a great

many forests in MacDonnell and it is not a passion of mine. Until I read the July edition of the Centralian Advocate, I did not realise that it is a consuming passion of the Minister for Lands and Housing. I draw the attention of the Assembly to this article that has no doubt been seen by many. I would like to make a few comments on it and how it affects people who live in Central Australia. In this article, the minister accuses some of my constituents of ringbarking Alice Springs. It may be obtuse of me, but this strikes me as a rather malign slur on these people as well as being a rather awkward figure of speech. The implication of course is that Aboriginal people who are resident in and around Alice Springs are somehow involved in a concerted attempt to frustrate the development of Alice Springs and, by implication, the Territory as a whole. This sort of accusation is vicious. I noticed at the time the accusation was made that the Chief Minister was in fact making soothing sounds about the efficacy of the policy of his government in relation to Aboriginal people. He chose to say nothing about this sort of malicious rubbish.

This outburst on the part of the minister I believe to be unwarranted I believe decent people will consider it to be unwarranted. More importantly, it demonstrates a total lack of understanding of the aspirations of Aboriginal people. I think that it is important for us as political leaders in the Northern Territory ...

Mr Robertson: Don't overrate yourself mate!

Mr BELL: Far be it from me to overrate myself, but if I sought publicity like that, I would be very afraid of the backlash and it will come. Let me point out to the minister that, if there were more comments like that, Alice Springs, Central Australia and perhaps the Northern Territory would be more like Northern Ireland today; that is, if Aboriginal people did not internalise the sort of frustrations that are caused by these sorts of comments. If the minister will let me get on with my point, I will make it.

The reasons that those camps are where they are are complex. It does not behove a minister of the Crown to suggest in that way that the reasons are simple. There are complex reasons related to economy, to social influences and to the cultural aspirations of the people that I represent. I bitterly resent their being accused of somehow not being interested in the broader issues that are of importance to us as Territorians.

In order to hammer this point home, let me just mention a few of the places referred to that are in the electorate of MacDonnell. I have mentioned them before; I will mention them again. Behind the drive-in in Alice Springs, which is in my electorate, is a place called Ndepe, a place perhaps not know by that name to many of the people here. Let me explain to them what it is. Ndepe is named after the women who created the parallel ridges of the MacDonnell Ranges. It was their feet in the soil as they danced that created the MacDonnell Ranges. That is deeply important to people in my electorate.

Let me point out another place. It is just north of the place I just referred to. It is a place called Karnte. Karnte means the hair cushion that a woman puts on her head when she is carrying water. I believe I have referred to it before. Those women who made the place that those people are living on, also near the drive-in in Alice Springs, were travelling north to a place called Welatje Etherre. In English that means, 2 breasts, and 2 breasts is a place very close to the Telegraph Station which is perhaps very well known to the people opposite me now. I doubt that they appreciate the significance it has to the people in my electorate.

Perhaps a better known place is a street which I believe is in the

electorate of Alice Springs. It is Gnoilya Street, just opposite the BP service station. That is probably fairly well known. What might not be so well known - I have just recently seen it myself - is a memorial near the railway station in Alice Springs. I suggest that, if there is anybody here who is interested in what those places mean to Aboriginal people, he should go and have a look at that little memorial to the Gnoilya, the dog dreaming. It is very important to the Aranda people.

What we are talking about here is different conceptions of the world around us. It is important for us to articulate some sort of compromise between these 2 views of the world. Let us consider Alice Springs. Is Alice Springs on the one hand a town? Is that the work that man has done? We put a town in the middle of something that is featureless and dead as a landscape. Is the town that the honourable minister refers to as growing and being limber the only living thing there? I suggest it is not. I suggest there is another conception that we have to take very seriously because many of my constituents do. That conception is that there has been forced on top of a living, vigorous, interacting landscape a new plan that we have brought. It is those 2 conceptions that we have to understand. Okay, that is why I do not like that.

Let me be more specific. Here is something that is immediately and directly relevant and capable of being remedied right now. In my capacity as shadow spokesman for Central Australia, I had the pleasure of visiting Tennant Creek. The view of the people who live as fringe dwellers in Tennant Creek is similar to those of the people in Alice Springs. They are closely related. They are different tribal groups but they have relations all over Central Australia. There are about 230 people living in town camps and bush camps. People live there for complex reasons. Unfortunately, the government policy appears to be to force people to live in approved town camps only. This policy is enforced not by driving people out of these bush camps by force, although that sort of activity has a long and dishonourable history in Australia. In 1981 in Tennant Creek, we are doing it by refusing people facilities. I will expand on that in a moment. I believe this policy is hypocritical because, in one case, government-funded resources were used to help a particular group of people to move their camp to a place where they had no resources.

Let me mention a specific case. It is in an area west of Tennant Creek near Blueberry Hill. I believe it is called that. One of the important people in that group is Paddy Hogan. In Paddy's camp, as it is known by most people, there is a family of 17 people, many of them pensioners. There are 7 men, 6 women, 2 boys and a baby girl. They are living in 7 shelters hastily erected by themselves, I understand. They just do not want to live on what the government would term an approved lease or a gazetted lease or however it chooses to call it. They are worried about living in too close proximity to people whom they should avoid. They do not want to live in a camp where there are many people who are drunk. This is a very orderly camp.

The previous camp from which they had been moved was next to the hydrant where they were able to obtain water quite easily. Because of the construction of a new road at Tennant Creek, officers from the Department of Aboriginal Affairs and the Northern Territory Department of Community Development forced those people to move away from a reliable source of water. They were moved to a new location about 500 metres further west. They asked for a tank but nothing has been given to them. They have no supply of water. It caused me much sadness. I was upset and disturbed. It can be said: 'Well, you have got to get used to that; you get used to that living in the bush'. But the sight of an old man in 1981 wheeling a wheelbarrow with 2 flour tins of water because we cannot do any better for him is a disgrace.

Perhaps in that context it might be worth mentioning the World Council of Churches report which received a great deal of publicity. I think that, if the group had seen that sort of thing, it might not have been quite so charitable about the Northern Territory as newspaper reports suggest it had been. I wonder how long it will be before somebody in that camp becomes seriously ill because there is no running water. That is not to be tolerated.

I do not mean to bring these up to beat anybody over the head. It is a simple administrative matter. It causes me a great deal of distress to hear about that sort of a thing. I just call on the government to take a compassionate position in this regard to ensure that some more adequate means of obtaining such a basic element of life as water is provided for these people as quickly as possible.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I would like to address myself to the Minister for Lands and Housing and also the Minister for Primary Production and Tourism. This morning I asked 2 questions only. There is a great deal of question time in the Assembly and we are told that we should ask more questions so we get more information. I have yet to receive an answer to the questions I asked.

I asked the Minister for Primary Production and Tourism if he had any foreknowledge of the impending employment changes in the Katherine Meatworks. He gave me a somewhat oblique answer and I have yet to ascertain whether he had any foreknowledge. I asked the Minister for Lands and Housing if he would commission a report on the housing needs in Nhulunbuy. He suggested that I just wander around the town and have a look at it. I still have no answer - yes or no.

I cannot imagine why the Minister for Primary Production and Tourism avoided my question; I can only speculate. I can only speculate on why the Minister for Lands and Housing avoided my question. I can only assume that the report he commissioned some time last year, which was an internal document by the Lands Department, does not cast great credit on his government or on his performance perhaps.

We seem to be running into a bit of a secret society here. There is information available. It is made available by our public servants allegedly. They are supposed to be working for the people; they work for the Department of Lands. They go out there and do a job. I ask for a simple copy of a report and it is not available. I hoped the minister would commission a report as it is of grave concern to the residents of Nhulunbuy. They would like to have some idea of where the town is going. They are not easy things to arrange. It is very expensive to get a demographic survey done of any community, but it is certainly greatly needed for Nhulunbuy.

I would also like to address myself to this police report. As the member for Arnhem mentioned, we received a tremendous road accident report. It is a very good report by the police department; it is very specific and very detailed. It has much information in it and part of that information is the high number of road accidents. Road death figures are incredibly high. It is impossible to understand how so few cars on so many road systems could have so many accidents, but we have an incredibly high number of accidents.

A report came from Melbourne some time ago about a study being conducted by 2 hotels in the Melbourne area where they are attempting to evaluate the response to beer which is priced according to the alcohol content. One hotel will sell low alcohol ale at the going rate and the other one will reduce the price of low alcohol ale and increase the price of standard beer. I would ask the Chief Minister to keep a very close eye on the results of that survey. It

seems to be a positive step. I do not know what the results will be. God knows we are searching for any way to reduce road deaths. If it takes economic stimulation - direct pocket stimulation - to lower the consumption of alcohol, then certainly I would hope that the Northern Territory would study that most closely.

Mrs O'NEIL (Fannie Bay): In July this year, the Northern Territory lost the services of somebody who served it very well for 21 years. I refer to Matron Llorabel Reynolds. Matron Reynolds came to the Territory in 1959 to take charge of the children's ward at the Alice Springs Hospital. Prior to that, she had been trained in nursing in Perth and had pursued a nursing career in Victoria and other places down south. Prior to that she served in the WAAAF during the Second World War, between 1942 and 1945.

She came to the Territory in 1959 to the Alice Springs Hospital and subsequently was appointed as what was then called the first Native Survey Sister. That of course was the forerunner of our current community health service - what we would now call a sister in the community health area. She worked in that area until 1962 when she was transferred to Darwin Hospital as assistant matron and she stayed there until 1975. I knew her slightly when I was working at the health laboratory during some of those years. She became Director of Nursing in the Northern Territory in January 1975 and retained that position until her retirement in 1981. She had 21-years service nursing the people of the Northern Territory and a career of some distinction.

When one talks to people down south - and I must admit it makes me very angry - they sometimes imply that professional people come to the Territory because maybe they could not quite make it down south. We come for all sorts of different reasons. Maybe it is just because we like the climate. I believe that Llorabel Reynolds came because she realised that she could contribute in the Northern Territory through her career as a nursing sister and she did contribute a very great deal indeed. In addition to her personal work, she has been closely involved with the Royal Australian Nursing Federation for many years. She obtained a Diploma in Nursing Administration in 1964 from the New South Wales College of Nursing. She began her association with the Royal Australian Nursing Federation as a branch counsellor in the Northern Territory in 1964. I believe she went on to become a vice president of that organisation in Australia which is some position of status for a person from the Northern Territory. In addition, she helped get the Australian Nursing Journal off the ground with her own savings. This journal is now recognised throughout the world as one of the leading professional nursing journals in that field.

I have known Llorable Reynolds - not well - for some years and I have worked with her on occasion . She has been well respected by all who have worked with her. She is particularly well respected among nurses Australia-wide. She demonstrated all those qualities for which nurses are best known and dedication in caring for the sick in a most professional manner. At the same time, she has helped lead the profession in Australia as well as in the Northern Territory towards a more community-based approach for the future. I wish her well in her retirement in Queensland and I am sure that she will not be a shrinking violet there and will contribute to health services there. I am sure all people, particularly the nursing profession in the Northern Territory, are grateful for having her services for so long.

Mr EVERINGHAM (Jingili): Mr Deputy Speaker, I would like to support the member for Fannie Bay in her remarks about Miss Llorabel Reynolds. It is a shame she is leaving the Territory. I can understand that there comes a time for everyone to retire. She will be a loss to the place and she has certainly been a very cheerful and efficient person to deal with. I too would wish her well in her retirement.

There were a few remarks made by other members during the course of this adjournment debate that I would like to take up. One relates to random breath tests which the member from Arnhem touched on earlier when he said that it appeared to him that the most remarkable effect random testing has had is its effect on public education. I rather feel that he might have meant public attitudes about driving whilst under the influence of liquor. It is up to the Assembly to consider and determine perhaps before the end of November whether we will renew the random breath test legislation. The legislation has one of those sunset provisions whereby, after 2 years, we have to make a positive decision to renew it. At least, that is my recollection.

I hope to provide statistics during the course of this week or perhaps early next week that have been prepared for me by the Police Commissioner and his force in relation to the operations of the random breath test units in the course of the last 18 months or so since they became operational. Regrettably, it does appear that the percentage of people who are being hauled up and found to test out at more than 0.08, is exactly the same today as it was at the time the tests commenced. Regrettably, it appears that the effect of random breath tests on the public attitude has not been as potent and powerful as we might have wished, expected and indeed reasonably anticipated. I would have hoped otherwise myself. Anyway, I will be furnishing these statistics. Of course statistics are only what you make of them. I will be furnishing them to honourable members in the hope that it may assist them in arriving at a decision on what we should do when this question comes up before us. I suppose it will be in November if my recollection is correct.

The member for Arnhem also raised the question of there being no relief available sometimes in 2-man police stations when one of the 2 men goes off on 3 months holiday. Regrettably, this has been the case on a number of occasions during the past 6 months. I hope it will be overcome because, at present, a very large group of recruits - an 'intake' as they call it - is being processed through their training to become members of the police force. I might just say in passing that, since the arrival of the current commissioner in the Northern Territory and the taking up of his duties, the length of the police training course has been extended very considerably. My recollection is that it might even be twice as long as it was previously.

Considerable in-service training is now being engaged in but, unfortunately, there was a bit of a slip in that a period was allowed to arise where an intake had not been provided for. Because of wastage, it has meant that the police force has been to some extent short-staffed in relation to matters such as relief at remote stations and so on. Nonetheless, I believe that almost as soon as this current intake has finished their training another intake will come in. I am hopeful that the Police Commissioner, especially as he has cadets coming into the force at the beginning of next year - amongst them are some of the first Aboriginal policemen - will be able to maintain the establishment. Indeed, there is the flexibility to exceed the establishment by not an unreasonable margin from time to time; that is, as long as one does not exceed one's budgetary allocation.

There are also police aides who have just undergone a month's in-service course in Darwin. I am told by the commissioner, by the training officers and by Senior Constable Peter Hammond, who is in charge of the police aide corps, that these men have come through the course with flying colours and the police are more or less putting a bit of a notch up on the board about police aides being a fairly big success. They are tremendously pleased with the morale of the aides, with their pride in their appearance and in the force, and in the way they carry out their duties. I had the pleasure the other day of presenting a certificate - the commissioner would have done so but he had to go somewhere else and he asked me to do it for him - to police aide Tipungwuti from Bathurst

Island who disarmed a man armed with a shotgun who had in fact taken one pot-shot more or less at him. I think this well-deserved certificate was an illustration of the devotion to duty being shown by members of the corps of police aides. We are hoping that, as their training progresses year by year, members of this corps will acquire the necessary qualifications to enable them to join the police force. We have only been enlarging the numbers of police aides very gradually but, providing things run smoothly for another 12 months or so, we hope to increase their numbers fairly significantly.

I presented 2 petitions this morning, Mr Deputy Speaker: one relating to the cessation of the use of fire as a management tool which is getting out of hand and the other calling for the protection of rain forest areas. It is certainly encouraging to me that so many people have concern for the environment in which we live and I am sure this indicates an ever-increasing awareness of the need to conserve and rehabilitate what now remains of the native bushland around Darwin. We live in a monsoonal region though fire in the dry season is as much a part of the environment as low fertility soils and wet season storms. However, I believe that we have the technology to choose where fires run, how often and how fiercely. The government is sensitive to the visual impact of endless miles of blackened, scorched bush and is concerned that our increasing population is causing pressures such as indiscriminate burning which threatens the very survival of the bush. I have directed the Conservation Commission to study this problem, together with various people who organise these petitions and who have expressed their concern, to try to find some way of changing the annual pattern of scorched earth.

In the Darwin suburban areas, we are actively working at reducing the problem through our beautification and parkland development program. In the farming areas, the farmers' self-interest has led to an active effort to reduce the number of uncontrolled bushfires which threaten their crops and pastures. The largest problem the Conservation Commission sees at the moment is the Darwin hinterland where a large number of people are living amongst the bushland. The Conservation Commission is concerned that these people are most at risk from bushfires. From the bitter experiences on the outskirts of southern cities - and I am sure we all remember the Hobart bushfires and the bushfires around Melbourne and Sydney - I think we all realise that there are no easy answers to the problem. I certainly have sympathy for what the honourable member for Tiwi said. The difficulties need not be taken as an indication that nothing can be done, although I would suggest caution, as should always be the case, when attempting to change established methods of land management.

Regarding the rain forests, our small pockets of rain forest vegetation are threatened by feral animals, destructive exploitation and damage by visitors as well as by fire. While we can manage some of the larger or more important jungles through reservations, we are still left with the major problem of achieving effective protection on the ground of the many smaller pockets. Our hope for the future lies in educating users and land managers in the value of preserving these quiet places of beauty. These petitions suggest that many people think likewise.

Mr Deputy Speaker, I have some more remarks but I will save them for another day. However, I will pass a brief comment on the remarks of the honourable member for MacDonnell's comment about the poor people living in the camp at the back of Tennant Creek. Whilst I certainly sympathise with these people and their predicament, all I can say is that the government has the job of trying to make the most effective provision of resources for the greatest good of the greatest number of people. There are facilities for camping at Tennant Creek and it is by their own choice that the people to whom the honourable member refers have

decided not to avail themselves of the use of those facilities. Certainly not all the facilities that are provided are magnificent, but there are reasonable facilities provided at Tennant Creek. Mr Deputy Speaker, I have been to places in the honourable member's own electorate, such as Docker River, where I would much rather spend money, which we do not have, on the provision of essential services than to provide more camping facilities in towns such as Tennant Creek. I believe it is a question of priorities. We can provide certain facilities around the towns but there is a great and urgent demand, which was manifested in the 5-year plan we submitted to the Commonwealth government, for additional funds to provide essential services to improve environmental health for Aboriginal people. These essential services are not being provided in places where there is the greatest need for them. I cite Docker River as an example of that. Mr Deputy Speaker, I can sympathise with the plight of these people but there are facilities in Tennant Creek, and these people are able - if they wish - to make use of them.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

DISTINGUISHED VISITOR
Dr G.S. Mahajani

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Dr G.S. Mahajani, a distinguished former state parliamentarian and academic from India. It is with pleasure that I welcome on behalf of all members our distinguished visitor.

MEMBERS: Hear, hear!

TABLED PAPERS
Directions of Administrator and Treasurer

Mr PERRON (Treasurer and Industrial Development): Mr Speaker, on 18 June 1981, the Minister for Primary Production and Tourism, acting for and on my behalf, approved in accordance with powers provided to me under section 13 of the Financial Administration and Audit Act transfers of funds between subdivisions within the provisions of the Appropriation Act No 1 1980-81 or Appropriation Act No 2 1980-81 as the case may be. In accordance with the requirements of section 13 subsection (2) of the Financial Administration and Audit Act, I table the order made on 18 June 1981. Further, on 25 June 1981, the Administrator of the Northern Territory of Australia, acting on the advice of the Executive Council, approved in accordance with powers provided to him under section 13 of the Financial Administration and Audit Act transfers of funds within the provisions of Appropriation Act No 1 1980-81 or Appropriation Act No 2 1980-81 as the case may be. In accordance with the requirements of section 13 subsection (2) of the Financial Administration and Audit Act, I table the order made on 25 June 1981.

STATEMENT
Coal-fired Power-station Site

Mr TUXWORTH (Mines and Energy) (by leave): Mr Speaker, in April I announced to the Assembly that the Northern Territory government had opted for a coal-fired power-station as the major part of an energy package to meet the Darwin area's power needs into the next century. The 300-megawatt station will ultimately replace the oil-fired Stokes Hill Power-station. The first 2 units are scheduled for operation in 1987 with a full 300-megawatt coal-fired plant in 1992. The program allows for the gradual phasing out of Stokes Hill Power-station which is burning extremely high-cost fuel.

At the last sittings, I advised that the Northern Territory Electricity Commission in cooperation with other interested government authorities was assessing 4 possible sites for the coal-fired power-station. I also advised that consultants had been engaged to provide a full report on the attributes of these sites. The consultants, Merz and McLellan and Partners, were engaged to undertake investigations which would lead to the recommendation of a power-station site appropriate for development in accordance with the government's announced electricity generation strategy.

The consultants, as I have mentioned, were engaged to investigate 4 sites: Glyde Point and Point Margaret, which have open sea berthing, and Quarantine Island and Channel Island, which have inner harbour berthing. I wish to advise that, subject to confirmation of preliminary engineering which is to commence immediately, Channel Island is to be the site for Darwin's coal-fired power-station. The government arrived at its decision only after reviewing the inputs of all government departments and after examining the various technical, environmental and financial assessments. Preliminary engineering will include onshore soil and marine investigations together with an environmental study.

I would like to say a word or two by way of explanation as to why certain sites were eliminated and why Channel Island was chosen. The open sea berthing sites were eliminated on the basis that capital costs were between $60m and $100m in excess of capital costs at the inner harbour sites. Within the limits of accuracy of the study, both Quarantine Island and Channel Island attract the same capital expenditure. A recommendation on the sole basis of quantifiable variables cannot be made.

Qualitative variables were reviewed in order to assess relative advantages of each of the 2 sites. Those were suitability of site for noxious industries, staffing considerations, airborne pollution, sea thermal pollution, visual impact on Darwin and suitability of site as a recreational-social amenity. A review of these variables shows that Channel Island is the preferred site. Prevailing wind patterns and proximity to both Darwin and Palmerston are serious disadvantages for the Quarantine Island due to air pollution problems. Further, more proximity to Darwin Airport will impose limitations to stack height. Nevertheless, Quarantine Island is the only other site which may not attract significant additional power-station and direct infrastructure costs.

The government believes that the Channel Island site is the preferred site and the one that the community would most readily accept. It is removed from urban development which is occurring at Palmerston and thus visual, noise and air pollution problems would not impact in the proximity of urban development. The site is selected to allow joint usage of wharf facilities and appropriate infrastructure provisions with other industrial developments such as cement works and a possible manganese smelter.

The next phase is the site investigation, further engineering studies and the appointment of a project consultant. Consultants having expertise in geo-technical and marine investigations have been invited to submit proposals for preliminary engineering. Discussions with coal suppliers are continuing and the shipping firms are to carry out detailed investigations relating to transport of coal to Darwin.

I would like to assure the Assembly that the government's decision to select Channel Island has only been made after exhaustive and professional studies. A lot of work has gone into it and, even before our electricity generation strategy was adopted, preliminary assessment of possible power-station sites was carried out. I would remind the Assembly that 19 sites were investigated and reported on in July last year.

I would like to take the opportunity to pay tribute to all the government officials and consultants alike for what I believe has been a first-class effort in assisting the government to reach its decision. I would like to advise the Assembly that, if members have a particular interest in the site of the station and would like to be briefed with a show-and-tell by NTEC, that time could be arranged either for this Friday or the following Friday, whichever would be most suitable to members. The show-and-tell is on tonight for the council. Other organisations will be invited to attend in the coming weeks. That facility is available to members if they would like to avail themselves of the opportunity.

I move that the statement be noted.

Mr ISAACS (Opposition Leader): I thank the minister for the statement and I am pleased that he added as an afterthought that members may view NTEC's show-and-tell.

The statement is a pretty scanty document. The siting of the power-station to meet Darwin's power needs in the year 2,000 and beyond is a very important

matter. Nonetheless, of all the sites available, and certainly the last 4 that were mentioned by the minister, I think that the Channel Island site is probably the only possible choice.

Mr Speaker, I refer you to the scanty information contained in the statement. It is all very well for the minister to say that we may attend a show-and-tell put on by NTEC if we are interested and that the city council is attending one tonight. I am sure we are interested. I am sure the people of Darwin are equally interested and I think they would be interested in the amount of work that has gone into the preparation of advice to the government on the siting of the power-station. I think they would be interested in more information; for example, the sort prepared by the Commonwealth Department of Transport with regard to the new arrangements for the airport terminal at Darwin.

I would like to direct members' attention to page 217 of the question paper for these sittings because it gives a breakdown of the departments involved and the areas of their concern which have provided advice to the government. It is an impressive list of departments and the issues and problems with which they have concerned themselves. I would direct members' attention to that. As I say, I think it would be important that the public has that information, not just members of this Assembly.

I am also glad to see the document from the minister which may be relevant to satisfy members of the public and ourselves of the impact on the environment which the establishment of a 300-megawatt power-station will have. I believe that document ought to be made public so that the public can peruse it. I believe also that the public would be interested in a subject which is not mentioned in this statement but which has been bandied about before and seems to be pretty elastic: the cost to construct the power-station and the cost of operation. Those are matters that are relevant about which the public and members of this Assembly ought to know.

Mr Speaker, it is timely that the minister made his statement about the siting of the power-station and that we should get on with the job. If honourable members care to look at question 244 on page 216 of the question paper, Darwin's power supply situation is not as healthy as it might be. Particularly from the answer to question 244, it will be seen that, for 1982, the projected spare demand is 26.8 megawatts; for 1983, the spare demand is 17.6 megawatts; for 1984, it is 7.4 megawatts - that is a pretty close shave; for 1985, with the installation of an additional 30 megawatts, it is 26.3 megawatts; for 1986, it is 14 megawatts; and for 1987, it is down to 10.3 megawatts spare. As I say it is timely that the siting of the power-station be decided upon and that the government get on with the job.

I think that those figures are pretty telling. I do not say that they are worrying but, having heard the answers given by the minister to my questions, it does give people in Darwin a sense that one ought not be complacent and one ought not accept the pretty loose comments which we have come to expect from the minister with regard to this particular subject. In a statement about the coal-fired power-station a year or more ago, the figure given was about $400m. There is no mention of the cost in this statement and I think the people of Darwin demand that. I ask the minister to make available the environmental impact statement especially and other documents which would be useful to the people of Darwin to satisfy themselves of the appropriateness of the siting of the new power-station for Darwin.

Mr TUXWORTH (Mines and Energy): Mr Speaker, the response of the Leader of the Opposition gives me an opportunity to expand in some detail on some of the points to which he alluded. Whenever one is making one of these statements, there

is always the difficulty of balancing enough information to satisfy members without boring them to tears. I can assure members that there are enough details on this subject to keep the Assembly sitting for a week if members are happy for me to stand and read them out to them. That is really why the show-and-tells have been organised.

I would reject the suggestion that the show-and-tells were an afterthought for the members of the Assembly. In fact, the reason that the Assembly will not be first to attend a show-and-tell is that other organisations rang up to say they were extremely keen to attend the first show-and-tell. After the first one, members may attend and ask whatever questions they like. We will give as much information as is physically possible.

The Leader of the Opposition touched on costs and the very desperate need to proceed. He referred to the elasticity of the costs that are bandied around from time to time. It is fair to say that we are looking at $1m a megawatt for the size of the station. If members want to reflect on how much we are spending and in what time frame, that is a reasonably fair cost assumption to base their considerations on.

Members also commented on the environmental impact statement. As I am sure everybody would appreciate, the environmental impact statement has yet to be prepared in detail. That is a major task to be carried out in the final review of the selected site. Everybody in the community will have an opportunity to comment on the environmental impact statement.

The Leader of the Opposition also commented on spare capacity and I think his innuendo was that further delay would put the people of Darwin into a precarious position so far as continued supply is concerned. I would reject that suggestion on the basis that we have a program, a critical path and a time frame within which we are working. Any time the member would like to come to my office, it is up on the wall and he can stand there and read it to his heart's content. There is no secret about it. All government agencies have functions to carry out in relation to achieving this end and those functions are demonstrated on the bar chart. We are on schedule with the critical path that we have outlined. I do not think there is any need for people to be concerned that power will be in short supply in Darwin at any time in the future. I say that with the knowledge that what has been proposed as a time frame is possible so far as the technical people are concerned. It is certainly our objective and, unless the sky falls in or some unforeseen catastrophe arises that prevents us from meeting the schedule, we will have all the power Darwin needs in the period that is left available to us.

Mr Speaker, could I say to members and to yourself that the government's objective in these exercises is to keep the Assembly briefed as fully as possible on information relating to the new power-station. If members have other questions they would like answered outside sitting times, I would be grateful if they would bring their questions forward and we will deal with them at that time.

Motion agreed to.

MOTION

Broadcasting of Proceedings to Office of Co-ordinator General

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that this Assembly authorise the broadcasting of its proceedings to the office of the Co-ordinator General on the same conditions as set down in resolutions of the former Assembly relating to broadcasting to other government offices.

I will not repeat the reasons that I put forward at that time for the relaying of the debates of this Assembly to portions of various government departments. I think that the office of the Co-ordinator General was overlooked at that time, but it would certainly be of great convenience to that gentleman if he was able to keep abreast of debates as they happen.

Motion agreed to.

EXOTIC DISEASES (ANIMALS) COMPENSATION BILL
(Serial 60)

Continued from 3 June 1981.

Mr B. COLLINS (Arnhem): Mr Speaker, the Australian Agricultural Council has approved plans for eradicating a further 8 exotic diseases. It is absolutely essential that the Northern Territory cooperate and participate in these national schemes for the eradication of disease. Therefore, it is necessary to amend our legislation to provide for this and that is what this bill does. At the same time, the bill takes the opportunity to update the former Foot and Mouth Disease Compensation Act. It provides for increased penalties which make the penalty sections of the act far more realistic in current financial terms.

The major purpose of the bill is to provide for the participation of the Northern Territory in the national schemes for the eradication of exotic diseases and the opposition wholeheartedly supports this bill. I look forward to the day when we can add a further amendment to the bill and place also brucellosis and tuberculosis on the schedule of exotic diseases.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, it gives me much pleasure to support this bill because the implementation of this legislation will affect the primary producer in the Territory. It affects him primarily but it affects me also.

I think that we are very fortunate in Australia to have such strict quarantine legislation and regulations prohibiting the import of so many things into Australia for fear of introducing diseases. Because of strict quarantine laws, most plants and animals are prohibited imports. I do not think that anybody would object to quarantine restrictions being tightened up even further. I feel certain nobody would object to increased penalties for contravening this legislation.

I feel that a couple of definitions in the bill could have been streamlined. They could be more exact. I refer to the definitions of 'carcass' and 'property'. I have contacted officers of the Department of Primary Production. The definition of 'carcass' is 'any portion of the body of a dead animal and includes its hide, skin, hair, feathers, wool and viscera'. If 'dung' is to be included in a definition, it would be much more exact to include it in the definition of 'carcass' rather than the definition of 'property': 'any building, fitting, appliance, fodder, carcass, dung, farm produce or any other thing that may be used by, for or in connection with an animal'. Dung is not used by an animal, for an animal or in connection with an animal. Therefore, I feel that the inclusion of 'dung' in the definition of 'property' is incorrect and should be more correctly inserted in the definition of 'carcass'.

There is much legislation relating to stock, stock diseases, stock routes and travelling stock, brands, pounds etc. I feel that the time is more than past when all legislation relating to stock is streamlinged because there are difficulties inherent in trying to find exactly the provision for a particular situation. It is never a simple matter to consult 1 piece of legislation relating to stock. If we want to know something about stock diseases, we do not only

consult the stock disease legislation; we have to consult legislation on brands, exotic diseases, and stock routes and travelling stock.

That brings me to another query. Possibly I am being very exact but I feel that legislation should be as exact as we can make it. The definition of 'horse' includes an ass, mule or a hinny. Now I cannot for the life of me understand why 'ass, mule or hinny' was not included in the general definition of 'animal': 'a horse, bovine animal or buffalo...'. I assume that inclusion is because horses, bovine animals and buffaloes are domesticated. However, as mules and hinnies are also domesticated these days, they are not necessarily feral animals only.

Mr Speaker, the change in name of the legislation is quite significant. The main legislation before this was the Foot and Mouth Disease Compensation Act. The legislation before us is called the Exotic Diseases (Animals) Compensation Bill. The enlargement is from foot and mouth disease only to include other exotic diseases which affect other animals, including poultry, dogs and pigs. I think the importance of this legislation to the Northern Territory is much greater than many people realise because Darwin could be a very important entry port for diseases into Australia. Also, our coastline is relatively unattended and rather large. It would be relatively easy for these exotic diseases to enter into Australia. It is more by good fortune than anything else that these diseases have not entered Australia and it would be a terrible and absolutely horrific situation if any disease like foot and mouth, rabies or Newcastle disease entered Australia. Foot and mouth would kill our cattle industry; there would have to be an absolute eradication of all cattle and all bovines within a very large area. If rabies entered the country, there would have to be eradication of all dogs. If Newcastle disease entered the country, there would have to be an eradication of all poultry. These programs would be required not only to control and eradicate the disease among domestic stock but also because we have a large animal and bird population both feral and native. If these diseases were not controlled, they would infect our feral and native animals. Because of the vast area in which these animals live, it would be impossible to control the diseases.

I hope that the owners of stock that is destroyed receive adequate compensation. I feel that adequate compensation has to be more than the actual words 'adequate compensation' if the government and the authorities want the cooperation of the owners in reporting outbreaks of disease. For example, if prices for cattle come down and there is an outbreak of foot and mouth disease, even considering the fines they may attract, the property owners - particularly on exclusive pastoral leases - may not consider it worth their while to report the disease because, as a result of the market price, they will not receive adequate compensation. I would like to suggest to the minister that adequate compensation, and perhaps more than adequate compensation in some cases, must be considered.

Also compensation for animals destroyed because they have contracted exotic diseases must be prompt. It is no good letting someone hang on and on. Part of the eradication program is complete destruction of all breeding stock and all the fixtures and fittings that are associated with the breeding stock. The owner of that property will be without an income until he can buy more breeding stock and, if his property has been completely destocked and his buildings destroyed, he will be very impecunious. It is very important from his point of view that he receive prompt compensation. If an unfortunate situation like eradication due to an outbreak of exotic disease occurs, it is very important that the public relations section of the Department of Primary Production be active and spot-on in dealing with the situation. An offer of help in situations like this is much more important than stressing to the owner of the property the punitive measures that must be taken.

I would like to comment briefly on the attitude of some public servants who have come out to the rural area recently. Their attitude to the people from whose blocks they want to take samples of certain substances is less than should be expected from public servants. Their attitude is not rude but it is not very helpful. I feel that, if these public servants are meeting the public at what may be called the 'front counter' of their department, their attitude must be changed. If they expect help from people to obtain samples of certain things from their blocks, I feel that their attitude could be more polite; politeness costs nothing.

I am very much in favour of the increase in the penalties mentioned in this proposed legislation because, at all costs, Australia must be kept free of the exotic diseases that are mentioned in the schedule. Australia must be kept free of disease so that our overseas meat markets are not affected. I fully support the legislation.

Mr VALE (Stuart): The Northern Territory is often described as an early warning system for Australia when discussion about the threat to exotic diseases is brought up. Blue tongue, rabies, and foot and mouth disease spring readily to mind and send a shudder up the spines of our primary producers.

We are all aware of the hazards we face and the national quarantine campaign which capitalises on the respectable cult figure that Mr Harry Butler has developed and the benefits to be gained in 'declaring it for Australia'.

The containment of any exotic disease or pests introduced to Australia is or will become a national problem of monumental proportions. Modern communication systems and the ease of travel throughout affected areas could easily result in an outbreak which, if not immediately contained and destroyed, could have disastrous results for the nation.

The Minister for Primary Production and Tourism adequately outlined the aim of this bill as part of the nation's arsenal to counter any outbreak of exotic disease. The cost-sharing arrangement is a realistic approach for compensation where containment methods are required. The fact that the bill is necessary to cover eradication plans for a further 8 exotic diseases with regard to payments for loss of production or income is a cold, hard reminder of the potential threat that Australia and the Territory face. I support the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ELECTRICITY COMMISSION AMENDMENT BILL
(Serial 61)

Ms D'ROZARIO (Sanderson): The opposition has considered this bill and, unlike the minister who presented it, we do not think it is simply a matter of keeping parity with north Queensland electricity charges. The effect of this bill is to make provision for increases in electricity charges to take effect when the meters are actually read after gazettal rather than charge the amount consumed during any 3-month consumption period at the appropriate rate prevailing at the time. In effect, this becomes a retrospective price increase. As far as the minister is concerned, it would be administratively far better if, after gazettal of increased charges, the meters are read and the amount to the consumer is calculated on the increased charges even though that particular price increase could take place very near to the end of a consumption period. In effect, the consumer will be paying the higher charges for the whole of the 3 months notwithstanding that he consumed the electricity at a prevailing lower rate at the time.

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For that reason, I oppose this bill. I further point out to the minister that, until recently, there was an analogous system of charging for water rates and indeed for the allocation between basic and excess charges. That particular provision caused much anguish to householders and, to the credit of the Minister for Transport and Works, those regulations have now been amended. We were notified in the Gazette of 26 June 1981 about a new set of regulations relating to the supply of services and the terms and conditions of supply of water. By that particular regulation, the costs are to be apportioned rather than just charged at higher rates. The apportionment refers to the excess and basic charge rather than to its actual price. I cannot see why, when electricity charges are increased, the consumer's charges should not be apportioned in the 3-month period according to how much he consumed before the new charges came into effect and how much he consumed after the gazettal of the new charges.

The minister has said that the reason for this is that we have an agreement with the Commonwealth to maintain parity with north Queensland rates. At the time that that decision was made, I argued about it but the time for arguing about that decision is well past. However, I can see no conflict in maintaining parity with north Queensland prices and still being fair to consumers. It has to be remembered that these people have consumed the electricity at a lower rate. The minister is now making a provision that, notwithstanding that they have consumed it at a lower rate, if they should be unlucky enough to have a consumption period that ends a short time after the new rates are gazetted, then they will be charged at the new rate for the entire period. This proposal is quite regressive and it should be thrown out by the government.

Whilst we are talking about public utilities, I would make a call that ministers responsible ought to get together. The Minister for Transport and Works has removed the very sort of inequity that I am speaking of in the supply of water and I do not see why the Minister for Mines and Energy cannot take the same sort of attitude to the supply of electricity. After all, we are talking about public utilities and, as far as I am concerned, the charging of all public utilities should be guided by the same philosophy. I am all in favour of consumers paying for the electricity they use at the rate prevailing at the time. I think that this particular matter is just another instance of administrative convenience overriding fairness to consumers. I oppose this bill.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, Territorians and members of this Assembly should be well aware that our electricity cost is subsidised by the federal government. I believe that last year the subsidy was in the order of $48m. We have an arrangement with the federal government that we will pay for our electricity at the same rate at which the north Queensland people pay for theirs and the federal government will pick up the balance. The act states that, if north Queensland raises its price, we must go through a gazettal process. At the moment, we have to wait up to an average of 3 months before the new prices can be introduced. Of course, the federal government does not calculate the subsidy from the time that we start our charging but virtually from the time that north Queensland starts its charging. Thus, we receive less money back from the federal government and the Territory government is out of pocket for the balance.

Subsection (2) of proposed section 30 allows for consumers whose meters are read on or after the gazettal day to be charged at the new rate. In essence, I agree with the member who said a moment ago that the system is not fair. It certainly is not in many ways but what would constitute a fair system? A fair system would necessitate the reading of every meter on the day before gazettal so that that part of the bill would be calculated at the old rate and everything consumed after that would be calculated at the new rate. Even that would not be fair because, as members are most probably aware, when an electricity bill is

calculated, the consumer pays so much for the first 500 units, so much for an extra amount and then a lesser amount for further consumption. It depends upon when your meter is read. If your meter had just been read, you will pay at the higher rate of the old charge and still have to pay a fair bit extra on the new higher rate because not all meters are read on the same day.

It is impossible for all meters to be read on the same day. Maybe we could try and hoodwink the federal government and employ a large number of inspectors so that the meters could all be read on the one day and then they could twiddle their thumbs for the rest of the time. I do not doubt that, in future, electronic means could be used to read the meters. Then, I suppose, we would have the old complaint about people being out of work much the same as shepherds complained when fences where first built. At the moment, I do not see that it is practical to try to do that. It is impossible to have an absolutely fair system.

The best thing for any individual would be to have his meter read the day before gazettal. If that happened, he would pay for the last 3-months consumption at the old rate. The worst thing that could happen would be for the meter to be read on the gazettal day because that consumer would be paying for the previous 3-months consumption on the new rate. If you live long enough - a few thousand years - and price rises occur at a random rate, then on average each person would effectively be paying for half of the 3-month period at the new rate. I do not see a way out of it and I am sure that nobody else can either. What is proposed in this bill is exactly what is done in every state. If there had been an easy way out of it which would not cost a great deal more money, it would certainly have been applied. If we were lucky enough to have a price drop, then the whole thing would operate in reverse. I do not suppose too many imagine that that could happen but it is possible. The sheer cost of trying to obtain an absolutely fair system would outweigh the advantages. I see no better way out than what has been proposed. I am sure that NTEC will not be wasting the extra money. It will put it to Territorians' good advantage. On that note, I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, I thank the member for Alice Springs for supporting the position put by the member for Sanderson because that is precisely what he did. He pointed out the inequity of the proposal of the government although he did not quite understand what the member for Sanderson was saying. I will explain it to him again in one-syllable words so that it sinks in. The member for Sanderson explained the inequity that will apply if this bill is passed. That is why the opposition is opposed to the bill. Within the government there is a recognition that the proposal to bill people for electricity consumed prior to a date of fixing an increase of electricity charges is inequitable because, in so far as the supply of water and excess water rates are concerned, that was recognised in a gazettal in June this year. The system of averaging to which she alluded is applied to excess water consumption. If it can be applied to excess water consumption, my guess is that it can be applied to electricity charges.

It can be done very simply indeed. Meter readers check the meter reading, check the previous meter reading and use tables to calculate the charge. If there has been an electrcity increase during the period of consumption that is being charged for, then an averaging system can be used as is done with the water supply. There are no complications such as indicated by the member for Alice Springs. I understood he was a physics teacher before he came to the Assembly and that he understood a bit about mathematics. One can determine how much electricity is being consumed, apply the old rate to the extent that it applies for that period of time under the averaging procedure and the balance will be charged for under the new rate. You do not start the new rate again to overcome the flag-fall problem he spoke about. There is no problem; it is a

very simple method. It occurs infrequently as electricity charges increase. There is no doubt that it is most equitable. It is not totally equitable because averaging procedures naturally enough have certain hiccups in them, but it is a better system and a fairer system for the consumer. As the member for Sanderson said, there is a problem of balancing administrative convenience with consumer equity. Her proposal at least redresses that balance and makes it much fairer and more reasonable for the consumer.

The member for Alice Springs made much of the fact that we are tied to north Queensland rates and that therefore what happens in north Queensland must also happen in the Territory. That is not strictly accurate of course. We are tied to price rises by the financial agreement but it has never been this government's policy to apply electricity charge increases at the date on which they are applied in north Queensland. Indeed, the Minister for Mines and Energy himself has made great play of the fact that, on occasion, he has been able to delay the introduction of price increases by some 3 or 4 months. It has never been the case that we have had to apply north Queensland rates at precisely the same date or in exactly the same manner. I think the arguments put by the member for Sanderson are clear; they are equitable. This bill perpetuates precisely the problem that the member for Alice Springs delineated for us. He understood that much. If he understood that much, he ought to support the comments made by the member for Sanderson and throw out this bill.

Mr HARRIS (Port Darwin): I rise to speak to this bill. No one likes retrospectivity and I guess if increases could be implemented as soon as they are recommended by NTEC, then perhaps we would not have a bill such as we have here today. However, there is this time lapse from when an increase is recommended to when it is actually approved by the Executive Council. It is necessary to have submissions drawn up and there is nothing that we can do about that period.

I think the big thing to remember here is that we are receiving a massive subsidy from the Commonwealth government to assist us in this particular area, an amount which is actually twice what the bill allows for. I believe, under these circumstances, we would be shirking our responsibility somewhat if we did not make a reasonable effort to raise revenue from the sale of electricity. The same principle applies with the Grants Commission: we are required to make a reasonable revenue-raising effort. If we do not, then the amount that we are to receive is reduced. That is all that is being asked by the government: that we make a reasonable effort to raise money from this particular area. Unfortunately, I do not believe there is any way of doing this other than retrospectively. I do not agree with the arguments that have been put forward. There are some 22,000-odd accounts and to arrive at a formula to try to calculate a system is ridiculous.

To put a few things into perspective, it costs 14¢ per unit to generate power today. We are getting back something like 6¢ per unit. As I have already mentioned, there are no alternatives to retrospective payment. If we must go through 22,000-odd accounts, the increase in the staff required to carry out the various calculations would add to our costs. Electricity charges are in line with north Queensland and they are not the highest in Australia. We know that the cost of electricity will continue to rise and I believe that we must make some reasonable effort, in line with the system we have with the Grants Commission, to raise revenue in this particular area.

Mr B. COLLINS (Arnhem): Mr Speaker, the reason I rise to speak is because I want to comment on the line of argument that has been adopted by the members for Alice Springs and Port Darwin. They say that people should not scream about paying an increased price retrospectively for something they thought was costing

them less when in fact it should have been costing them less because of the subsidy for electricity. In fact, it gets very much to the nub of the whole attitude of Australia towards the Northern Territory.

I know and the government knows, because it is contained in its own submission to the Grants Commission, that the cost disadvantage of living in the Territory is in excess of $80 a week. That is the government's own figure.

We have a demographic problem in the Northern Territory. We have a lot of country but with only 120,000 people in it. It is a question of whether Australians, who foot the bill, want the Northern Territory to be part of Australia. The argument being put by both these gentlemen is that, because we get this subsidy, we should not scream about an inequity when we are charged something that in fact we thought was costing us less. The cold, hard facts are that, if we ruthlessly adopted the principle in the Territory of user pays, if we adopted across the board the policy and gave it our philosophical support, if, as the Minister for Health said yesterday, we are only paying 50% of the actual cost even with our hospital charges and if we went right across the board and said that, for electricity, health services, roads, everything, user pays in the Northern Territory - and we have 36,000 taxpaying units in the Northern Territory footing the bill for that - then nobody would be living here. That is a fact because the cost of living here would be so prohibitive that it would be ridiculous. In purely political terms, it does worry me to hear people espouse this philosophical point of view in the Territory.

The facts are that there are 120,000 of us in the Territory. We are going places; we are getting there, but we still are a mendicant society. There is no doubt about that. We are part of Australia. It also happens to be a philosophical view of mine that I do not agree with this increasing emphasis that is being placed on autonomy of the states. I am very much an Australian. I think the whole emphasis on state boundaries should be weakened not strengthened. If we are not going to take the Territory out of Australia, we have to face up to the fact that we deserve these subsidies and we need them for living here. There must be a start somewhere. If there is to be a Territory 10 or 20 years from now, then it has to be fostered and encouraged by the rest of Australia.

I refute completely the argument that, because we are being subsidised, we should not whinge when we have to pay something which really - and this is the whole thrust of it - we concede is unfair. Even the member for Alice Springs conceded it. There are not enough of us.

A certain union in the Territory, one that I have much contact with, proposes as a matter of absolute financial necessity to increase its membership dues substantially. Of course, mebers of the union are screaming. What they are doing when they are screaming is comparing the membership dues that are levied on the same union in other states of Australia. We are looking at a union in the Territory that has 1,500 members. The Minister for Education probably knows by now which union I am talking about. The unions in other states have thousands of members. The same services need to be provided. As I pointed out to some of those union members, it is far more realistic to compare the level of union dues in the Territory with other Territory unions rather than with conditions in the more populous states of Australia. That is the whole nub of this argument.

I think we should stop apologising for the fact that there are only 120,000 of us here and stand up and say that there are only that many and we need these subsidies. The argument that, because we get them nobody should scream about being charged extra money for something they should not be paying for, should be forgotten because philosophically it is a very dangerous argument.

I would like to hear the facts about how much extra this will cost. As the Leader of the Opposition said, there is no need whatever for this nonsense put forward by the member for Alice Springs that you have to get your meters read. There is no need for that at all. It is done with water rates. I can remember when I spent a considerable amount of time consuming electricity without a meter. There was no problem charging; there was simply an average-cost charge.

The argument put forward by the member for Alice Springs was that, if you cannot get a completely fair system, then you should substitute with a totally unfair system. As the Leader of the Opposition said, averaging might not get a completely fair result but it is certainly better than simply saying that, for administrative convenience, we will charge at the higher rate for electricity which was consumed at the lower rate for the previous 2 months - we are putting the price up today and for the previous 2 months we are making it retrospective.

I would have thought that members opposite would reject that kind of philosophy. It is a cold, hard fact - I know from my own experience - that living in Darwin is becoming hellishly expensive. I do not want to bore members with my personal details. The only reason I mentioned it is because I am in the same boat as a lot of other Darwinites. I am not a public servant. Therefore, I do not qualify for subsidised housing. Therefore, like a lot of other people living in Darwin, I pay the full rate for my housing. The repayments on my home loan just frighten the daylights out of me every time I think about them. I sometimes wake up in a cold sweat thinking about the repayments on my prefabricated palace in Lee Point Road that cost me $75,000. On top of that, I found out yesterday that the council is about to increase its rates by 10%. So we are paying house repayments, insurance on the house, a fairly steep increase in rates and no doubt that that will be substantiated.

The cold, hard fact is that it is an expensive place in which to live and anybody who doubts that should look at the government's own submission to the Grants Commission because the facts and figures are in there. I reject completely the view that, because we are subsidised for electricity, we should not scream about having to pay extra for 2 months of electricity which we thought we were paying X amount for. It would be easy and equitable for NTEC to average the charge - as it used to as a matter of course when no one had meters - and obtain a more reasonable figure. There is no need to read people's meters.

I would like to hear from the minister. He makes this throw-away statement that it will be too expensive to do it. I would like to hear from him how much he thinks it will cost for the administrative staff of NTEC to simply average out over that period of time how much it would have cost at the lesser rate. It might not be a completely fair way of doing it but it certainly would be a lot more equitable for the consumer in an already expensive place than it would be to adopt this totally unfair system of simply saying that, for administrative convenience, we will charge you.

A great scream goes up - and it is something that consumer protection bureaus look at very closely - when retailers charge increased prices for old stock. It is something that comes up all the time. It can be rigorously checked so that new stock carries the new prices and old stock continues to be sold at the old prices. It is an equitable system that operates in normal retail business. But for the government's convenience and for NTEC's convenience, people who already pay a considerable amount of money in Darwin will simply be charged money that they should not be charged. As the Leader of the Opposition pointed out, that was something conceded quite happily by the member for Alice Springs. No doubt the constituents of his electorate will be very pleased to see that he concedes it is inequitable but, because it is for the convenience of the government that he belongs to, they will just have to wear it.

What I am suggesting to the government is that it would be a far more equitable system to adopt the same procedure with increased electricity charges as is already adopted with excess water rates: compare the current meter reading with the former meter reading, average out the time span in between and charge the user for that rate.

Mrs LAWRIE (Nightcliff): If one adopted the proposals put forward by the member for Port Darwin, one would certainly hope that the Water Division never becomes an independent authority. It would appear that the Water Division officers are far smarter than those employed by NTEC. They can average out water meters and water bills and yet NTEC is not capable of doing the same thing without a vast increase in costs. That is certainly not a consistent argument for the government to put forward.

There is one aspect to this appalling piece of legislation to which no one has yet addressed himself. If it goes through in its present form, what we are really saying as a legislature to the electricity consumers of the Territory is this: we will sell you electricity but we will not tell you until we charge you at what rate you are being sold that electricity. Because of the way that this legislation is framed, if there is an increase at any time within a metering period and retrospective charging is imposed, people would have no foreknowledge of it. They would not have any way of computing for themselves what their electricity charges are likely to be and nor of running an orderly household budget accordingly.

It is fine for people on relatively high incomes like politicians and senior NTEC people to decide that, because of administrative convenience, higher charges will apply retrospectively. But when we were sworn into this Assembly, we swore to work for the benefit, peace and good government of the people of the Northern Territory. Mr Speaker, may I advise those fairly affluent members of the Assembly that, to my knowledge, many people in the Darwin area watch their power consumption very closely. They open their own meter boxes from time to time - I happen to be one of them - and check the consumption knowing the rate at which it is being charged for at that point in time. If their consumption is edging up to where it will be embarrassing to pay the power bill, they take steps to dramatically lower their costs in such simple ways as turning off booster pumps on solar hot water systems, turning off for hours at a time fully electric hot water systems and being very careful about cooling appliances. They do this as a normal part of their budgeting. If the legislation goes through unamended, people cannot compute their power bills because there is no guarantee that, before the bill arrives, a retrospective increase will not have applied.

Mr Speaker, I submit that this is an unjust imposition on people who are already facing very high power costs. For a variety of reasons, we are tied to the cost of power charged in north Queensland. We accept that. But I cannot accept that it is fair and equitable for the consumer to face unknowingly an increased power bill. That is the point which I think the members of the opposition have raised. However, I want to emphasise - and no one else has stated this - that there are people in the community who will find this arrangement very difficult to cope with. We are not all affluent and able to write cheques with a flourish of the pen for what is becoming the increasing burden of power costs.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I heard with interest the comments of honourable members and I understand what they are saying. There are some considerations that I think I should mention.

Often during the last 10 minutes the words 'unfair system' were bandied about. I put it to members that the Commonwealth thinks it is a very unfair

system. We are the only place in the country for which the Commonwealth subsidises electricity. It is not something that it is obliged to do and it thinks that it would be fair if the Northern Territory people took over the responsibility of paying their own electricity bills. Because of circumstances and a very good agreement that was obtained by my colleagues, the Treasurer and the Chief Minister, some years ago, we have been alleviated of that responsibility to the degree of 50%. We have an agreement to pay the other 50%. Members seem to suggest that we should not worry about that 50%. If we can get it down to 47%, 46% or 44% with a little bargaining, then let's be in it! I would like to remind members, and they would have heard it last night, that the Commonwealth subsidy this year is $45.2m. That is a very considerable electricity subsidy for the Northern Territory people to receive from the Commonwealth this year. If we wish to maintain any integrity and continue to receive amounts of that magnitude, then we should properly put our house in order.

The member for Sanderson suggested that the whole move was sinister and retrospective. I would like to remind members that our flow-on comes from Queensland at the beginning of each quarter, if it comes. The announcement generally comes on 30 June each year. It flows for 12 months and it is of the order of 12-16%. What we have upon our shoulders is the responsibility for collecting revenue within the Northern Territory that is equivalent to the increase in north Queensland. It is not responsible to defer our charges for 3 months, not collect the full amount and then say to the Commonwealth: 'Well, it was too hard and we do not want to upset the people'.

Members have also compared the system of electricity charges with water charges. It would seem to me that that is like comparing pawpaw with egg fruit. To start with, there is no Commonwealth involvement in the way we set water charges. It is our responsibility to arrive at a formula for water charges. We have an agreement with the Commonwealth on how electricity charges will be set and it is incumbent upon us to keep to that agreement. Secondly, we are talking about an annual turnover in the Water Division of $3m-$4m from which we lose $1m in operational costs. We subsidise that out of general revenue. That is markedly different from a turnover of $90m-odd which is subsidised to the degree of 50% by an outside party which can withdraw the subsidy if that seems to it to be a reasonable thing to do.

The Leader of the Opposition suggested that I have boasted on some occasion that I have been able to delay an increase. I can assure you that I would not willingly delay an increase because you do not delay anything; you just put off the inevitable to another day and the pill becomes more bitter when you have to take it. Any delays that have occurred have been the result of the administrative action that we have to go through to collect our money.

One other member suggested that the subsidy is paid on the basis of our effort and, if we do not make an effort, then the subsidy will fall. I believe that that is as true as we stand here. If we do not make an effort to get what is expected of us under the agreement we have with the Commonwealth, we can expect the subsidy to fall and the shortfall that comes from that exercise will be made up by the people of the Northern Territory from general revenue. I cannot accept the suggestion of the member for Arnhem who thinks that everything comes from some mystical place and when you get it you spend it on what you want. The bottom line is all that counts and, if it does not balance, we have some homework to do.

The member for Arnhem also raised the matter of the attitude of Australians generally towards the Northern Territory. In the matter of electricity and its subsidy, the attitude of Australians has to be regarded as generous. We receive something that no other state receives and, in some cases, we receive it

to a fairly luxurious degree. Why we should get it, whether we should get it and how much we should get are other arguments. Certainly, it cannot be said that the attitude of Australians in this matter is mean. I cannot agree with the member who suggested that we really have a divine right to this subsidy because we are here and the rest of Australia should keep us in a manner to which we are accustomed.

I would like to reiterate the point that announcements relating to the increased charges can be made very early in a quarter so that there is no imposition on people and they can be aware of the charges that are likely to be incurred in the quarter. Let us be honest - charges are going up for electricity in this country in the order of 12% to 20%. Queensland increased its charges by 16% and I believe Victoria has just announced a 20% increase. Western Australia announced in May a 12% increase across the board. Any Australian who is sitting at home thinking that an electricity charge will not come is living in a fool's paradise. Every Australian should be budgeting for at least a 12% increase in the cost of electricity per annum. If he is not doing that, I do not know what he is doing.

I can assure members that I do not get any particular joy out of increasing electricity charges because I have electricity bills too. The fact is that we are paying for something that we use. If we have not used it, we do not pay for it. I might add that we are paying 50% of the cost for what we have used, which is not unreasonable.

If we are to maintain integrity with the rest of Australia, which is providing the subsidy, I think we should meet our end of the agreement and introduce the charges and raise the level of the funds that we have agreed to raise.

The Assembly divided:

Ayes 11	Noes 7
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr B. Collins
Mr Everingham	Ms D'Rozario
Mr Harris	Mr Isaacs
Mr MacFarlane	Mr Leo
Mrs Padgham-Purich	Mrs O'Neil
Mr Perron	
Mr Robertson	
Mr Steele	
Mr Tuxworth	
Mr Vale	

Bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Ms D'ROZARIO: I am grateful for the opportunity to take up the main point of this bill again. It is of course contained in clause 2 of the bill. We have heard a lot today about subsidies, how we have to do our part and how we have to follow north Queensland. All of this I do not dispute. But the nub of this bill is the method of charging. I am quite happy to say that, on this occasion, I support the principle of user pays. What I want the user to do though is to

pay the price which is appropriate at the time of consumption and that is the only point that I was making in the second reading. I accept that we are tied to north Queensland rates and I accept the fact that the federal government is very generous in its subsidy to Northern Territory electricity consumers, but the only point of this bill is the method of charging. All these other matters are merely peripheral. The clause specifically relates to the manner in which the meter will be read and that the consumption will be deemed to be for the entire quarterly period.

It was also mentioned that there are a large number of meters and that they all could not be read on the same day. Of course, that is ridiculous. It is ridiculous to suggest that an army of meter readers would go out to every premises on the day of the increased charges and read the meters. It is not intended nor is it expected by consumers. Exactly the same thing happens in the case of water meters and, whilst I accept that the turnover of water revenue is much lower than that of electricity revenue, I am asking the ministers concerned to take some kind of consistent approach to charging for public utilities. No consumer is asking for the meter reader to read his meter on the day on which the new charges come into effect. What I am asking though is that the consumption period be apportioned to take account of the old rate and the new rate. This is quite a simple matter. We have only 2 dates that matter here: the end of the consumption period and the date on which the increased charges some into effect. It seems to me that it would not be beyond a meter reader to determine the rate of charges taking into account those 2 dates.

Mr EVERINGHAM: I am pleased that the member for Sanderson is prepared to pay the electricity tariffs at the north Queensland rates. As I understand the purpose of this bill, that is all that is being asked of the people of the Northern Territory. The position is that the Northern Territory is tied in its price-fixing arrangements for electricity. Those arrangements are recognised by people in the electricity industry around Australia as the most favourable arrangement in Australia. We heard the Minister for Mines and Energy say that, in north Queensland, increased tariffs are generally announced in Townsville or Cairns by the boards there on 30 June each year. This is not to say that there are no other increases from time to time. Of course, those we cannot cater for. The problem is that in north Queensland they have been making plans behind closed doors to implement the increases from the date of the announcement. In the Northern Territory we hear of them on the date that they are publicly announced, namely 30 June, and the Northern Territory is not in a position to implement those increases from the next day - 1 July. I therefore suggest that this bill is to tell the people of the Northern Territory that they should regard their electricity increases as commencing from the date on which they are announced in Townsville.

Clause 2 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to reiterate 1 point which was not answered by the minister and that is that we are now telling consumers of electricity in the Northern Territory that we will sell them power at a rate which may be determined from time to time but with no guarantee of that rate at the date of consumption. I think that is totally inequitable.

Mr TUXWORTH (Mines and Energy): Mr Speaker, let me deal with the issue of equity and inequity. I think it is equitable in the sense that it is a rate that

is being struck in an electricity authority that just happens to have its coal mines 30 feet from its powerhouses. It is one of the cheapest generating systems possibly in the world and we are very lucky to have the Northern Territory rate tied to it.

Bill read a third time.

STOCK DISEASES AMENDMENT BILL
(Serial 67)

Continued from 4 March 1981.

Mr B. COLLINS (Arnhem): This is only a small bill but it could have a significant impact for the Territory in the future. The bill provides for the inclusion of bees as stock, not the sort of bees that sit in the Legislative Assembly but the sort of bees that fly around and make honey. The bill will have a significant impact on the Territory. This came to public attention only a week ago in a news item about a southern bee keeper who had brought his hives to the Northern Territory and produced a very large amount of honey from them. I think the figure on the news report was 22 44-gallon drums full of honey.

The reason he came to the Territory was exactly the same as outlined by the Minister for Primary Production and Tourism in his second-reading speech: the traditional sources of pollen for his bees had disappeared because of chemical pollution of the areas where he normally kept his bees. Residual insecticides in the environment had become such a serious problem that the bees were dying rather than bringing the pollen back to the hive. In fact, in more settled areas in Australia where there is heavy agricultural development, this problem of chemical pollution of the environment is becoming quite serious indeed.

The particular area that I came from, Wee Waa in New South Wales, has achieved national notoriety on a number of occasions for this very problem. It is a matter of public education I suppose. In the days when I grew cotton, chemicals, many of which are now prohibited, were thrown around with gay abandon. Chemicals such as DDT are not excreted from the body but they are stored in the fat deposits of the body. Naturally, I provide a very large reservoir for that sort of problem although I did not in those days. On numerous occasions, I was literally soaked from head to foot in chemicals that were sprayed around. The reason was that most of them were applied by crop-dusting aircraft. The farmers normally had to do the flagging for the aircraft. The pilots always turned their sprays on before they came to the edge of the field and they passed overhead at about 10 feet and dumped a load on you while they went across. When I was in Wee Waa, 3 people ended up in the district hospital with very serious liver and kidney complications from being poisoned, particularly by some of the systemic insecticides that were used.

This problem is becoming increasingly obvious and the most notable sufferers from the problem of environmental pollution from chemical insecticides are bee keepers. In fact, in the last couple of years, there has been much publicity given to the very serious problems that people are having with their hives being decimated by bees picking up pollen that has been polluted with insecticides. As the honourable minister said in his second-reading speech, we are in the very fortunate position in the Territory of being relatively free from this problem because we do not have a particularly active agricultural sector and there are not too many chemicals used in the Territory.

Of course, I hope that the situation of not having a very active agricultural sector does not last forever. I have no doubt that, as the Territory's agricultural base does develop, the Department of Primary Production, in the current

climate of environmental care and protection, will make sure that the mistakes which have been widespread in Australia with the misuse and abuse of agricultural chemicals do not occur here. Due to runoff from irrigation areas, some river systems in other states have become polluted and even fish stocks have been affected. I am sure that we will make sure that this problem does not occur in the Territory.

The bill is important because I believe that the gentleman who made the news last week with 22 of his 44-gallon drums full of Northern Territory honey will only be the first of many bee keepers to come to the Territory because of the relatively clean environment so far as agricutural chemicals are concerned. It is essential that we are ready for this influx of bee keepers and this legislation provides for exactly that. The opposition supports the bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, some people have expressed amusement about the possibility of having insects declared to be stock, bees in particular. However, I say that there is a grand opportunity here because I am sure that some entrepreneur will be able to devise branding irons or ear tags so that stock can be marked in an appropriate manner. As we are aware, it is normal to use horses for rounding up cattle and dogs for rounding up sheep. I can imagine an entrepreneur training that little bird that is commonly called the bee-eater. It is very efficient at rounding up bees. It is a bit rough on them so a bit of training would be necessary.

One question that does arise is whether, if we are to call bees 'stock', we will call them 'swarms'of bees , 'herds' or 'flocks'. Just in case people think that I am being a little frivolous, I was very interested to note in amendment schedule 44 for bill number 104, which will be discussed later this week, in relation to the powers of an inspector: 'The inspector can order the owner or person in charge of stock of a specified species or class to apply such identifying marks and devices as are specified by the Chief Inspector under section 41C'. If an inspector tried to force an owner to mark his bees in some manner, he would have to get very close to inspect them. There might be a sting in the tail for the inspector so the owner might get his own back.

Some of my relatives have been involved in bee keeping. At a very early age, I was well aware that there are diseases which can get into the bee hives and wipe out the whole colony. This has nothing to do with insecticides. It is a virus or bacterial disease which can wipe out a colony. Not only is the stock wiped out, there is always the danger, of course, that the equipment - honey extractors and the various equipment the bee keepers use - could be infected with it unless it is treated in some manner. In the Territory, we are free of these diseases but it would be so easy to introduce this disease when swarms of bees are brought here.

A gentleman stated on the radio the other day that he moved out of a southern area because bee keepers were running out of bees. Certainly, the insecticides are causing a problem there. That is an area where there could easily be second-hand equipment which may be advertised for sale. I know of at least 2 people in my own electorate who keep bees. It would be a cheap way of obtaining some equipment. Of course, the danger is that they could be greatly harmed if they introduce the disease. They would wipe out their own population. The disease could stay here in the Territory and ruin if for other people.

I believe we have a real opportunity to establish a honey industry in the Territory, not only honey but pollen as well. In the northern hemisphere bees lose a lot of their hive each winter when they cannot forage for pollen. There could be an export market for pollen. If we keep the Northern Territory a

disease-free area, then we would not only be looking after the local market but there would exist the possibility of an export market.

It concerned me a little the other day to hear the news about this man producing 22 200-litre drums. He was trying to sell the honey down south. He was looking for a market up here. I do not know what the problems are but surely, with transport costs and so forth, it is only common sense that every help be given to him to market that product locally. I believe this bill will cover the problems which I have mentioned and I thoroughly support it.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I would like to say at the outset that I am very pleased to hear that the member for Arnhem does not have any more boll weevil. He has been adequately sprayed by DDT after wading through the legislation affecting stock in the Northern Territory.

If one does not qualify to be a Philadelphia lawyer, there is something wrong because one has to be a Philadelphia lawyer to find one's way through it. I queried the introduction of this legislation. I am not certain why it has been introduced and I do not think anybody else is certain why it has been introduced. The basic reason for introducing legislation was to protect the bee keepers. It was at their own request. I cannot understand and I have not had it clearly explained to me why it was done in this particular way.

A couple of months ago, when the Chief Minister was acting Minister for Primary Production and Tourism, a notice appeared in the Gazette. The notice said that bees had been included as stock for the purposes of the Stock Diseases Act. It appears from my reading of the legislation that the acting Minister for Primary Production and Tourism had full power to place the gazettal. However, it has been said to me that this gazettal may not stand up to challenge and, therefore, this legislation has been introduced so that, if a challenge was made, there would not be any questions arising from it. I would like to ask the minister whether, after this legislation is passed, the previous gazettal will be rescinded and another one made or whether the previous gazettal will stand together with this legislation.

In reading through the definition of 'stock' in all the legislation relating to stock, I found it very confusing. I think I have overcome my confusion now but it was hard work for a long time. In the 'Stock Diseases Bill' the definition of 'cattle' is 'animals of the bovine species'. The definition of 'horses' is 'asses, mules or hinnies'; and there are definitions for 'poultry' and 'sheep'. To cap it all off, there is a definition for 'stock' which includes all those. As well as that, the definition of 'stock' gives the Administrator-in-Council - I am reading from an old ordinance; it is the minister now - the power to declare stock for purposes of this ordinance by notice in the Gazette. I understand that, in 1964, rabbits were declared stock for the purposes of the Stock Diseases Act because, at that time, some coastal communities were thinking of going into rabbit farming. I understand also that about 2 years ago deer were declared stock when an interest in deer husbandry was shown by a station owner. I think it was somebody in my electorate.

The principal aim of this legislation is to control the import of these from the states. I would hope it would restrict unhealthy stock also. As I understand it, if the importation of stock under the Stock Diseases Act is decided on, a health certificate must be obtained from the city of origin in the particular state and that health certificate covers that stock to the final point of landing in the Northern Territory. Once that stock has reached the Northern Territory, unless it is declared stock under the Stock Routes and Travelling Stock Act, it is not necessary to have any permit to transport it within the Territory. If that stock is stock for the purposes of the Stock Routes and Travelling Stock Act, it does need a permit to travel. Bees are not declared

stock for the purposes of the Stock Routes and Travelling Stock Act. Therefore, once they have arrived safely and legitimately in the Territory, they can be transported through the Territory.

I have submitted a couple of queries to the Department of Primary Production, one of which I would like to air now. In the Stock Diseases Act, 'swine' includes wild pig. I wonder if the inclusion of 'bees' in the Stock Diseases Act also includes wild bees. Wild bees are very prominent in the bush in the Northern Territory if you know where to find them. I assume also that the regulations which cover the stock diseases notified under the Stock Diseases Act will not cover the diseases dangerous to bees, such as foul brood and other similar diseases.

I noted a few interesting points in the original act and other acts. In section 23(2) of the Stock Diseases Act - now that we consider bees as stock - there is provision for the disposal of bee meat. In section 37 of the Stock Diseases Act, there is a restriction on the sale of infected bee carcasses. By section 42(1)(b) an inspector under the Stock Diseases Act has power to muster bees. Under section 42(1)(k), an inspector can ask the person in charge of travelling stock to state the place where and the date when any stock dropped out of or strayed from the mob. This is in the interests of preventing the spread of disease. It seems that the person in charge of the bees must count strays from the mob. Since before we arrived in the Territory, people have been using the expression 'biggest mobs'. Now we can talk about biggest mobs of bees because the legislation says we can.

Section 48D of the Stock Diseases Act concerns me because bees were not mentioned as stock for the purposes of branding. However, section 48D says that the Administrator may provide for the branding of stock. This has been mentioned previously. As I said, perhaps it would not apply because bees are not mentioned as stock in the brands legislation.

In conclusion, I understand that this legislation dealing with bees - of which I am rather fond because I like honey and I have kept bees myself in the past - is only interim legislation at the request of the bee keepers for a particular and dangerous situation which they see could arise through the spread of disease. I understand that permanent legislation dealing with bees is being drafted now.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would also like to support this bill. Whilst some members have gone into detail about some particular provisions, there has been a light-hearted approach to the bill. I think it is quite important and the minister ought to be commended. What in fact this bill does is protect the Northern Territory's relative advantage in certain agricultural industries over other places in Australia. It is a fact that the capacity for bee farming is reducing in some places in Australia and this is because of periodic drought, bushfires and so on. In some cases, the competition between agricultural industries has resulted in the destruction of the traditional pollen grounds.

I am sure that the member for Tiwi would recall that 2 or 3 years ago there was considerable disagreement between pastoralists and bee farmers in the Murray malley area of South Australia because the pastoralists wished to destroy the plant known as Salvation Jane which they regarded as a weed. However, that particular plant was very necessary for the continuation of the bee industry in that particular part of Australia. As it happens, the pastoralists won out and the plant in question is now a noxious weed and is systematically destroyed. If we have some advantage in the Northern Territory which could lead to the setting up of a larger bee keeping industry, I think that would be a step forward indeed.

One other point that I would like to mention is the particular advantage that honey has as a product in comparison with other agricultural products for which there exist marketing authorities. There are only 2 agricultural products in the whole of Australia which do not require price support schemes: wine and honey. The farming of honey could be quite an attractive industry compared with other agricultural pursuits, not only from the point of view of keeping the Territory disease free as far as bee keeping is concerned but also because it does not require any income support for its farmers.

I commend this particular bill and I look forward to seeing other people enter this industry. It is one which is relatively easy to enter unlike other agricultural industries such as wine growing or dairy farming. Many farmers begin on quite a small scale by keeping some half dozen or so hives and have room for growth. This is a product for which there is a large overseas market. Australia exports more than 50% of its honey production. If the Northern Territory can maintain its comparative advantage as compared with the other states, that is something to be commended indeed.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

BUILDING SOCIETIES BILL
(Serial 88)

Continued from 4 March 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, there is a great deal of interest now about housing, housing loans, the cost of housing and the impact which the latest decision of the federal government with regard to sales tax on building supplies will have on the cost of housing. At this stage, it is appropriate that we should be debating the Building Societies Bill. Housing is very much on the minds of people. The right of Australians to own their own home is a legitimate right, especially in the context of the Northern Territory where home ownership currently runs at about 28% compared with the home ownership rate in the rest of Australia of 75%. I am pleased to see the increase in home loans which have been granted over the last 12 months and pleased indeed to see that, in the Territory, the number of applications for home loan approvals has in fact increased whereas, in the rest of Australia, there has been a decrease.

It is also a good thing for Territory home purchasers that United Permanent has set its shingle in the Northern Territory to be yet another avenue for people to obtain home finance. This is appropriate because there ought to be less pressure on government to be providing home loans to those people who can in fact avail themselves of the normal channels of finance. Members of the opposition have been critical of the government's Home Loans Scheme in that it is providing money cheaply for those people who can afford the ordinary channels of home building finance. Our criticisms have been directed towards those areas of the scheme which restrict people who ordinarily cannot obtain bank finance or building society finance from obtaining it through the government either. However, this is not a debate about the government Home Loans Scheme but about the repeal of an act of the South Australian Parliament of 1881 and the updating of the Territory legislation to accommodate what obviously is an expanding industry in the Northern Territory. From my reading of the Building Societies Bill and the comments which have been given to me by building societies around Australia, the bill before us does a very admirable job indeed. There are number of features of it about which I would like to comment.

First of all the bill requires a majority of directors of the building

societies established in the Territory to be residents of the Northern Territory and those building societies which are established already are given a year to comply with that particular provision. One of the important matters with regard to building societies is the protection of investors' funds. Clause 29 deals with the question of limitations on the amount of loans which the building society can make and the sort of security and mortgage requirements which will be imposed. Indeed, in so far as investors and people who take out loans are concerned, these are protected by clauses 30 and 31 of the bill. A person who takes out a loan with the building society must be advised within 7 days of the approval of his loan application of the rate of interest being charged, whether or not there will be a variation of the interest during the life of the loan and so on. One thing which seems to be missing from clause 31, and it may be covered elsewhere, is that, if for some reason the interest rate must increase - and we have seen it recently - it seems to me appropriate that building societies ought to advise people who have taken out loans of the new rate of interest being applied. Perhaps the Chief Minister may be able to set me right on that particular matter.

The other matter which often causes great concern to people who have availed themselves of building society loans is the liquidity of building societies and the problems experienced by building societies. Clause 37 of the bill provides protection. A building society is required to maintain a liquid fund of at least 10% of the paid-up share capital. The building society is required each month to notify the registrar of the state of its liquidity. If there is a problem, the registrar will be able to pick that up very quickly indeed.

Further protection is given to investors and their investments by the restrictions which are placed on investments that a building society can make. There is a requirement of a building society to furnish particulars to the registrar monthly.

One of the provisions of the Building Societies Bill is clause 78 which deals with the question of liability of directors. Clause 78 is worthwhile reading: 'When a building society is guilty of an offence against this act, an officer of the society shall be guilty of the same offence unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence'. 'Officer' is defined in the first part of the bill as including directors so one can see that directors have very significant responsibilities with regard to the operations of a building society. So they should because they look after people's money and invest it in trusts. The normal trustee requirements ought to apply to them.

I agree with the Chief Minister's comments that the Building Societies Bill is a recognition of the increased activity in the building industry and the home ownership industry. Would that it be more because, even under the government's own projections, home ownership over the next 5 or 6 years in the Territory will rise to 45%. I do not know just how concrete those projections are. Nonetheless, they are projections given by the department. Even if that is correct, it is still a long way below the accepted pattern of home ownership in Australia of about 74% or 75%.

The one matter that I am not certain that I agree with the Chief Minister about is the question of the regulation of interest rates. On the face of it. I would certainly like to see the government in a position to regulate interest rates of building societies. Whether or not that is appropriate in the small context which we have here is a matter which I have not been able to fully contemplate. At some later stage, the opposition might move an amendment to the Building Societies Act to give the government power to regulate interest rates to protect the people who are borrowing from the building societies.

With that one exception, I believe the bill is a good bill. It serves its purpose well. It will protect investors and it will provide a climate in which building societies can operate.

Debate adjourned.

DOUGLAS RIVER AGRICULTURAL AREA ACQUISITION BILL
(Serial 89)

Continued from 4 March 1981.

Mr ROBERTSON (Lands and Housing): I seek leave of the Assembly to withdraw this bill for reasons which I think are certainly known to all members.

Leave granted; bill withdrawn.

STOCK DISEASES AMENDMENT BILL
(Serial 104)

Continued from 3 June 1981.

Mr B. COLLINS (Arnhem): This bill is to provide for a greater degree of regulation of stock, particularly with regard to identification of stock and the ultimate act in disease eradication, destocking. I do not intend to speak at length on this bill. I will reserve my remarks on the very important areas the bill covers until I speak to the statement of the Minister for Primary Production and Tourism next week.

The major impact of this bill is to strengthen the government's arm in its program of eradication of brucellosis and tuberculosis. This has very serious implications for the Territory indeed. It is an unfortunate fact that the Northern Territory, for fairly obvious reasons, is falling behind the states in its progress in the eradication of brucellosis and tuberculosis. This does not mean that Northern Territory pastoralists are less responsible or less efficient than producers elsewhere in Australia. It basically reflects on 2 things. Firstly, we get paid far less for our beef than producers elsewhere in Australia. The people who run the meatworks see to that. Secondly, the holdings here are extremely large and many of them have large areas of fairly rough country. An absolutely essential item in the eradication of brucellosis and tuberculosis is efficient mustering. Where it might be quite satisfactory for a pastoralist for the purpose of turning off stock to get a 60% or 70% muster, it is certainly not satisfactory from the point of view of veterinary officers who are working to eradicate brucellosis and tuberculosis.

The bill will provide for 2 major things: the better identification of stock by tail-tagging, which is essential in disease eradication, and the very serious question of destocking properties. It will be an area where we will not have much say in the Territory in a few years time because events will overtake us. Our beef exports are worth $800m a year to this country. $500m of those exports go to one consumer, the United States. The United States is extremely strict in its import restrictions on meat, as it should be. The consumers in America demand a high standard. That high standard is becoming higher all the time.

The United States has an aggressive and successful campaign to eradicate tuberculosis and brucellosis. They were quite seriously contemplating the entire quarantining of one of the states of the union, Texas, because the Texan ranchers, an independent lot, did not want to participate in the national campaign

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to eradicate these diseases. They were threatened with a quarantine which would have meant the destruction of the beef industry in Texas, one of its major industries.

There is no doubt that, when it does eradicate these diseases, the United States will certainly not run the risk of reinfecting its herds. As a result, if the Northern Territory does not keep pace with the other states in Australia with the eradication of these diseases, in not too many years time - and I think the United States is looking for provisional freedom from these diseases in 1984 - we could be looking at a situation where the United States may not be willing to accept beef from Australia.

For the reasons outlined by the minister in his second-reading speech, it may be necessary to destock. Where destocking is carried out for the purpose of disease eradication, there is some relief provided under the Income Tax Act.

This bill is a sign of times. I do not think the Territory has any choice in the matter. If we do not accelerate the program for brucellosis and tuberculosis eradication in the Territory, events are likely to overtake us. We might be placed in the rather invidious position of having the Territory's beef industry quarantined if we cannot keep pace with the success of the program in other states. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this legislation cannot be as strong as we would like it to be. To be 100% effective, it would need to be unpleasantly draconian. Although it introduces more restrictions on the beef industry in keeping with world thinking on disease control, as the situation changes in this country and other countries, greater measures of control will be introduced.

I agree with the legislation. I also agree with the thinking behind it. We must try by all means to eliminate the 2 diseases, brucellosis and tuberculosis. I agree that every encouragement must be given to the farmer and the pastoralist to have their stock tested with the aim of 100% clean herds. This encouragement must be by every means possible.

Two worries come to mind. The first is financial encouragement. Financial encouragement is extended by the Commonwealth government, but another form of encouragement which is taking place at present is active cooperation between the officers of the Department of Primary Production and the primary producer. The officers in the Department of Primary Production know the difficulties that stock owners with large holdings have. It is very hard to muster because of the difficult terrain. They know the difficulties producers encounter and in many cases they help by making positive suggestions; for example, about methods of husbandry.

The member for Arnhem mentioned the prime importance to Australia of the US meat market. While we all agree that it is of great importance to the Australian meat industry, I think we must look to the north for our meat market. It may not be our greatest meat market, but we can sell a lot of meat up north as you, Mr Speaker, have often said. Although it may be a cynical approach to the subject, a point that must be considered is that the US imposes high standards of hygiene on the slaughtering of Australian meat for its market. These high standards are to protect its own industry. I do not really think these high standards are necessary, but evidently the primary industry lobby is very strong in the US and has the ear of very prominent politicians. The consequence is that continually higher standards are demanded of the slaughtering of Australian meat which is destined for the US market.

Referring to clause 4 of the bill, when section 22B of the principal act is amended, the removal of the word 'and' from subsection (1)(a) implies a choice. I think it weakens that particular piece of legislation and I do not think it should. I would like to be told that I am wrong but, on my reading of it, it seems to weaken it a little because it implies a choice and there is not as much compulsion as there was. In section 22B(1)(a) of the Stock Diseases Act, there is no compulsion exerted on the person. There is compulsion in respect of the animals etc. The person should also be mentioned there because, in some situations, it may be necessary to seek treatment. There does not seem to be a compulsion on the person to be treated. If this is considered necessary, it would require a further amendment. The honourable minister has said it would be in the Health Act. Section 22B(1)(a) reads:'may give a direction in writing that a person, animal or thing, in or previously in the restricted area to which the declaration relates, shall be disinfected or such an animal or thing shall be otherwise treated'. In some cases, the person would have to be treated also.

Clause 4 has a new subjection (1)(c) to be inserted in section 22B of the principal act. The amendment says: 'may give an order in writing directing the removal or disposal from a holding, declared under this division to be a restricted area, of an animal or thing specified in the order'. I could not understand why only a holding was mentioned and not a vessel or wharf also. In section 22B(1) of the principal act, a vessel is mentioned.

In conclusion, clause 6 relates to the powers of the inspector. Whilst I agree with the marking and know why it has been introduced and know that this legislation would be aimed primarily at cattle, we must not forget that bees are stock for the purpose of the Stock Diseases Act. Some of these inspectors will have headaches marking the bees. I fully support the bill and hope that it goes more than a little way to helping the eradication of brucellosis and tuberculosis in the Territory.

Mr VALE (Stuart): I was interested to read earlier this year that 5 states in the United States were experiencing similar problems to the Northern Territory in the brucellosis eradication program. Texas, Florida, Mississipi, Arkansas and Louisiana accounted for nearly two-thirds of the herds contaminated in the USA by brucellosis in 1980. Another 5 states in the USA accounted for 25% of the infected herds resulting in 10 states holding 90% of the infected herds. Florida has 900 infected which is more than double that of Louisiana which had the second highest rate of brucellosis infection.

There are interesting parallels in the January 1981 quarterly publication, 'Brucellosis Progress Report', with the situation in the Northern Territory. Florida has mounted a campaign known as Operation Cleanup to boost its vaccination program in overall calf vaccination. Similarly, the Northern Territory government, with the support of the industry, is intensifying its program to eradicate bovine tuberculosis and brucellosis. Brucellosis is the major problem in the southern area of the Northern Territory while TB of course is the major concern in the Top End.

The Territory shares similar problems with the 10 states of America that I have mentioned and the aim of this legislation is to ensure that our disease eradication program keeps pace with those other states of the Commonwealth. Members are united in their aim to upgrade this program and I believe that the accurate identification methods and assistance in destocking will go a long way towards ensuring the eradication targets. I support the bill.

Mr STEELE (Primary Production and Tourism): I only rise to allay the fears of the member for Tiwi as to the workings of this particular piece of legislation. It has been around a long time. I cannot recall when it was first

introduced but I remember actually using it myself as an inspector in about 1963. I can assure her that it works very well. It is very effective and it stands up in court. The amendments before the Assembly will strengthen those areas which we need to strengthen in respect of this particular brucellosis and tuberculosis campaign.

In the matter of directing a person to seek treatment, that is beyond the province of this particular legislation. I do not recall anywhere that that power exists as far as stock inspectors or chief veterinary officers are concerned.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6 negatived.

New clause 6:

Mr STEELE: I move amendment 44.1.

This is a rewording of the wording in the original bill.

New clause 6 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Bill read a third time.

LEAVE OF ABSENCE

Mr LEO (Nhulunbuy): Mr Speaker, I seek leave of absence for this day for the honourable member for Victoria River for reasons of ill health.

Leave granted.

ANNUAL LEAVE BILL
(Serial 106)

LONG SERVICE LEAVE BILL
(Serial 107)

PUBLIC HOLIDAYS BILL
(Serial 108)

Continued from 9 June 1981.

Mr LEO (Nhulunbuy): Mr Speaker, in his second-reading speech the Chief Minister paid tribute to Mr Ted Tudor who drafted these bills. I would also like to pay tribute to the draftsman. He has done a remarkable job in interpreting Commissioner Taylor's report. There are copious amendments here but, in the main, they address themselves to some of the terms and words used in the bill. I do not think that the spirit of Commissioner Taylor's report has been

misinterpreted in any way. He has done a very good job. It was a very good report by Commissioner Taylor. It is something the Labor Party has been requesting for some time. I would like to say that the government has acted with some initiative here but, unfortunately, it has taken quite some time to get to this stage. Notwithstanding that, it is good modern legislation and in many ways upgrades the present legislation.

The Annual Leave Bill provides for most of the standard terms of employment now. Four weeks holiday per annum is quite standard throughout the workforce. Payment is generally fairly standard throughout most awards. As the bill points out, it is only in relation to non-award areas that the bill is introduced. I was a bit worried about the Chief Minister's amendment here but, of course, clause 6(4) has been duplicated. There is no problem here.

There is one thing I would like to mention before I go much further: one provision which runs through each of these bills is the exemption clause. I think the Chief Minister could find himself in strife here. It has happened in the federal arena. I know the Chief Minister will not be making exemptions without evenhandedness but nevertheless he could be accused of that. That would be a pity. I do not know if there are any appeals to the findings, recommendations or exemptions that he may make under any of these bills. If there is any appeal via the Ombudsman, I hope he addresses himself to the second-reading speech.

There is not very much I can say on the Annual Leave Bill. It is good legislation.

The Long Service Bill is the one that I had the most difficulty in interpreting. I propose amendments and I will speak to those in the committee stage. There are a number of amendments. I have been through them fairly quickly and most of them seem to deal with some of the terms which have been applied. The opposition has 5 amendments to this particular bill. Members should not have any trouble with any of them. Perhaps one of them may cause some concern. We will discuss those in the committee stage.

The Public Holidays Bill follows very closely on Commissioner Taylor's recommendations. There is nothing outside his recommendations. There are 1 or 2 inconsistencies such as the payment of double-time instead of double-time-and a-half for work performed on a public holiday. It is a small problem. The Chief Minister may address himself to that. He probably has very good reasons for it and I hope he will be able to provide me with some answers. The opposition has 3 amendments to that particular bill. I cannot see any real difficulties with them and I hope that the government will accept them. Perhaps the main one is to put Show Day on the schedule. At the moment it is left to the minister's discretion.

I will outline briefly the history of these 3 bills and speak more about the amendments and particular bills when we discuss them in committee. This legislation results from an extensive set of submissions and various other representations to Commissioner Taylor who presented a very comprehensive and farsighted report. Most members would appreciate that, while there is a need to encourage growth and industry, and that is provided for by finance, the people who provide the wealth of any state or country are the working people, be they graziers, public servants, production workers or construction workers. The working people provide the wealth of this Territory and indeed Australia. It is a pity that it has taken so long to get this legislation into the Assembly. It has required considerable stimulation from the members on this side over a very long period. Mr Deputy Speaker, I will save my comments for the committee stage.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, these 3 bills are designed to cover an estimated 5,000 to 9,000 people in the Territory workforce who are not covered by an award. The things which will be of interest to the man on the street are the long service leave provisions of three-tenths of a month for each year of service after 10 years with a corresponding 3 months for the next 10 years of extra service. After 7 years of satisfactory service, if a person retires for reasons of ill-health, not just because he wants a change of employment, a pro rata long service leave is allowed. There are also provisions to prevent an employer sacking an employee just before the 7 years are up to prevent paying any long service leave. That is fair enough. There will be 11 gazetted holidays and the annual leave is 4 weeks.

The nub of all of this was summed up very well by the Chief Minister when he stated that the purpose of these bills was to provide minimal conditions for persons who are not covered by awards. As recorded on page 1031 of the Hansard, he said: 'As the legislation is intended to apply only to employees not covered by an award or other legislation, this proposal should not be of such a high standard as to discourage employers from seeking award coverage nor to encourage those with award coverage to forsake it'. In the light of that statement, which I support, this is indeed an excellent set of bills. I support them.

Mr ISAACS (Opposition Leader): Mr Deputy Speaker, I do not know why it works out this way. Every time the member for Alice Springs speaks about unions or matters to do with industrial relations, I happen to be speaking after him. I am pleased to say that on this occasion it is all sweetness and light. We all agree.

I am very pleased to see the 3 bills, which are described as leave bills, before the Assembly. There is a long history of leave acts in the Legislative Council and the Legislative Assembly. It is not a terribly good history. The bills which are being repealed - the Public Holidays Act, the Annual Leave Act and the Long Service Leave Act - are each deficient in many ways and this fact has been pointed out on many occasions by different members, certainly on this side of the Assembly. I recall when I was shadow minister for industrial relations I introduced legislation to repeal the Annual Leave Act and Public Holidays Act. I introduced a bill to amend the Long Service Leave Act. I recall that the member for Arnhem did precisely the same thing when he was shadow minister for industrial relations. It has been a long battle to update the laws of the Territory with regard to these 3 very important matters.

There is a distinction which must be drawn between the 3 bills. The Annual Leave Bill and the Public Holidays Bill apply only to those employees who are not covered by awards of the Conciliation and Arbitration Commission or a determination of the Northern Territory Public Service Commissioner. To that extent, they provide minimum standards to those people. The Long service Leave Act applies to everybody in private employment other than those whose own awards might have a long service leave provision in them.

The former 2 bills, the Public Holidays Bill and the Annual Leave Bill, are very important indeed. We certainly subscribe to the idea of these bills providing minimum conditions only. We do not believe that they should be vehicles for changing award conditions. We believe that is an appropriate action for unions and employers. But it is important that people who do not have the benefit of union coverage, or who may not even be able to get union coverage, have some minimum requirements and be able to take advantage of the law.

In the past, the problem has been that, although the Annual Holidays Act and the Holidays Act set standards, they had no enforcement provisions at all. Because

they had no such provisions at all, they were useless in guaranteeing minimum standards for workers not covered by awards. We are very pleased to see those acts being repealed and 2 new acts being created in their stead. The member for Nhulunbuy has referred to a number of amendments which we will be moving to tighten them up a little and to make them just that bit more relevant.

The Long Service Leave Bill repeals the Long Service Leave Act. The last time this act was amended substantially was one of the last acts of the Legislative Council on the motion of the late Mr Justice Ward, who was the member for Ludmilla at the time. It was a tribute to Dick Ward that he saw a real need to upgrade long service leave legislation in the Northern Territory to bring it in line with legislation which existed elsewhere and, in particular, in the Commonwealth. He took the view that, since many Commonwealth public servants had just been granted long service leave after 10 years, that provision ought to apply to private sector employees in the Northern Territory. It was an important argument at the time because there were so many Commonwealth public servants in the Northern Territory at the time compared with those in private employment. The whole of the Legislative Council agreed with him.

Unfortunately, when you look at the act itself, it left probably more unsaid than said. Although it provided long service leave after 10 years, there was another provision that said one had to have 3 months long service leave accrued before one could take it. Most people had to wait 13 and sometimes 14 years before they could take it. There was also a strange transitional clause which had no number. It went to a Supreme Court for a determination and that seems to have left things in limbo as well. It needed amendment. The opposition has been pressing for those amendments and even introduced its own legislation to achieve it. Finally, we are very appreciative that the government has introduced long service leave legislation which will solve those problems.

Let me also commend the government for the farsighted attitude it has taken with regard to pro rata long service leave. It is a very significant move to allow pro rata leave after 7 years. We believe that pro rata long service leave should be available after 5 years serivce but to have the government agree to 7 years is certainly a move in the right direction.

I would like to comment on clause 10 of the bill. I noticed that the Chief Minister has circulated an amendment to that. It relates to the question of payment for long service leave after a person has completed 10 years service, does not take long service leave, and then, for some reason or another, either dies or terminates his employment. Under the provisions of the bill, the position will be that an employee, after 10 years service, is entitled to have long service leave paid out to him on termination if he terminates otherwise than by death or serious or wilful misconduct. The death provision is settled in clause 11.

The question I address myself to is the instance where a person terminates employment for serious or wilful misconduct. I take the view - and I think it is the view expressed in most other state legislation - that once a person has achieved 10 years service, or whatever the qualifying period might be for long service leave, then he is entitled to that long service leave payment. It is a right. It ought not to be able to be taken away from an employee. I know it may be argued that, if an employee does something horrendous, then he ought to be penalised. That may be so, but termination of employment is a fairly severe penalty in any event. We do not believe that a person, having achieved 10 years service with an employee, ought to have his long service leave put at risk. I notice the Chief Minister has proposed an amendment which will mean this will apply only to serious misconduct rather than serious and wilful misconduct.

However, I put very strongly to the Chief Minister that he should consider the proposition that, for an employee who has served 10 years - which is a long time in anybody's language, and especially in the Northern Territory - long service leave is a right or it is money in the bank, as people say, and ought to remain that way. It ought not to be subject to termination on the basis of either serious or wilful misconduct. There might be other action which an employer could take against the employee. I do not know what is particularly contemplated by that phrase 'serious and wilful misconduct'. If there is damage to property, then an employer can obtain some remedy there. But we believe long service leave is a right after 10 years service. It ought not be able to be taken away from an employee.

I reiterate what has been said by all members in the Assembly today. We on this side of the Assembly support the legislation before us. It will provide those people who are not covered by awards with minimum award protection. It will not leap the gate so that the work of unions and employers will be done away with, and nor should it. On the other hand, it does provide enforcement provisions to ensure that those people who are not covered by awards are in fact given protection by legislation.

Mr HARRIS (Port Darwin): I wish to speak briefly to these bills. There is no doubt in my mind that these 3 bills and the matters relating to the build-up to them have received as much debate as any other piece of legislation in this Legislative Assembly. As far as I can ascertain, most of the people who have been involved in those discussions and debates are reasonably happy with the bills. It is obviously not possible to satisfy all the parties concerned. In many cases, no amount of argument will convince a person to change his opinion about a certain subject where he feels very strongly about it and one must part company accepting that people beg to differ.

One of the areas that I find very difficult to accept is the pro rata area. This is where I beg to differ with the Leader of the Opposition. There is no way that I will be convinced that a person should be entitled to pro rata long service leave payments after serving a period of 7 years. We are given the argument that we are talking about minimum standards and that all the other states have the basic prescription, and the pro rata prescription is usually about two-thirds of that basic prescription; hence, we end up with 7 years. We already have extremely generous long service leave provisions. I cannot see how one can justify making those provisions any more generous. All of these extras add further costs to the general community. I have mentioned on other occasions in this Assembly that there are a number of industries employing many people who fall into the non-award category and these industries, as soon as these bills become law, will have an impost placed upon them.

Generally, employer groups are happy with what has been achieved throughout this whole exercise and all the people who have been involved are to be congratulated. Many meetings have taken place with the ACTU and the TLC. It is through such meetings that most of the queries that have been raised in relation to the interpretation of wording have been satisfied. One of the recommendations that has been followed in the bills has been in the general wording and usage. This has been kept to common industrial language and, in that way, members on both sides of the industrial fence know exactly where they stand.

There is one other thing that I would like to say before closing. When I was cross-referencing the 3 bills with the bills that have been recommended in the inquiry report, and with one another, I found that there were many occasions when the definitions in the interpretation sections varied. I understand that, on occasion, this has to be the case and I do see now that there are amendments circulating which will hopefully standardise these definitions.

This whole process has involved people who are skilled in the field of industrial relations. Whilst I am starting to become a little concerned about basing laws on established principles, I do believe that they have come forward with 3 bills that have the general acceptance of the community.

Motion agreed to; bills read a second time.

In committee:

ANNUAL LEAVE BILL
(Serial 106)

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 52.1.

This is a drafting requirement.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 52.2.

Since 'casual employee' is defined in clause 5, the proposed amendment merely deletes the redundant words.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendments 52.3 to 52.6.

The reason for 52.3 is that, by deleting the words 'in relation to an employee' from the definition of 'award', the correct emphasis is achieved that awards are binding on both employers and employees. The reason for 52.4 is that, since the definition of 'employee' already emphasises the words 'contract of service', the words 'or for labour only' are redundant. Amendment 52.5 is merely a correction of a typographical error. In reference to 52.6, in common industrial usage the terms'ordinary rate of pay', 'ordinary pay' and 'ordinary time rate of pay' have significantly different meanings. Thus, the current definition in the bill of 'ordinary rate of pay' is proposed to be deleted and replaced by 2 definitions that conform to Commissioner Taylor's recommended definitions.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 52.7.

The reason for this amendment is that the present subclause duplicates the

provisions of subclause 6(2) which has been proposed to be deleted. In place of that provision, a new clause is to be inserted to ensure that no arrangement is made between the employer and employee for the latter to be paid an amount of money in lieu of actually taking annual leave. This protects all parties against what is a reasonably common abuse of annual leave provisions.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 52.8.

The reason for this is that the present provision is in terms unfamiliar to industrial practitioners and has been replaced by a subclause, the wording of which has been agreed to by both employer and trade union groups. It means the same thing.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 52.9.

This is a drafting requirement.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 52.10.

This is to correct a typographical error.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendments 52.11 to 52.16.

The reason for amendment 52.11 is that common industrial usage invariably utilises the term 'qualifying service' rather than 'qualifying employment'. Amendments 52.12 and 52.13 are to conform with the heading alterations. Amendments 52.14, 52.15 and 52.16 are to correct typographical errors.

Amendments agreed to.

Mr EVERINGHAM: I move amendments 52.17 and 52.18.

The deletion in amendment 52.17 removes any suggestion of retrospectivity in this provision and there is no similar provision in the existing act. Amendment 52.18 is to conform with the change in the heading of the clause.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 and 9 agreed to.

Clause 10:

Mr EVERINGHAM: I move amendments 52.19 to 52.27.

Amendment 52.19 is to correct a typographical error. Amendment 52.20 is a drafting amendment. Amendment 52.21 is to conform with common industrial usage.

Amendment 52.22 is a drafting requirement. Amendment 52.23 is to conform with common industrial usage. Amendment 52.24 is a drafting requirement. Amendment 52.25 is to conform with common industrial usage. Amendment 52.26 is because the hours factor is calculated by multiplying the basic prescription of 4 weeks annual leave by the normal working week of 40 hours divided by 52 weeks in one year. This produces a factor of 3.0769 hours which, when rounded, gives a correct factor of 3.08 hours. Hence the amendment. Amendment 52.27 is a new provision. Annual leave is applicable to all employees other than casuals as defined. Since some employees work less than 40 hours, it would be inequitable to pay to such employees pro rata annual leave payments on termination based on a 40-hour week formula. Hence the amendment.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 52.28.

It is a drafting amendment.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr EVERINGHAM: I move amendments 52.29 and 52.30.

Amendment 52.29 is to encompass all types of business operations. Amendment 52.30 is a drafting amendment.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 and 14 agreed to.

Clause 15:

Mr EVERINGHAM: I invite defeat of clause 15.

Clause 15 negatived.

New clause 15:

Mr EVERINGHAM: I move amendment 52.31.

This new clause tidies up what was the existing clause in relation to employers or class of employers and employees or class of employees.

New clause 15 agreed to.

Clause 16:

Mr EVERINGHAM: I move amendment 52.32.

For administrative purposes, employers do not need to keep records of an employee's occupation.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17:

Mr EVERINGHAM: I move amendment 52.33.

It is assumed that the minister would not wish to see every report or record of conversation relating to complaints or queries lodged. Hence the amendment gives the minister scope to call for reports on request.

Amendment agreed to.

Clause 17, as amended, agreed to.

Remainder of the bill taken as whole and agreed to.

LONG SERVICE LEAVE BILL
(Serial 107)

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 53.1.

This is another one of those drafting amendments.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 53.2.

This is to omit subclause (2). The origin of this provision is unknown and no similar provision is contained in the act we are repealing. Nowhere does it appear in Commissioner Taylor's report. I am told that all parties agree to its being deleted.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 53.3.

This is a drafting requirement.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendments 53.4 to 53.8.

By deleting the words 'in relation to an employee' from the definition of 'award', the correct emphasis is achieved that awards are binding on both employers and employees. Amendment 53.5 arises because the definition of employee already emphasises the words 'contract of service'. The words 'or for labour only or substantially for labour only', are redundant. Amendment 53.6 is a drafting requirement again as are 53.7 and 53.8 for the same reason as that advanced in support of the amendments to the first bill.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 53.10.

Whenever an employee is terminated, for any reason, he is paid an amount in lieu of his long service leave if he has accrued the basic prescription. Under this bill, that prescription is 13 weeks after 10 years. Under clause 10(1), an employee may lose entitlement to such payments if he is terminated for serious misconduct. Naturally, the provision regarding deduction of long service leave following termination through serious misconduct is confined to pro rata entitlement only. Thus this amendment preserves the payment to employees after they have fulfilled the basic prescription.

Mr ISAACS: Mr Chairman, I was pleased to hear what the Chief Minister just said because that was the precise point the member for Nhulunbuy and I made.

Mr EVERINGHAM: I was hoping the committee would consider the opposition's amendments first because my advice is that our amendment will preserve the pay-out on termination whatever the circumstances.

Mr ISAACS: That is true but only if the Chief Minister then accepts the proposition put by the member for Nhulunbuy. If not, then the insertion of the words 'notwithstanding subsection 10(1)' means that, whatever you say about clause 8, clause 10(1) will apply. That means that an employee can lose his long service payment after 10 years if he is terminated for serious misconduct. As the Chief Minister rightly pointed out, nowhere else in Australia does that apply. Secondly, Commissioner Taylor did not recommend that that word be included nor is that phrase contained in the Long Service Act that we are repealing. We would only support it if the words 'serious and wilful misconduct' are removed for the precise reason the Chief Minister himself gave: nowhere else in Australia is long service leave taken off a person once it has been accrued. Mr Taylor did not recommend it and it is not in the previous legislation. I put that to the Chief Minister. If he agrees with it, there is no point in having 'notwithstanding subsection 10(1)' inserted.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 53.9.

This is a drafting amendment.

Amendment agreed to.

Mr LEO: I move amendment 50.1.

My reading of that subclause (3) is that long service leave would be in a block for up to 20 years and that would be the end of long service leave entitlement. This makes it very clear that the long service leave period keeps rolling over a 10-year period.

Mr EVERINGHAM: I oppose the amendment proposed by the honourable member for Nhulunbuy because my advice is that our amendments achieve the desired result.

Mr ISAACS: I do not agree with that advice. Clause 8(1) says that an employee is entitled to long service leave after being employed for a period of at least 10 years. That is the first period of long service leave. Clause 8(2) says: 'Where an employee has been employed by an employer for at least 10 years, the employee is entitled to long service leave on pay at his ordinary rate of pay for a period equal to three-tenths of one month of each completed year of that employment'. After 10 years service, the employee receives three-tenths of a month for each year of service. Clause 3 says that, when one completes another 10 years, one goes on long service leave again. What happens to the person who has 30 years service? According to the Chief Minister, he does not get any further leave. If he does get it after 30 years, naturally the member for Nhulunbuy's amendment is not required.

Mr EVERINGHAM: Mr Chairman, I am sticking to my guns. Clause 8(2) prescribes that, where an employee has been employed by an employer for at least 10 years, the employee is entitled to long service leave on pay at his ordinary rate. I do not see any necessity for the amendment to clause 8(1).

Mr ISAACS: This bill so far covers a person who has served 10 years. Clause 8(3) says that, if he serves another 10 years, he receives long service leave as well. We all agree with that. What about a person who serves yet another period of 10 years. Under the current legislation, there is no provision for such a person. The member for Nhulunbuy's amendment says that, after each succeeding 10-year period, a person is entitled to long service leave. I am sure that is what everybody would want. I am saying to the committee that the current act does not provide that.

Mr EVERINGHAM: I am fairly satisfied that the current act makes satisfactory provision for that but I ask that further consideration of amendment 50.1 be postponed.

Further consideration of clause 8 postponed.

Mr EVERINGHAM: I move amendment 53.11.

This is a drafting amendment.

Amendment agreed to.

Mr Everingham: I move amendment 53.12.

This amendment precludes the possible double deduction of long service leave.

Amendment agreed to.

Clause 9 agreed to.

Clause 10:

Mr LEO: I move amendment 50.2.

We maintain that, when a person has completed 10-years service and for some reason his employers feels the necessity to get rid of him, he should be entitled to his long service leave. We do not see why 'serious or willful misconduct' should deprive him of it.

Amendment agreed to.

Mr LEO: I move amendment 50.3.

This amendment reduces the pro rata period from 7 years to 5 years. This is part of ALP policy but I do not introduce it simply on that basis. The Chief Minister mentioned at the last sittings the turnover rate in the Territory. He went through some figures in the public service and I am sure you would all be alarmed at the turnover rate in the Territory generally. People are not staying here very long. By reducing the pro rata time from 7 years to 5 years, it would encourage people to stay here longer. The 7 years is out of reach for most people. People in isolated areas would be prepared to stay here for 5 years and serve the Territory much better than if they left before that 5 years.

Mr EVERINGHAM: I oppose the amendment. The commissioner recommended 7 years. We are told by the opposition themselves that it is a minimum standard. This proposal of 5 years which I understand is ACTU policy is certainly much more than a minimum.

Amendment negatived.

Mr EVERINGHAM: I move amendment 53.14.

This is a drafting amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 53.15.

Mrs LAWRIE: Following the acceptance of the member for Nhulunbuy's amendment, in the interests of consistency, I wonder if subclause (2)(b) should not be removed entirely rather than just the word 'skilful'.

Mr EVERINGHAM: I beg to differ on this particular point because this is pro rata.

Amendment agreed to.

Mr LEO: I move amendment 50.4.

This is part of the commissioner's recommendation. I can find it nowhere else in the bill. I have asked the Chief Minister to answer if he could. This is for payments in lieu or pro rata. The problem is that, for every year after 10 years there is no provision of payment for long service leave for three-tenths of a month for every year's service completed. This would allow an employee on termination three-tenths of a month's payment for each year's service completed after 10 years.

Mr PERRON: Mr Chairman, as I understand it, the principle that is being promoted here is one that ignores the fact that long service leave provisions are taken in 10-year periods. Amendment 50.4 is saying that, if a person takes long service leave after say 13 years employment with an employer, the long service leave provisions that are calculated for the 10 years should be further calculated for the extra 3 years. The long service leave is really based on 13

years service. The principle of the bill is based on 10-year increments.

Mr ISAACS: Mr Chairman, it is a long time since the Treasurer was an employer. I do not know whether he was a terribly good one at that. The fact is that Commissioner Taylor recommended in his report at pages 38 and 39 that that provision be there. You will find it in Commissioner Taylor's draft legislation that pro rata long service leave be provided after 10-years service. In fact, proposed subsection (2A) is taken exactly from Commissioner Taylor's insert.

Can I make one other point which seemed to have convinced the Chief Minister last time? It is the same provision which applies in long service leave legislation around Australia. Nothing new is being suggested. Commissioner Taylor was most particular about this sort of thing. Pro rata long service leave does prevail. If a person takes, for example, his long service leave after 10 years, serves another 3, and terminates his employment, then the pro rata long service leave payments prevail in every state of Australia. It is in Commissioner Taylor's recommendations at pages 38 and 39 and in his own draft legislation. On the remarks of the Chief Minister before, it should be good enough for us.

Mr LEO: You could reach the ridiculous situation where a person resigned after 7 years, was paid out, and then came back and worked another 7 years. He would be picking up long service leave every 14 years whereas, if he just took it as a leave increment after 10 years, he would have to serve 17 years before he would be due for any in lieu payments.

Mr EVERINGHAM: I only want to achieve a just result in this matter. I ask that further consideration of this amendment be postponed. My advice is that the amendment 50.4 is really already covered in clause 10.1.

Further consideration of clause 10 postponed.

Clause 11:

Mr EVERINGHAM: I move amendments 53.16 and 53.17.

Amendment 53.16 seeks deletion because it repeats the provisions of subclause 11(4). Amendment 53.17 is a drafting requirement.

Amendments agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr EVERINGHAM: I move amendments 53.18 to 53.22.

The reason for the change of heading is as stated in the previous bill, the industrial usage of the terms. Amendments 53.19 to 53.22 are drafting amendments.

Amendments agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mr EVERINGHAM: I invite defeat of clause 13.

Clause 13 negatived.

New clause 13:

Mr EVERINGHAM: I move amendment 53.23.

The new clause tidies up the existing clause as specified in the last bill.

New clause 13 agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 53.24.

This amendment seeks to do what we did in the last bill.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 53.25.

Prior service with the same employer is to be included in an employee's total qualifying service for long service leave accrual purposes. Therefore, employers will need to keep records of the periods of an employee's prior service with that employer, hence this amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 53.26.

Only those absences of 2 months or more affect the employee's rate of accrual of long service leave. Thus employers need only record absences of 2 months or more.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Mr EVERINGHAM: I move amendment 53.27.

It provides that the minister may seek a report rather than have every report sent to him.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18:

Mr EVERINGHAM: I move amendment 53.28. It is a drafting amendment.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19 agreed to.

Postponed clauses:

On the motion of Mr Everingham, further consideration of postponed clauses 8 and 10 further postponed until after consideration of the Public Holidays Bill.

PUBLIC HOLIDAYS BILL
(Serial 108)

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: Mr Chairman, I move amendments 51.1 to 51.4.

The reason for amendment 51.1 is that, by deleting the words 'in relation to an employee' from the definition of 'award', the correct emphasis is achieved that awards are binding on both employers and employees as per the previous bills. Amendment 51.2 arises because the definition of 'employee' already emphasises the words 'contract of service'. The words 'or for labour only' are redundant again as per previous bills. The reason for amendment 51.3 is that, in common industrial usage, the terms 'ordinary rate of pay', 'ordinary pay' and 'ordinary time rate of pay' have significantly different meanings. Thus, the current definition in the bill of 'ordinary rate of pay' has been deleted and replaced by 2 definitions which conform to Commissioner Taylor's recommended definitions. Amendment 51.4 is needed because the requirements of the Commonwealth Bill of Exchange Act necessitates the inclusion in the definition of 'public holiday' the words 'and bank holiday'.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 8 agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 51.5.

This will extend the period of notice from 14 to 28 days by publication in the Gazette. Employers need time to make relief arrangements if work is anticipated on a public holiday and the normal practice is to gazette holidays up to 1 year in advance.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:

Mr LEO: I move amendment 49.1.

The idea of a public holiday is that an employee can take that day off if he requires it. In some cases, employees go to quite considerable lengths to arrange sporting or camping activities when there is a public holiday. The way the bill reads at the moment, if an employer requires him to work on that day and he is not available, then he receives no pay at all for that day. That seems grossly unfair to me. I cannot understand why that should be there. There is provision within the amendment that a shift worker who would normally be employed on that day will be required to work.

Mr PERRON: It seems to me that the member for Nhulunbuy is proposing that overtime or work on public holidays should be entirely optional and at the employee's desire. I do not think that that is an acceptable proposition and the bill before the Assembly clearly states in clause 11(1) that an employer may require an employee to work on a public holiday. In the course of running his business, he may well require the employees to work in order to stay in business. The bill requires that, if those employees do work, then, provided that they are below certain levels of income, they shall be paid at certain rates of pay. I personally oppose the amendment.

Mr LEO: Mr Chairman, what the Treasurer is proposing is adequately covered by the amendment: 'other than where the employee would not, in the ordinary course of his employment, be required to work on that public holiday but for that direction'. That makes it adequately clear that it covers shift workers if they would normally be required to work on that day.

Mr EVERINGHAM: I oppose the proposed amendment. Most awards in the Territory make provision for deduction of payments if an employee fails to attend for work on a public holiday as directed. As minimum standards legislation, this bill cannot exceed the general awards standards which the amendment seeks to do. The member for Nhulunbuy is just engaging in a bit of pacesetting.

Amendment negatived.

Mr EVERINGHAM: I move amendment 51.6.

This is to conform with the changed definition in clause 4(1).

Amendment agreed to.

Mr LEO: I move amendment 49.2.

I felt that the $300 per week threshold for payment of overtime rates was a bit rigid. In order to keep the spirit of the bill, it should be much more flexible. Inflation being what it is these days, I am quite sure that the $300 will be eroded in practically no time at all. What is proposed here ties that amount to the $300. It is an ongoing thing. It shows the Northern Territory average earnings for an employed male. It should be an ongoing, flexible term to be paid at 2½ times the rate, which is what Commissioner Taylor suggested the rate should be.

Mr PERRON: Mr Chairman, I was interested in what the sponsor of this amendment had to say. I would like him to give us some more specifics of the current figures for average male weekly earnings in the Northern Territory. From figures which were released fairly recently, the amount was substantially higher than $300 per week without taking into account the 125%. I thought that the figure mentioned fairly recently was $360-$380. 125% of that would put it probably near $400 or more which would substantially take away from the levels being established in the bill. Unless the member can provide more evidence to support his statement that 125% of average male weekly earnings in the Northern Territory is in the vicinity of $300 per week, I do not see how we can accept it.

Mr ISAACS: Mr Chairman, the Treasurer's recollection is correct. My recollection is that the average weekly earnings figure would be something in the order of $345-$350. The point made by the member for Nhulunbuy surely is the correct one. If we leave it at $300, that figure will be very quickly eroded by inflation. I believe that the principle he is enunciating is the correct one. If you wish to amend 125% to 100%, I think that would be an appropriate way of doing it. But I think something has to be done to preserve that figure.

$300 will be eroded very quickly. I suggest that members opposite pick the principle and enunciate it. Obviously, 100% would put the current figure at $345 per week.

Mr EVERINGHAM: I have to oppose the proposed amendment. The Taylor Report recommended the $300 figured. We acknowledge that from time to time it will have to be revised. It may be that the formula proposed by the member for Nhulunbuy will be something that we can look at and adopt. But it is uncertain to me at any rate what the effect of it would be. I think that it requires more investigation. I certainly will ask the director of my industrial relations unit to pick this matter up and discuss it with employers and employees to see if there can be some resolution and an amendment brought forward in due course. At the present time, I oppose the amendment.

Mr LEO: Mr Chairman, I have yet to hear an explanation as to why the payment for work done on a public holiday is double time when in fact Commissioner Taylor's recommendation was specific: 2½ times. I have yet to hear an explanation from either the Treasurer or the Chief Minister.

Amendment negatived.

Mr EVERINGHAM: I move amendment 51.7.

It also conforms with the changed definition.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr EVERINGHAM: I invite defeat of clause 12.

Clause 12 negatived.

New clause 12:

Mr EVERINGHAM: I move amendment 51.8.

This relates to exemptions and is for the same reason as the last 2.

New clause 12 agreed to.

Clause 13:

Mr EVERINGHAM: I move amendment 51.9.

This is for the same reason as the similar amendment in the last 2 bills.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 51.10.

This is for the same reason as in the previous 2 bills.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 17 agreed to.

Schedule 1 agreed to.

Schedule 2:

Mr LEO: I move amendment 49.3.

What happens at the moment in the Territory is that Show Day is celebrated by those Territorians who are fortunate enough to live in a place where a show goes on and by public servants. I would like to see 'Show Day' inserted into the schedule so that the same number of public holidays is observed by all Territorians. You will note that the bill provides for no specific date. It is at the minister's discretion. The place is at the minister's discretion. It would provide for the same number of public holidays throughout the Territory no matter where you live.

Mr EVERINGHAM: I oppose the proposed amendment. The bill already provides for other days to be gazetted by the minister as public or bank holidays and this would cover show days.

Mr ISAACS: Mr Chairman, if you follow the Chief Minister's logic, you would not have any public holidays in schedule 2 because you could say they are all at the discretion of the appropriate minister. Show Day is an accepted holiday. Everybody knows about Show Day. For years Show Day was in fact applied to people not covered by awards but did not apply to people covered by awards. That has been fixed up thankfully by the Conciliation and Arbitration Commission making a decision that, if a government decrees a public holiday in a locality, then an award employee will get that holiday as well. I think it is a matter of tidiness. Many people look to the Public Holidays Act to see what holidays are available to them. Show Day is an accepted holiday. Everybody knows it by its name. I think it is an appropriate insertion in the schedule. It has as much standing as May Day, Picnic Day and so on. It is a recognised holiday in the Northern Territory. We believe it ought to be demonstrated that way and inserted in the schedule.

Amendment negatived.

Schedule 2 agreed to.

Title agreed to.

LONG SERVICE LEAVE BILL
(Serial 107)

Postponed clause 8 and amendment moved by Mr Leo:

Amendment, by leave, withdrawn.

Mr ISAACS: I think this is just a formal amendment. We are dealing with subclause 8(3). I move that the word 'a' in the first line be deleted and replaced by the word 'any'.

Amendment agreed to.

Clause 8, as amended, agreed to.

Postponed clause 10 and the amendments moved by Mr Leo:

Amendments, by leave, withdrawn.

Clause 10, as amended, agreed to.

Title agreed to.

Bills passed remaining stages without debate.

STOCK FOODS BILL
(Serial 109)

Continued from 9 June 1981.

Mr B. COLLINS (Arnhem): This bill is related primarily to consumer protection. Mr Speaker, I would be most surprised if the member for Nightcliff did not speak in the debate on this bill as it covers a matter which the member has been raising in this Assembly for a considerable period: the addition of hormones to stock food. The bill, of course, goes far beyond that one matter and provides a brand new piece of legislation for the Territory which comprehensively covers the whole area of quality control for stock foods.

The problem of substandard stock food affects people in a number of ways. The first and obvious one is that, if the stock food is substandard, very simply one is not getting what one pays for. The second effect is quite a serious one: substandard stock food results in a decrease in animal or fowl production. The third problem is probably of far greater concern to the general public: pollutants or dangerous additives should not be added to feed where they can end up being passed on to the eventual consumer - the general public. There have been numerous examples of this occurring.

The opposition believes that the bill is a good piece of legislation. It covers the area of stock food quality appropriately. It is a brand new piece of legislation and no doubt, as with all the new pieces of legislation, particularly those which involve controlling aspects of retail marketing and production, it will probably be some time before any complaints or problems with the implementation of this legislation are apparent. It may be necessary at some future time to amend it. The opposition believes that the bill will adequately cover the problem.

Mr Speaker, there has been a fair amount of legislation passed in this Assembly on matters dealing with consumer protection. This bill is another significant addition to that particular area of legislation and the opposition is very pleased to support it.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I rise to support this legislation. I state at the outset that I feel that this legislation, while it is important now, will become more important as time progresses and we increase our production of grain products.

I would like to quote some figures given to me regarding a stock food survey conducted in 1979 in the Northern Territory. Unfortunately, these are the latest figures available. I do not think that between the time they were taken and the present there would have been a great difference. There would be some difference but not a great difference. Since they relate to this legislation, I think they are important.

The total estimated value of processed stock foods, which includes locally mixed and imported stock foods, used in the Territory in 1979 was $1,551,820.

That is a lot of money tied up in stock feed. Of the total of 6945 tonnes of processed stock feed used in 1979, 88.5% was mixed in the Northern Territory. That means that by far the greater proportion of all stock feed used in the Northern Territory was mixed in the Northern Territory. That comprised 92.7% poultry feed, 97.8% pig feed, 7.1% horse feed and 56% cattle feed. The third statement in this survey which relates to the current legislation is that, excluding hay, chaff and brewers grain, 17.4% of the 6606 tonnes of feed ingredients used by the stock feed industry were produced in the Northern Territory. This comprised grain 7.2%, grain byproducts nil, protein sources 51.6% and other 24.6%. That shows the importance, in 1979, of stock feed and its use in the Northern Territory. I think it would be very interesting when the Douglas-Daly project has been going for a number of years - and I feel certain that this will be done on a continuing basis - to compare the figures then with these figures on how much locally-produced grain is used in our processed stock feeds.

When we compare this legislation to stock feed provisions in other states, it could be said that we take more care with the composition of stock feed than we do with our own feed. It has been drawn to my attention, and I noticed it myself, that tinned dog meat states quite plainly on the label that it is strictly pet meat. I have tried this food on a number of occasions just to see what the dogs do eat. Some of it tastes quite nice and some of it tastes not very nice, but nobody has asked me for a recommendation yet. All they ask for are the dogs' recommendations! I have also tried some dog biscuits. I offered some dog biscuits to guests of mine at a large barbecue some years ago and they were highly appreciated at the time. They were very hygienically prepared and nutritious. They went very well with the cheese, butter and lettuce if you did not mind the little bits of shell.

On a more serious note, Mr Speaker, I will reiterate that it is necessary to have competent stock food legislation for 2 reasons. One is not current now, but there was a practice some years ago which used to worry macho Australian males at the time. I do not think it is current practice now, but it was the practice to insert capsules of sex hormones under the wings of young roosters to make them capons, and I think that men worried when they ate cooked chook. The other practice was the addition of antibiotics to stock feed to stimulate growth. There was some fear that it would increase the tolerance of humans to this antibiotic, or it would increase their resistance to the antibiotic if they ate a treated animal or a product of such an animal. With the increase of tolerance or the increase of resistance to this antibiotic, more antibiotics would be needed by the human in medical and surgical situations later on. I hasten to add, Mr Speaker, that I still eat the veal that I produce with a little bit of denkavit, which has an antibiotic in it. But it is registered in Queensland quite legally.

Commenting briefly on the bill, I would like to start by saying that I have had my differences with the Department of Primary Production officers. I feel that my interpretation of certain sections are different to theirs but just as correct. I have agreed to differ and I hope that they have agreed to differ too.

I wish to comment on the clause 4 definitions of 'additives', 'adulterant', and 'by-product'. They are defined to a point but the definition section finishes up with 'and anything else prescribed to be an additive or an adulterant or a by-product'. I assume that would be by the Chief Inspector. It is a bit like saying: 'It is an adulterant or an additive because I say it is'. I suppose it is fair enough because one would expect the Chief Inspector to be slightly knowledgeable on the subject. The definitions of 'container' and 'package' are rather confusing. I get the general idea of what is meant by 'container' and 'package', but I do not think it is streamlined enough.

I would add here that I did not see any mention of hay or chaff as a stock food. When I queried this, I was told that these had been excluded specifically because of the impossibility of fitting them into the legislation. This will be seen from clause 16 - label to be affixed to a package - if we consider the definition of a package in relation to a bale of hay. Under clause 16, it appears that hay cannot be sold as a bale of hay. It would need to be broken up and sold as portions of a bale under clause 16(3). This would be ridiculous of course. I think this is the reason why hay and chaff have been excluded. Perhaps some provision will have to be made at some time if somebody is selling baled sticks or baled roots for hay.

Comparing the definition of 'stock food' to the definition of 'manufactured stock food', I found some confusion. Some confusion may also have been experienced by the draftsman and the officers of the Department of Primary Production. I think they have done the best they can in that stock food includes manufactured stock food, a byproduct and a stock lick. I thought that a stock lick should be included in manufactured stock feed. This is where we agree to differ.

It was mentioned to me also that it was very difficult to include meatmeal because meatmeal could be considered a manufactured stock food or it could be considered a byproduct. That may have been the reason why stock food included those 3 things. Paragraph (d) of the definition of 'stock food' gives the minister power to declare other food as stock food.

From clause 5 - exemption for certain importers - it appears that, if stock food from another state is registered legally in that state, the Northern Territory government will accept that registration. It may seem that we make our legislation but rely on other states' legislation. However, I have been told it will make the maintenance of records easier and reduce red tape. Also, fewer public servants will be employed and there will be less drain on the public purse.

I was rather concerned by clause 9 which relates to delegation. It says the Chief Inspector may, by instrument in writing, delegate to a person any of his powers and functions under this act other than his power of delegation. That sounds all right as it is written, but under section 7(1) and section 12(2) of the Stock Routes and Travelling Stock Act, the Chief Inspector has powers of delegation, but the Administrator can only grant these powers of delegation if the delegatee is a public servant. Again, this gets back to my particular hobby horse on legislation relating to stock in the Northern Territory. Consistency is lacking between one piece of legislation and another. I would like the powers of delegation in this bill to be the same as those in the Stock Routes and Travelling Stock Act and vice versa. I have been told that the Chief Inspector cannot delegate to any person other than a public servant. This may be correct. I have not read the legislation relating to public servants but I still would like to see consistency in the legislation.

In clause 11, paragraphs (1)(a) and (1)(b), a period of 30 days is mentioned and in subclause (2) a period of 28 days is mentioned. I cannot see why these 2 periods of time cannot be identical. I understand 28 days is used because it is a nice round 4 weeks and 30 days is used because it is a nice round month. It is inconsistent, Mr Speaker.

I have reservations about clause 11(4). Again I have been assured that my worries will not be fulfilled and I need have no reservations. The person seeking registration of stock feed is required to make a statutory declaration based on the findings of the stock feed content made by an analyst. I assume the analyst would make a statutory declaration on this findings. Even if he did not make a statutory declaration, it seems to me that the applicant is swearing

that something is correct but only on the other person's word, not on what he knows himself to be fact.

I will touch on clause 13 as it relates to exemption for experimental stock feed. I felt that gave too much power to the Chief Inspector in that he could control completely any scientific experiments in the Northern Territory as they related to stock food, and realistically he can. I do not think it will arise from this legislation that the Chief Inspector will stifle scientific investigation relating to stock feed. Realistically, I think it has been included in this manner so that the Chief Inspector is aware of what people are doing. It would relate to a situation where people, with more enthusiasm than knowledge perhaps, are feeding stock a certain product to obtain a certain result without regard to the people who will eat that stock as meat or the products of that stock. They could be feeding stock high elements of mercury if, for the sake of argument, mercury were a well-known encourager of growth and fed to stock to speed growth and promote a quick turn-off. The stock is then slaughtered and the meat would have a very high content of mercury. It would not be very good for humans to eat that meat. I realise mercury would not be used, but that is an example. I reiterate that, as this legislation is written, the Chief Inspector does control all scientific experiments in the Northern Territory and there is no right of appeal against his ruling. We must hope that the Chief Inspector is a person of wide experience and knowledge who is very cognizant of his power and will use it realistically.

With regard to the sampling and analysis of stock foods, under clause 19, the Chief Inspector may make orders. If a stock food does not comply with the prescribed standards, the Chief Inspector may, by notice in writing served on a person, order the person to cease manufacturing the feed, importing it, selling it or using it to feed stock, whether owned by that person or not. Some people feed their chooks stale bread. There is not much nutriment in stale bread for chooks; it fills them up but it does not help much to produce eggs. I was told the reason for this clause was that a person could be feeding the stock something which was undesirable. If it is for the owner's consumption only, that may be all right, because he knows what he is feeding his stock. However, if stock or a product of the stock, such as milk and eggs, is sold to members of the public, then it is an undesirable practice. I can quite see that the powers of the Chief Inspector regarding inspection should be exerted there.

By clause 20(2), an inspector may, in the exercise of the power conferred on him under subsection (1)(b), direct a vehicle to stop in order to allow a sample of stock feed to be taken from the vehicle. I query that because I have been under the misapprehension that stock inspectors could not stop traffic to demand permits. I checked with the Stock Routes and Travelling Stock Act and, under section 39, I found that inspectors have the power to demand things from people in vehicles. Section 57 says they may ask for a permit and section 58(1) says the inspectors may 'do any act', which could include stopping. Here there is some consistency between legislation.

By clause 22(2), unless the Chief Inspector otherwise directs, the costs of an analysis carried out pursuant to this clause shall be borne by the person requesting it. I sincerely hope that applies not only to a private person but to the government also. If the Chief Inspector directs that an analysis be taken, I hope that the government pays for it in his name, just as a private person will pay for an analysis if he requests it.

Clause 23(2) states: 'where a particular method of analysis of a stock food or class of stock food has been approved...'. I queried 'has been approved'. I anticipate that this will be declared in the regulations and other state registrations will be quoted. I have been told that, if stock food is registered

in other states, that registration will carry over into the Northern Territory.

I have not been able to get a satisfactory explanation of clause 24. I asked the minister if he could give me an explanation. It states: 'Subject to section 23(4) and subsection (2), the production in any legal proceedings of a document purporting to be a report of analysis is,' - and these are the words that I queried - 'without proof of the signature of a person appearing to have signed it, evidence of the matters stated in that document'. I could not understand it. If I were a person who accepted things on blind faith, perhaps I could. I have been told in all sincerity, that it is copied from other states' legislation and, if there is no query in those states, there should not be any query in the Northern Territory. I still cannot understand it and I ask the minister to explain it to me.

I wish to mention another point that relates to this legislation. Although the Northern Territory government will be accepting the registration standards of other states, that does not necessarily mean that those stock feeds are the best feed for the Territory. An example is the energy needs of laying fowls. People could legally buy laying pellets or laying mash from other states and feed it to hens, and the hens would lay eggs. What must be noted is that higher energy is needed by laying hens in the Northern Territory because they eat less as a result of the conditions up here. Therefore, to produce the same here, they need a higher energy food. Similar things would apply to other stock feed which is quite happily and legally registered in other states. It may be ideal for those states and there may be nothing wrong with it up here, but it may not, when fed to our animals, give the optimum results.

In conclusion, this legislation is only the start of consideration of the composition of stock feeds. I can see the legislation changing with changing conditions as our production of grain products increases over the years. Possibly our standards of stock feed will change with it.

Mrs LAWRIE (Nightcliff): Mr Speaker, it is with a great deal of pleasure that I rise to support this legislation. Honourable members are probably aware that, for the last 11 years I have been asking successive responsible persons for its introduction, particularly to control the use of antibiotics in stock food. I would like to express my gratitude for assistance given in the past by Barry Hart, who is well known to many of us and who was the Director of Animal Industry for some time, and also to the present officers of the Minister for Primary Production's staff who consulted with me on this legislation, with their minister's permission, for which I am very grateful.

Mr Speaker, I will not go through the bill clause by clause because it is really quite a simple bill. It is well laid out and well able to be understood by any person with a basic grasp of English. There are a couple of things deserving mention. It is fine to set minimum standards of controls on the ingredients of stock foods. That may have to be policed. Unless the minister can assure us that we have an adequate number of personnel to take random samples of stock foods and to ensure that the industry becomes self-regulating because of the activities of his officers, the legislation, whilst it looks good, will have little other effect.

I have been worried at the depletion in manpower numbers of some sections of the Department of Primary Production staff. I would hope with the added responsibilities now given to his officers to control the standard and variety of stock foods, adequate staffing will be available. Otherwise, it will be a pointless exercise. I was pleased to see that, when a person makes application for registration of stock food under clause 11, besides doing the normal things, it goes into the basics of what needs to be specified regarding the stock food:

the name and principal place of business of the applicant, distinguishing name of any of the stock foods, the minimum percentage of crude protein, the maximum and minimum percentage of crude fat, fibre, calcium, phosphorus, sodium and chloride and the quantity and chemical name of each additive and other information required. That is quite basic but very important.

Similarly, the exemption for experimental stock food has been well thought out, giving the Chief Inpsector the power to make conditions in relation to the disposal whether by sale or otherwise of stock which has been fed that experimental stock food.

Mr Speaker, members who have been here some time will be aware that my concern with the use of antibiotics in stock foods has been shared by a number of learned people around the country inasmuch as the human body does tend to build up a tolerance to antibiotics. Those who have been eating poultry food in particular, where the use of antibiotics has been the norm as a stimulant to growth, could, unknowingly, be building up a tolerance to the antibiotics. The use of medication at a future date might not have the effect which one would normally expect.

I thank the honourable minister for the courtesy he has shown me over the months of preparation of this legislation. I am delighted that I will not have to ask my stock question in question time for the next thousand years as to when it will be forthcoming. I am very pleased to support the bill.

Mr VALE (Stuart): Mr Speaker, it is legislation such as this which is needed and designed to protect the Northern Territory from having a serious mishap such as that which befell the United States some years back when a fire-retarding chemical got mixed up in cattle food and there was ultimate death, tragedy and high cost to that industry in that particular state. The intention of this bill should be strongly supported because of its aim to ensure control of stock food ingredients to protect human and animal health and the environment. The bill is a necessary means to control the quality and composition of stock food ingredients in an area where there is an increasing reliance on and use of chemicals as nutritional aids. I would not suggest that the manufacturers would deliberately seek to evade their responsibility towards society by using inferior products. But should there be accidents in quality control, the legislative machinery is necessary to avoid situations similar to the recent outbreak of salmonella in Victoria.

The Minister for Primary Production and Tourism in his second-reading speech referred to an expected increase in locally produced ingredients and stock foods that would accompany development of the Northern Territory's agricultural potential. We cannot rely on the legislation of other states to wholly protect us from the imported stock foods and that legislation would have no effect on locally produced products. I am pleased that stock food will be required to carry conspicuous and securely fixed labels and the purchaser will be given a warranty on sale.

I probably should have declared a vested interest because I use a certain amount of stock food myself with the feeding of poultry, bantams, ducks, budgies and Australian finches. Of course, I only go for the best because I achieve the best results in the Darwin Show from time to time. I would also hesitate to differ with the member for Tiwi about caponised roosters because, as a young lad many years ago, my family used to caponise thousands of young cockerels. It was surprising to see how a very small white caponising tablet could take a paddock full of virile and active cockerels and turn them into a paddock full of gay roosters. Despite what the member for Tiwi said about a scare about man's virility, that was not why the caponising of chickens was stopped; it was a cancer scare campaign I think mounted probably by larger poultry breeders. It

was quite amusing to see a large mob of roosters, especially caponised, belting across the paddock only to get halfway across and find out their sexual inclinations were all of a sudden changed midstream.

The stock food industry is huge and getting bigger. Control measures are necessary for the industry and the producers it serves and, through those parties, the consumer who buys the eventual product. Mr Speaker, I support the bill.

Mr STEELE (Primary Production and Tourism): Mr Speaker, I thank members for their contributions. I think the honourable member for Arnhem summed it up when he said that this legislation may some time in the future need amendment. Obviously, it is recognised that it is new legislation. We have tried to get the best of what is available from other states and added it to our local knowledge of what is happening in the Northern Territory.

I do not propose to comment on everything that the member for Tiwi had to say. I think it was interesting that both the member for Tiwi and the member for Nightcliff spoke about clause 13 in a different vein. I would say that the backup provided to the department by its scientific services section, the chemists out there at Berrimah, gives me the utmost confidence that there would be no misuse of this particular provision. I would not be very concerned about that at all.

There was no mention of hay or chaff. I do not think that there would be any chemical or other types of additives put into hay or chaff, or any need for it to be specified under regulation or in the bill. I am pleased that some of the powers were consistent enough for the member for Tiwi. If she has a problem with consistency, I suggest she take the matter up with the Attorney-General.

The policing of the legislation was raised by the member for Nightcliff. At this stage, the local production of course is not great. It will be a matter of time before that particular industry builds up to any great extent. I do take on board what she says and hope and trust that we can adequately service this piece of legislation which has been so well received. I commend the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Mr B. COLLINS (Arnhem): Mr Speaker, I am very sorry that the Minister for Mines and Energy is not in the Assembly for the adjournment debate this afternoon as I was hoping to get from him a statement on the matter that I wish to raise now. My electorate is blanketed currently with applications for exploration licences. As a result of that, I have been involved in some very heavy activity on the ground in the electorate and I will continue to do so for some considerable time. My presence in the electorate has been considerable of late in those areas affected by mining.

I have made a number of visits over the last couple of months to the Nabarlek mine site. I have been absolutely amazed and not a little disconcerted at the extraordinary reaction which my presence at the Nabarlek mine site causes to the senior staff of Queensland Mines. The reason I mention that is because I also visit Ranger regularly. It is quite interesting to compare the very pro-

fessional attitude of the Ranger staff and the courtesy and consideration which they always give to me - which is hardly surprising considering that they run public tours of the mine shaft - with the absolutely ridiculous paranoia that is exhibited every time I turn up at the boom-gate to go into Nabarlek.

In the watch house at the Nabarlek boom-gate is a list and on that list is my name. I was given this information. When I asked if the list is a long list, I was told it is a very short list indeed, but my name is on it. That list means that, so far as Queensland Mines are concerned, I am a proscribed person and I cause nothing short of a panic every time I front up at the gate. I think that is nothing short of ridiculous. I do not know what they think I am going to do when I go in here. I am not allowed in the mine site without an escort, and that escort travels with me wherever I go.

Why I mention this is because it is ridiculous, and I will tell you why it is ridiculous. The security at the Nabarlek mine site is a joke. There is a boom-gate on the road into Nabarlek. There is a lot of yellow cake and other strategic material, I suppose you could call it, located in the mine site and I say quite unequivocally that, if the security was real, it is absolutely necessary. I do not challenge that for one minute. I do not object to being put through the third degree every time I go into the mine site because I appreciate the reasons why there should be security at Nabarlek. But the security at Nabarlek is a joke.

There is a boom-gate across the road on the main entrance into Nabarlek. There is a watch guard that is supposed to give 24-hour security at the gate through a professional firm of security consultants there. There is a back road into the Nabarlek mine site which branches off the track that runs to Maningrida and across to Gove. On each side of the boom-gate on the main road is a dummy fence which runs about 20 feet into the bush on either side of the gate. It has been brought to my attention on a number of occasions recently, and I have spoken to the senior personnel at Nabarlek about it, that a number of people travelling from Gove and Maningrida have found themselves inadvertently inside the mine site at Nabarlek and on the wrong side of the security gate wanting to get out, not in. It is a rough track. At a place called Nimbuwah - which is where the fork is - there is no sign whatever to indicate the mine site. I have suggested to the company that it would be a very easy matter to fix and would solve many hassles for the security people because people do not want to go into the mine site. They go in there because they take the wrong track.

I normally avoid travelling on the road at night because of buffaloes but, recently, I had occasion to come back from Maningrida on that road at night. It would have to be one of the worst roads in Australia. I took the wrong fork and ended up inside the Nabarlek mine site. I realised where I was as soon as I was in there. I ended up on the wrong side of the fence. This was 24 hours after I had been put through this extraordinary third degree. My name was looked up on the list. Three senior officials from Nabarlek arrived at the gate, stood over me and read the riot act to me. I was told by one of these officers that I was not permitted on this mine site, etc. It was quite offensive and unnecessary. The day after this had happened for the umpteenth time, I landed in Nabarlek at 7 o'clock on a Sunday night on the wrong side of the security gate. Nobody was in the watch house and the boom-gate across the road was unlocked. I turned on the blue flashing light and my siren and made as much noise as I could for 15 minutes to attract some attention. At the end of that time, I put my vehicle into 4-wheel drive, drove 20 feet off the road, around the end of the dummy fence, back onto the road to Nabarlek and went home. I might add that I took the trouble after the event to tell the Nabarlek officials what I had done.

Mr Speaker, I started to wonder just what was going on at Nabarlek to provoke this ridiculous paranoia that exists there in comparison, as I say, to the very professional attitude exhibited by the Ranger management. I started making inquiries and, lo and behold, purely by picking up scuttle-butt - and that is all it was until question time this morning - I found by dribs and drabs and by asking various people, that an incident had occurred at Nabarlek which the company failed to report. As a result of their non-reporting and, as the minister told the Assembly this morning, their deliberate deceit, the federal minister did not know anything about it and neither did the Northern Territory minister.

The reason I bring it to the attention of the Assembly is so that I can obtain a response from the honourable minister as to whether the allegations that I have been given are correct. The situation is this. To the east of the mill at Nabarlek is a holding pond and a down slope between the mill and Cooper's Creek. It is designed to collect toxic wastes that might run off from the mill and prevent them from entering the environment and going into Cooper's Creek. Last year, the physical level of the liquid in that mill and the level of the radium that it contained were causing great concern to the monitoring authorities. Many questions were asked about it but nothing was done. The maximum safe level for radium is 5 pico-curies per litre by World Health Organisation standards. I am told at one stage the monitored level in this pond reached 4000 pico-curies per litre. It later dropped to 2000 pico-curies per litre and, at the time of this incident, had apparently dropped to several hundred pico-curies per litre. Questions were asked about the dangerous level of the liquid in the pond but nothing was done.

At the time of Cyclone Max, the area received heavy rainfall. During the night, due to the heavy rainfall, the toxic material held in this pond, containing a very high amount of radiation pollution, overflowed into the environment. I am told that it is not known whether any of it reached Cooper's Creek - nobody knows. It caused an absolute panic at the mine site at the time. I am told there was furious activity going on in the early hours of the morning - people running around with front-end loaders and shunting stuff up - but an unknown amount of this pollution escaped into the environment and nobody knows where it went. I have been told that, for several months after the event, unfortunately no tests whatever were made in Cooper's Creek to find out if any of this radio-active material had reached the creek. I have also been informed that a technical officer, employed by the Northern Territory Department of Mines and Energy, questioned the mine management as to the details of this incident and, as the minister advised the Assembly this morning, that officer was told by the mine management that nothing had taken place; nothing had happened. As a result, no tests were made in Cooper's Creek for some months after the incident occurred. Nobody knows where the material went in the environment or how much damage it caused. The Supervising Scientist was not informed and, because the Supervising Scientist had not been told, the federal minister responsible was not told either.

Mr Speaker, the honourable Minister for Mines and Energy and the Supervising Scientist have both told me and this Assembly - in the case of the honourable minister, on several occasions - that the operations of uranium mines in the Territory, as far as he is concerned, are an open book. I take the honourable minister at his word. I believe he is genuine about that. It was a serious incident. I am not suggesting that it was catastrophic but it was definitely an incident which should have been reported to responsible authorities and it was not.

It is clear, and I am sure it is clear to the Minister for Mines and Energy, that the company cannot be trusted. There are a number of questions that have

to be raised and questions that I would like to ask. If the officer of the Department of Mines and Energy had suspicions that something occurred, why wasn't he more aggressive about his investigation? Did he simply accept the company's word that nothing had happened? If he did have suspicions, why didn't he carry out routine tests or cause them to be carried out. Why didn't he report his suspicions to his superior officers if he was an officer of lower grade without authority to do anything himself? Why didn't they cause investigations to be carried out? I would like answers to those questions.

This incident and the fact that it occurred quite a while ago and that nobody knew anything about it has caused me concern. I do not intend to tell the Assembly of the circumstances under which I found out about it because the information I have, as I say, cannot be substantiated. We are supposed to be watchdogs for the Territory people and make sure that the environment is protected. I have asked the Chairman of the Sessional Committee on the Environment, the member for Port Darwin, to formally request the minister for a full written report for our committee on the incident. I have also written to the Supervising Scientist asking for the same thing. But this certainly points out deficiencies in the monitoring that has been conducted in that area.

I intend to ask the chairman of the committee formally to do something that I have raised on a number of occasions. It should not be necessary for any member of this Assembly to need to rely on rumour, scuttle-butt and second-hand stories to discover accidently that something as serious as this has happened. I concede in this case that the minister had nothing to report to the sessional committee because he was not told. I would ask in future that the sessional committee be routinely advised by the minister. I know how easy a matter it would be: he simply has to ask one of his departmental officers to ensure that it is done. I ask that the chairman of our committee be routinely advised of any incidents where the acts and the regulations governing the operation of those uranium mines are contravened by any company so we do not need to search for stories. That way we can investigate them effectively.

Mr Speaker, the incident that happened at Nabarlek is a serious one and it is one which obviously is causing the minister some degree of concern as was indicated by his answer this morning. I would like to know what action the minister is taking to ensure that he gets a full, frank and honest report of the story. It should be clear to the minister now and the Department of Mines and Energy that they certainly cannot afford in the future to simply trust Queensland Mines because they have proven that they cannot be trusted. I would also like to know if the minister has received a report and what action the Northern Territory government intends to take against that company for this absolutely blatant contravention of the Northern Territory act and regulations that govern that mine.

Mrs LAWRIE (Nightcliff): Mr Speaker, I had hoped that the Chief Minister would have spoken in the adjournment debate last night in reply to a number of matters which have been raised. I hope that, at some stage during the sittings, he will reply to the remarks I am about to make this evening. They concern my continuing worry about the ruins at Port Essington, the Victoria Settlement ruins. I know that the Chief Minister shares my concern. During a debate on the Cobourg Peninsula Aboriginal Land and Sanctuary Bill, I expressed this concern in fairly simple terms because an anchorage for mariners is provided at Victoria Settlement under that act. I asked at that time if it would not be better for Knocker Bay to be considered. The debate was adjourned and the Chief Minister made certain inquiries and returned to the Assembly the following day to advise us of his findings in the matter. It is with some distress that I must advise the Chief Minister that I think he was somewhat misled by those persons offering him advice. The statements he made to the Assembly subsequently were somewhat

misleading, and I do not think that the Chief Minister would have done that knowingly. In fact, I am sure he would not have.

On Wednesday 10 June, the Chief Minister indicated that he had undertaken to make inquiries on my behalf in relation to my query as to why Knocker Bay, which I regard as a superior anchorage in that part of Port Essington, was not designated instead of Victoria Settlement as a place giving fishermen access to the shore. He said, quite rightly, that when setting up a plan of management, to which he referred this morning, it is necessary to specify limited access to enable that proper management. He said the areas specified within the legislation were chosen on 3 main criteria: firstly, that they be traditionally and historically safe anchorages which will be protected from severe storms; secondly, that they enable the beaching of shallow draft craft for temporary repairs; and, thirdly, that they have good access to fresh water, surface wells and soaks.

I will deal with those 3 points before we go on to the lease which exists in the Knocker Bay area. Firstly, if he had asked a mariner rather than the person to whom he spoke previously, I am pretty sure he would have been advised that the anchorage at Knocker Bay in heavy weather is indeed superior to that at the Victoria Settlement because of prevailing winds. It is a far safer anchorage in unsafe conditions for small craft and that is what we were talking about. The second criterion was to enable the beaching of shallow draft craft for temporary repairs. The Knocker Bay anchorage is ideal for that particular necessity. Victoria Settlement and Knocker Bay have similar approaches but there is absolutely no reason to suggest that the Knocker Bay anchorage would be any less advantageous to people who needed to put in for temporary repairs. The third criterion, and this has to be a serious one, was good access to fresh water, surface wells and soaks. The fresh water exists at Knocker Bay but it does not exist at Victoria Settlement.

I want the Chief Minister to understand that I am not pursuing this subject for any other reason than my extreme concern for the ruins at Victoria Settlement and my extreme concern that, given a set of conditions, fishermen and mariners should have the best possible anchorage for the reasons that he explained: temporary repairs, safety from storms and access to fresh water. Those 3 criteria are better met at Knocker Bay than at Victoria Settlement.

The Chief Minister quite rightly pointed out that there exists over the Knocker Bay area a pearl farming lease. That lease is not being used at the moment. It is abandoned and the peal farming project is continuing on a different part of the coast not very far away. The Knocker Bay area is no longer being used for a pearl culture project. All I am asking, obviously, is that the Chief Minister reconsider the whole question with an open mind. If these facts are not enough to persuade him to have a fresh look, and I speak from first-hand knowledge, may I say that the state of the derelict buildings and the beach at Knocker Bay brings little credit on the company responsible. They have walked away and left rusting iron protuberances everywhere. It is not a sight for sore eyes; it is a fair disgrace. People sail past and may, of necessity put in to that area at times. It has to be cleaned up and made safe even for people to walk ashore if the need arises.

I am very unhappy at the way in which the site has been left with rusting gear and no care at all for the aesthetics of the area. For the Chief Minister's perusal and for the perusal of any other member who is interested in what I have had to say, I have photographs of the Knocker Bay area to show more graphically than my words can portray what needs to be done to clean it up and make it a reasonable site.

I asked the Chief Minister this morning if the government had considered resumption of that lease area for use as a safe anchorage having regard to the

fact that it is not being used for the purpose for which it was given, and I did not receive an answer on that question. The Chief Minister gave certain information to the Assembly, which was welcomed and which was informative, but he did not answer that particular question. If that area of Knocker Bay is no longer being used as a pearl lease, would he have a look at the terms of the lease and consider resuming it so that it can be cleaned up, not at cost to the taxpayer either, and put to better use rather than leaving it in the derelict shambles that it is at the moment?

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak at the request of 1026 people. Yesterday, I was presented with a petition to present to the Assembly on behalf of those people but, because of technicalities of composition and wording, I was unable to present it as a petition. I would like to speak in support of the wishes of those people in this adjournment debate. Those 1026 people have expressed very clearly that they do not want Sunday trading in the Darwin area. I will read out the exact wording of the petition:

> *To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, this petition of the undersigned does hereby beseech thee to take prompt action and institute legislation to regulate extended trading hours of traders who employ more than 25 people and who are detrimentally attacking the traditional market of local business.*

I have checked through the signatures, the whole 1026 of them, and I see that they are all local people. There are no visitors or tourists among them. In fact, I see that there are about 10 or 12 people from the Howard Springs and Humpty Doo area whom I know personally. These people do not want trading hours extended to Sunday which will leave shops open for 7 days a week. If Sunday trading does come in, they want small shops only to open - those that employ 25 and less people. The reason they want these restrictions or regulations imposed if Sunday trading is to be introduced is that they can see unfair competition from the big supermarkets. I have met with representatives of the small traders and the Minister for Community Development. The minister stated that he did not think it was in the interest of the government or the people of the Territory to introduce restrictive legislation at this time. In a way I agree with him that we have far too much restrictive legislation, but it is necessary because of the way certain people in the community behave.

I have been assured by a senior representative of one of the companies which controls one of the supermarkets that he had no intention of bringing in Sunday trading. Some of these 1026 people may be shopkeepers but I would say the majority of them are consumers. On the one hand, we have the small shopkeeper saying the larger supermarkets will introduce Sunday trading and they are very worried about what they consider will be unfair competition. On the other hand, we hear the representative of a large supermarket saying that he will not introduce Sunday trading. I think the statement that Sunday trading will not come about is made in all good faith at this time. The large companies say they will not introduce Sunday trading at the moment. We know very well that people and large companies can change their minds. I say a time could come when they may want to introduce Sunday trading. The people whose views I represent today say that they do not want it and I have been told that, in a few days time, I will be presented with another petition with more signatures which will show that yet more people are not interested in Sunday trading.

It might seem odd that small traders do not want to open on Sundays because it might be said that, if they open on Sundays, they will make more money. They realise, as well as most other sensible people realise, that there is more to life than making money and, if they are working 6 days a week, they want a bit of time off. In most cases, these people are not only operating by themselves

but their families work with them 6 days a week. It is only reasonable to expect that they take 1 day off a week. If large supermarkets and other large shops open on Sundays, they will be forced also to open on a Sunday to compete. This is where the situation becomes unfair in another way. In many cases, it is a family that is working 6 days a week. If they have to open on Sunday, the family will be working 7 days a week.

I have been told the large supermarkets employ junior staff at the week-ends so the wages bill is not so high. They are operating at an advantage from that point of view. If Sunday trading is contemplated by these larger stores, I hope they give plenty of notice to the minister. I believe they said they would do that. I hope, too, notice will be given to the small shopkeepers so that they can make arrangements for the conduct of their business in that situation.

I have spoken several times and asked questions of the honourable Minister for Community Development regarding the establishment and running of a large-animal pound in the rural area. The weekend before last there was nearly another fatality in the rural area. It happened to one of my constituents and I am very concerned about the welfare of my constituents. The incident occurred near the Elizabeth River where there is a small mob of brumbies. I have seen a mob of about 8 but I have been told there is a mob of about 12. This constituent was travelling just over the Elizabeth River on his way into town. A horse came from his left-hand side to cross the highway and hit the front part of his car, forcing it onto the incorrect side of the road across the path of an oncoming truck and just off the other side of the road. Luckily, the oncoming truck was not loaded; it was going out of town. It was not speeding and it was able to stop without any further complications developing. Needless to say, the car was extensively damaged and my constituent was greatly shaken.

He rang the police to see what could be done about the remaining 11 brumbies at the Elizabeth River. The police were very polite. They checked through the legislation and there was nothing they could do. They told him politely that they could not do anything and that is the truth. There is no pound-keeper to round up these animals and float them to a pound and there dispose of them in a suitable way. How much longer are we to have dangerous straying stock in the rural area? Our horses and donkeys got out last weekend. They broke down a gate. When we finally got all of them in yesterday, we had an extra horse. It is a clean-skin - it is not rustling. We have collected some of this straying stock. I do not know whether it is going to be to our advantage or not because probably the animal will not like being confined and will break down fences to get out and lead our stock out again. There is a definite problem. I have been told that section 75 of the Summary Offences Act covers it. It does not, Mr Deputy Speaker.

I hope that something is done about these animals before there are fatalities on the roads. I do not want to see them shot wantonly and left - which could not happen because one cannot leave bodies like that around - because that would be a definite health hazard and a definite waste of protein. Something must be done. Either they should be gathered into a pound by a pound-keeper or used legitimately - if they are clean-skins - for pet meat. I do not think there is much branded stock around and, therefore, to ask owners to gather in their stock is unnecessary. Anybody who has lost any stock knows where it is likely to be and goes after it.

Another incident connected with this mob of brumbies running at the Elizabeth River could have been very nasty. There was a young girl riding a gelding down there. Her horse was well managed. She happened to meet the brumbies and there was a stallion amongst them. She had a tricky time there for a while because there was a slight altercation between the brumby stallion and her gelding. This happened on the side of the Stuart Highway at the Elizabeth

River. Again there could have been a serious accident and it was only by good grace or very good horsemanship that she was able to avoid an accident. It is necessary to bring to the notice of the Assembly all incidents that occur in the rural area involving straying stock because I regard that situation as serious at the moment.

Mr TUXWORTH (Barkly): Mr Deputy Speaker, I would like to respond briefly to the comments made by the member for Arnhem. I would like to do so on an interim basis because of the comments he has had to make this afternoon in Hansard which will be available to myself and the department tomorrow when Hansard comes out. We can then go over it and answer in detail. I am more than happy to do that. But also there is a report being compiled and inquiries taking place within the department for my own benefit.

At this stage, there are some aspects of the incident that concern me. I think they go a little outside of the surveillance and emotional aspects of the incident. I am particularly concerned that a senior member of management of an operating company would deny that there had been an incident at all during one of the operations when he had been asked by an inspector whether such an incident had taken place. It is irrespective of the time of day, whether the inspector was on the lease, on his way back to town or whatever because I believe that that is just crazy.

I have lived on small leases for most of my life. One of the things that is patently obvious to me is that you cannot tell stories like that. If there was an incident, you could not hope to conceal it because that is just not real life. The whole lease knows what is happening on it most of the time. That aspect of the reports concern me.

I am also concerned that the environmental inspectors on the site, who are really technical people and whose job it is to monitor and maintain surveillance over the radioactivity levels on the lease, should be placed in the position of having to interrogate senior management in order to determine whether a rumour is in fact a rumour or a statement of fact. I am talking about technical people whose job it is to work in cooperation with other technical people and workmen on the lease. I do not see the inspector's role as one of saying to the mine management: 'Well, I am not happy with your answer and you had better come down to the station and answer a few questions for me'. I think that aspect of the thing is of most concern and we will be looking at that very closely.

The member for Arnhem raised in his speech this afternoon some questions that he is seeking to have answered. I will endeavour to provide him with a written answer to those questions tomorrow provided we can get the Hansard early enough in the morning to answer them. I would like to advise the Assembly that, at this stage, the incident to which he has referred is being reported on and confirmed by the department, so I have not taken any action. I am more than happy to have the Sessional Committee on the Environment briefed on the incident so that it can be well aware of the facts. I do not see any point in hiding anything. The member for Port Darwin, who is the chairman of that committee, handed me a letter this morning seeking a briefing for the committee. I would hope that that can be organised for Friday. I am also in touch with the office of the Supervising Scientist. Over the last 3 years at least, I have had a very close working relationship with the Supervising Scientist. We have had quite a few problems to overcome and we have been able to do that by mutual understanding and cooperation.

I would also like to take up with the land council a few more aspects of the matter because it seems to me that it became aware of the incident possibly before any of us. Not only that, when the land council wrote to me and sought information on it, I responded to it with a letter about radon and other levels

of radioactivity on the lease and in the water during that period. That was in mid-June. I received no further advice from the council on that matter. I had assumed that it was satisfied. Obviously, it was not. It did not come back to me, which is a matter of concern because we must work together in this particular exercise if there is to be any measure of success.

I will endeavour to have a written report for the member by tomorrow afternoon or Friday midday at the latest. It can be discussed again next week if the member for Arnhem so wishes. I will have that written and presented in time for further discussion. I would reiterate that I am concerned about the scuttle-butt that appears to be floating about and the lack of confirmation we have had on most of the details. Until I get that, I would rather keep my powder dry.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, in June I had the honour to represent this Assembly at the CPA meeting in Sri Lanka. That event was held to celebrate the 50th anniversary of adult suffrage in that country which was granted to the Sri Lankan or Ceylonese people by the British at that time. These people were justly proud of that and the ongoing work in that area.

There were about 150 parliaments represented. It was an opportunity for me to gain much experience, to meet people, to share ideas and to learn from them. Many of these people have been in parliament for a long time. I certainly appreciated the opportunity to mix with them. It was the first overseas trip that I had been on apart from New Zealand which is similar to Australia in many ways. I was able to take my wife with me which I was very pleased to be able to do. I might say that I believe that she was a great ambassadress for the Territory. She is not a person who likes to push herself. She is often shy and retiring. But when she feels at ease, as we were certainly made to feel on this trip, she comes out of her shell. I believe we had in a sense 2 representatives of the Territory: myself officially and her unofficially. I would like to record that all this was made possible by the good grace of Margaret's mother, Mrs Agg from Barmera in South Australia, who came up at short notice to babysit for us. I wish to record thanks to her.

The first stopping point was Bangkok. We had a day and a half there, which we thoroughly enjoyed, before going on to Colombo. We were met there by staff of the Secretary-General to the parliament over there. Mr Sam Wijesinha is the Secretary-General of the Sri Lankan parliament. I suppose he is the equivalent of our Clerk. I just wonder if our Clerk would not prefer to have his title changed. Secretary-General does sound more grand. Mr Sam Wijesinha is a man of considerable experience. He is well known to our Clerk and well loved. It was very evident that this gentleman was well loved by the people of the secretariat. He is well known I believe to many CPA members. He retired from that position of Secretary-General just shortly after this visit.

I cannot praise too highly the staff of the secretariat. They really went out of their way to do everything they could to make us welcome. They assisted in every possible way and we made many friends amongst them.

To give a brief rundown of the program, the first 3 days were spent seeing the country and taking part in fairly informal activities. On the Monday morning we were up at 5 o'clock and by 6 o'clock we were on the train on the way to visit the ruins of the ancient civilisation. The civilisation of Ceylon or Sri Lanka goes back to well over 2500 years when the Singhalese people from India migrated there. They were Buddhists and they established civilisation. Even today, the earth dams that they built are the basis for the irrigation projects of this country. It is very good to see that this irrigation scheme is being built upon as rapidly as the government of that country can afford to extend the amount of food production.

We met some people from the Australian Snowy Mountains scheme who are over there making their contribution to this increased storage of water. In my estimation and from talking to the people there, they can at least double their agricultural output which will be a great thing for that country. Of course, it will help with their trade with India. I am sure they can sell any excess food without any trouble.

Maybe the highlight of that particular day was the trip to a fort on a rock some 660 feet straight up. It is a jungle similar to that around Darwin. This huge rock goes straight up out of the jungle to about 660 feet high. About 1500 years ago, a king who thought he was being threatened by his brother decided to build a fort right at the top of this rock. It was quite an arduous climb. Half-way up there are marvellous paintings on the side of the rock. You just marvel on how they got there. They are there and still preserved today.

Right at the top there are the remains of a swimming pool and a ballroom. I was very pleased to be one of the first at the top. Margaret was the first of the ladies who made that trip up there. That certainly was a very big highlight. To see all the farms and the earthworks below was quite an experience. We ended up getting home at 2.20 am on the Tuesday so you can see we really packed things in on this visit.

On the Tuesday, we had a slightly less arduous day. We went by train to one of the beach resorts, which was very pleasant indeed. We were told by the Deputy Speaker of the House that we did not see the beach at its best. It should only be seen at night time with good company. That could have been very pleasant too.

On the Wednesday, we again went off on the train and travelled to Kandy, one of their ancient cities up in the hills. It was a delightful place. We visited tremendous gardens up there. There was the Temple of the Tooth which to the Buddhist people is a very sacred place. Although they have certain set times when the casket in which the Buddha's tooth is believed to be kept is shown, they made a special occasion for us. We were quite grateful to be honoured in this particular manner and it certainly was an honour. From there we went further up into the hills to a tea plantation and saw the tea being picked and so forth.

There was one litte incident. One of the ladies who was picking the tea - a very short Tamil woman - was coming up the hill and our people took her photo. I slipped her a 10 rupee note. Now, 10 ruppees is worth about 50¢ Australian. It is more or less a token. The way her eyes lit up, you would have thought I was Father Christmas. That was about half a day's pay to this woman and she was obviously very grateful. They are certainly not overpaid. There is a certain problem with the Tamil people. They were brought in by the British 100-odd years ago to pick the tea because the Ceylonese or Singhalese would not. There were certain problems with this. There were moves to get many of the Tamil people back to India. That would have caused labour problems on the tea plantations.

I believe the train was a great idea because you could go from carriage to carriage. You could meet people. I would say that, by the end of the third day, we were on nodding acquaintances with almost everybody. We could share ideas. It was a great way to get to know people. We made friends, as I have said. I am hoping that many of these people, if they travel through the Territory and through Alice Springs, drop in and see us. Likewise, if we get the opportunity to go overseas, we will do the same.

The Canadian people promised to send me information on how they run their liquor stores and control liquor in Canada. It is quite a different setup to

what we have. In turn, they are keen to get any information we have on uranium mining and so forth. I just throw that in as one example of the way we can exchange information. It is a real experience to meet other people and see parts of the world which were just patches on a map beforehand. It is hard to express just how good it was.

We found one little incident amusing. At the first dinner on the train a certain African chief was sitting opposite me dressed in his magnificent robes. He certainly was a sight to be seen. He was a huge gentleman. Marg was with me and not much was said at that particular time. Later on, when he saw me on my own, he gave me a dig in the ribs. I had the impression that he thought that Marg was some girl that I had just taken along for the trip and that we were not married. I told Margaret and we convinced him otherwise. It was a standing joke between the 3 of us for the rest of the time. When we came to say good-bye, I saw him on my own and I said something jokingly about coming to his country. He said: 'Well, if you do come to my country, you leave your wife home and I will give you a good time'. I do not know what he meant but maybe members might be able to imagine.

Getting down to the meeting part of the visit, we met in the Bandaranaike Hall which is an absolutely magnificent building. The Chinese built this for the Sri Lankan people as a gift and it is truly a magnificent edifice. We were addressed by the President of Sri Lanka, the honourable Mr Jayewardene, and the Prime Minister, Mr Premadasa, and various other people.

We went into 3 sessions. There were about 150 people seated around and I found that the Northern Territory's position was right down the front of this gathering with some of the other Australians alongside and more behind. It was rather awe inspiring actually. I found this Chamber a little awe inspiring but the Sri Lankan Chamber was much bigger. I was not quite sure whether it was a real honour to be stuck down the front. It reminded me of my days as a schoolteacher and the people I used to sit down the front. It was certainly a very impressive gathering.

The topics chosen were topics which people could get their teeth into. They were not topics which upset people who had differing points of view. One that I remember was a comparison of the Westminster system and the presidential system in regard to its effect on emerging countries. Many different views were expressed by many different people on these topics which I found very interesting. Stories about situations where countries had to have martial law and then came back to one or other of the systems were very interesting.

Every night, apart from the one when we were on the train, there was a dinner or reception to attend. The Kandy dancers - men and women who play the drums, dance and do various conjuring tricks - were an absolute delight, particularly the ladies. I found that they were particularly delightful. They had beautiful costumes. They are very fit people. They are very happy people and a delight to the eye.

I believe that my wife and I did a reasonable job - if one can give oneself any praise at all - in trying to represent the Territory, in telling people about the Territory and also in making friends with these people. It is an experience which I will never forget and I am very grateful indeed to this Assembly for the opportunity to represent the Territory.

Mr BELL (MacDonnell): Mr Deputy Speaker, I would like to talk briefly about petrol sniffing which is quite a problem in my electorate. Before I do so, I feel moved to make some comment on the response of the Chief Minister to my description of the plight of a resident of Tennant Creek, Paddy Hogan,

yesterday. I think it is reasonable to say that the Chief Minister's response was a somewhat callous one. I was disappointed to hear him say that he could not sympathise with the plight of these people. He said there are facilities in Tennant Creek and these people are able, if they wish, to make use of them. Probably no statement more than that indicates the lack of ability of the Country Party to really understand what Aboriginal Territorians are interested in.

While I am on the subject of the Chief Minister, I perhaps should offer him thanks for the oblique congratulations that he offered me at the end of the last sittings. Mr Deputy Speaker, you may recall the amazing little outburst just before the Assembly rose when he accused me of patronising the Treasurer. Can I suggest that he refer himself to the Hansard of a few days beforehand in which the Treasurer interjected while I was speaking. I think he will find that any comments that I made after that interjection were only fair game. As Roosevelt said, 'If you can't stand the heat, get out of the kitchen'.

Mr Everingham: It was Truman, actually.

Mr BELL: Truman, sorry, I will get it right next time.

Mr Deputy Speaker, petrol sniffing is a big problem in my electorate. It is a big problem in a number of Aboriginal communities. I have been approached by communities in my electorate to raise this matter in the Assembly and I feel obliged to do so. The people who are resident in places where petrol sniffing is not a problem can probably relate to it in terms of inhalants. I understand glue sniffing amongst adolescents in European communities has become a problem.

Petrol sniffing is a problem which I see first hand as a resident in a community. Fortunately, in that community, petrol sniffing was not as rife as it is in a number of other communities. There is severe physical danger. It is hallucinatory. It produces reactions in the people who inhale it. One of the significant dangers is that the lead in petrol can lodge itself in the liver, the kidney and the brain. It can lead to death.

Concern with this problem has been expressed to me by the Liappa Congress at Papunya. I understand that it has approached the Chief Minister on this matter. I will not read the telegram now because of the lateness of the hour, but I have the telegram here if anybody would care to see it. I have also been approached at Papunya by the police who come into contact with this problem, particularly late at night when some of the kids are involved with petrol sniffing out around the town. The damage they create has caused the Liappa Congress to raise the matter with me. I understand that next Friday there is to be a program on Territory Tracks giving details and a fairly graphic picture of the effects of petrol sniffing in a community in northern South Australia.

There has been much research into this problem and I think there is a lot of information about it. In the last year or so I have developed something of an interest in it and collected some details. It is very difficult to find any one with all the material at his fingertips and I would suggest that there is a need to get this information together. The problem itself, as it makes itself obvious, is not easy to identify. I said before that the kids involved operate at night. They become obvious to police when they break into places. There was an incident at Papunya over Christmas in which a house was burnt down.

The police at Papunya, particularly Sergeant Ian McKinley - a man of whom the police force can be quite proud - is deeply concerned and has done a great deal beyond the call of duty in this area. This is a problem of concern to the communities. In talking to that point, I should say that I believe petrol

sniffing to be a symptom, not a cause in itself. I think that it is caused by the relationship between 2 cultures in conflict. I have talked about it before in the Assembly and I will not expatiate on that tonight. But kids are involed in a situation of cultural conflict. The patterns of traditional authority have broken down. The whole question of alcohol and drug abuse is involved here and its effect on children is one reflex of it. I believe we have to take very seriously the concerns that have been expressed in this matter. I mentioned the Liappa Congress before, also the Unguja community, a community west of Armidale which has been lobbying the Department of Social Security. I understand that, unfortunately, in last night's budget, funding was not provided for a proposal to provide special-care arrangements for these children.

I believe that, if we are serious about this, we must find a way to make a co-ordinated approach to solving the problem. Get together all the people who have knowledge, who are interested; Aboriginal people; people with skills in any area that might impinge on this. I think there is a need for an exchange of information. That much has become obvious to me.

At this point, I will mention a couple of initiatives that have been tried, one in particular at Wallace Rockhole, which is an outstation from Hermannsburg. I believe, with regard to this problem, outstations hold out a possibility for a hopeful solution. Outstations of course, are based on clan relationship with country. That is very important to Aboriginal people, and with that sort of re-inforcement, I understand that many of the kids involved in that situation have been able to feel much more purpose in their lives.

The other approach, of course, is to apply sanctions to the kids, denying access to petrol - a good idea of course. One possibility that was mentioned to me by the police at Papunya that may be worth looking at is the application of some sort of protective custody. As I mentioned, these children are around the settlement at night. The law does not allow the police to look after them as they would like to. I am not sure of the ramifications of this but I think it is something that ought to be considered.

Finally, I appreciate this opportunity to bring to the attention of the Assembly what I think is a major health problem in the Territory. It is not just in central Australian communities, it is a big problem in the communities of Arnhem Land and elsewhere. It is the sort of thing that the Drug and Alcohol Bureau could take a particular interest in, in terms of collecting and disseminating information. I would also call for a commitment by the Northern Territory government in terms of funds for particular programs to show that we are honest in our attempts to do something about this problem.

Mr DONDAS (Casuarina): Mr Deputy Speaker, yesterday the member for Nightcliff asked me whether a tug boat was brought overland from Western Australia at great expense. In answer to the member's question, it was not a tug boat; it was a pilot boat.

The situation was that the Port Authority advertised Australia-wide for a particular vessel. Thirteen organisations around Australia put in tenders to supply it.

The one from Western Australia was successful. Delivery into Darwin waters was in the contract price. Therefore, the Port Authority had no jurisdiction over the way in which the successful company was able or not able to bring the vessel to Darwin. I believe that the Port Authority had discussions with the State Shipping Company of Western Australia at the time and was satisfied that the contract was in order and that the suppliers were able to transport the vessel to Darwin in the way they thought best.

Mr PERRON (Stuart Park): Mr Deputy Speaker, I feel I should record a few comments in Hansard following mention of Sunday trading made by the member for Tiwi in the adjournment debate. The move to try to prevent large stores from opening on Sundays in Darwin has many ramifications. I mention Darwin because in Alice Springs I understand that a large interstate retail store already opens on Sundays. But in Darwin, opening on Saturday afternoons is the out-of-ordinary-hours retailing, one might say, seen to date.

The move is really one to stop citizens of the Northern Territory from doing something that they may wish to do on a Sunday. This is the principal objection that I have. I have no particular brief to carry for large national or international retailers. Certainly they provide a service in some areas that others cannot. This is because of their enormous buying power and the ability to put in facilities that make those stores attractive to customers. Other than that, I have no particular brief for them but I believe that industry and business should have as few controls by government as is humanly possible.

The claim by some small retailers and corner supermarkets, as I understand it, has been one that the competition is unfair, that the big stores can stay open on Sundays more cheaply than the small stores and that they can attract a lot of customers from them. I think that a small store, in fact, has a number of advantages over a big store, which may balance the competition a little. The small store has been mentioned largely as a family-run business. I think that there are economies that can be effected in a family-run business that are not possible in a business that has to employ, in a fairly impersonal situation, staff off the street as it were. That is one view. The other area where a corner store has an advantage over a big one is the fact that it is a corner store. The big national companies cannot do one thing that the little ones can and that is get within arm's reach, as it were, of their customers. I would expect most people to accept that the reason why most of their customers go to the local corner store is convenience.

I believe that, even if the large stores do open on Sunday, eventually most people will still adhere to their usual shopping patterns, which seems to be shopping for the weekly groceries at a large store because of presumed price advantages, and then picking up all sorts of little frills, in between that weekly shopping exercise, at the local corner store. I simply cannot see a massive change in the pattern. So the weight is not all on the side of the big stores. There are economies in the smaller stores.

In discussions with the association that has formed itself to lobby the government to regulate these trading houses, it was admitted to us that figures seem to indicate that the people who have shopped at Casuarina Square, for example, since it started retailing on Saturdays, are largely people who shopped there anyway. They have not changed their pattern of shopping. They are not additional customers. I suspect there will be a fair element of that if stores open up on Sundays.

I have discussed the subject with some friends who have fairly ordinary shopping patterns. They certainly could not see themselves attracted to a large store if it opened on a Sunday. They just could not see themselves changing their existing pattern of shopping at all. There would seemingly be no reason for them to do so.

I do not accept the terrible consequences that are portrayed by the group that is opposing the possible opening of large stores - widespread bankruptcies and stores shutting down. I have asked the group, if they intend to persist with their campaign, to produce some evidence that that will be the case. I do not know how they will produce it and I would be interested to see any informa-

tion that they can come up with. I simply do not accept that the patterns of shopping will be changed to the degree that there will be widespread disruption, let alone bankruptcy. I am not saying that a store or 2 may not have a significant fall-off in trade for a period and, in some cases, depending on their personal circumstances, it may affect them and perhaps even put them out of business. However, to portray that as widespread disruption and give the impression that every corner store will close is simply taking it too far.

The member for Ludmilla interjected during the honourable member for Tiwi's speech and said, 'What about the tourists?' I think this is an important point. We are trying to become more and more a tourist centre in Darwin. We have a situation where the place is fairly dead on Sundays. I think we would all have to admit that. We do have tourists wandering around from time to time, and in reasonable numbers, who simply cannot go shopping. The best they can do is perhaps window shop in the Mall. You will find that places, particularly overseas, that rely heavily on tourist trade know where the dollars come from. They provide a tourist service which includes not only opening 7 days a week but also opening well into some evenings. What worries me is where does it stop.

Down south we have seen petrol stations being rostered in the interests of survival of petrol station owners. We had a situation - I am not sure of the current one - where one had to drive past 15 petrol stations to reach one that was rostered to be opened at night or at the weekend. The rest of them were shut so they could survive when they did open. I do not believe that that is servicing the community. Obviously, we have a situation where service stations can and do open for very long hours, up to 24 hours a day, yet they all seem to survive. We have heard of situations down south where supermarkets can open into the night. The butchers' lobby is so strong that they have arranged that governments make regulations to say that you cannot sell meat outside the opening hours of butcher shops which close at 5 o'clock. A supermarket cannot sell meat after 5 o'clock even though they can open later themselves.

You could extend that to other products that are sold in speciality shops. I have already had lobbying in the Territory that shops such as chemists and supermarkets should not be allowed to sell cameras and that only specialists should be able to sell cameras because they offer the service and have a complete range. People who buy cameras from chemist shops and supermarkets rush straight to the local specialist camera shop whenever something goes wrong with it. That gentleman, and I sent him on his way, suggested to me that we should regulate to stop people selling cameras unless they are licensed camera dealers. That sort of theme can go on ad infinitum. I think that we would be doing the Territory a great disservice if we get into an area where there would be no end to it. There would be continual pressure to divide the question into 2, deal with that and then divide that question into 2. We would reach a stage that I imagine persists in some communist countries that I have read a little about where shopping is controlled to such an enormous degree that the state owns the stores anyway, tells you what you can buy, in what quantities, how often and certainly dictates the prices as well.

We in the Territory complain about some of the Australian government's protectionist tariff policies in that we are forced to buy particular products at higher prices. In some cases, they are pretty shoddy products compared to the imported goods. We complain that Australia's policies in some cases disadvantage us significantly because the country is involved in regulating business where it should not. It should let some free market forces prevail. We have a group in Darwin, I would suggest, doing exactly the same thing selfishly, with little regard for the customer. It is a question of everything for me and setting up society so that I survive - that is all that is important.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I was not going to speak this afternoon; it is getting fairly late in the afternoon and I know most honourable members are fairly keen to go home. I have tried to be fairly positive in my statements in this Assembly in the 12 months that I have been here. I am afraid that I have just listened to the greatest load of claptrap that I have ever heard in my entire life. What an absolute heap of garbage! Here is a man who expounds the virtues of free enterprise and would do everything to crucify that. What an absolute heap of garbage! Mr Deputy Speaker, you represent an electorate that has a large number of small businesses that are threatened by large retailers and the Treasurer of your party is enunciating their values. My godfather, there is little hope for the Territory.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

STATEMENT
Report on the Proposal for a Territory University

Mr ROBERTSON (Education) (by leave): It was with a sense of shock that Territorians learned at the end of April this year that the so-called 'Razor Gang' had put the kibosh on any immediate funding for the setting up of a Northern Territory university. As members will recall, the word came at the very time that the Tertiary Education Commission was meeting in Darwin to look at a case for a university. Only the night before the Prime Minister made his cost-cutting statement in the House of Representatives, I had been hosting a reception for members of the commission. With senior members of the University Planning Authority and the Department of Education, I left that gathering feeling that the many months of groundwork had been well worth while. The Territory had presented to the commission a well-reasoned case for a university and we felt that we had a fair chance of being on the way, or at least of being fairly considered.

It took the Prime Minister just 4 lines in a 44-page statement to dash our hopes. Perhaps Territorians are used to getting short shrift in their dealings with the Commonwealth. The 4 Solomon-like lines from the Prime Minister's statement were: 'The federal government does not see the need to establish a university in the Northern Territory as proposed by the Northern Territory government and would not be providing funds for this purpose in the forthcoming triennium'.

As if that were not shock enough, 1 month later when the commission's report on the university proposal was released, our worst fears were confirmed. Although the chairman, Professor Peter Markel, told the University Planning Authority that recommendations on the proposal had not been finalised at the time of Mr Fraser's announcement, the announcement totally pre-empted any recommendations the TEC might make. The TEC's final report could hardly ignore the Commonwealth government's dismissal of a Northern Territory university. The commission came out against our proposal for a university, framing its report around the announced views of the Commonwealth, or so it must have seemed to many Territorians. In effect our arguments and the undeniable facts in support were simply no longer relevant.

In the final analysis, the report is simply an extension of the disregard shown towards the Northern Territory by the Commonwealth and its agencies in the past. This is mirrored throughout the report in the dismissal of carefully-researched growth and development projections put forward to the commission by experts. Some of the successes the Northern Territory has had since self-government had led many Territorians to believe that the bad old days are over. But this arbitrary action has an all too familiar ring to it.

The Territory now has self-government but it sometimes seems that we must remain poor relations in the Australian family. In this case there seems to be little change in the federal attitude to this part of Australia. Our submission was treated in the context of being in support of Australia's twentieth university, not the university for the Northern Territory. There was no consideration given to the 2,000 kilometres-plus which Territorians presently have to travel to the nearest university. There was no account taken of the fact that the existing 19 Australian universities offer precious little in the fields of vital concern to the future growth of the Northern Territory.

The report displays an ignorance born of the lack of need to know about our particular problems or what we would offer in a university in the Northern Territory. For that we can thank the federal government's pre-emptive announcement on funding. The Commonwealth has shown it simply does not want to know about the need for a Northern Territory university. I do not believe that members of the Tertiary Education Commission could fail to have been impressed by our arguments as presented during talks with the commission in Darwin. But we did not know then that our strongest points were no longer of any value. The 'Razor Gang' had already done its work.

In a way, I have some sympathy for the position in which the commission found itself. Nonetheless, its actual conclusions are totally unacceptable to us. It would be refreshing to think that self-government had pulled the Territory out of the colonial morass which has been its lot for over 120 years, but in terms of tertiary education it would seem that it is firmly stuck. I might add that the Commonwealth's attitude regarding Darwin Community College is also indicative of that.

Our situation bears comparison with colonial outposts mentioned in dispatches from as far back as 1792, when the message for India was: 'If the natives require anything in the way of education, they must come to England for it' - substitute Canberra for England, the ANU - 'or Singapore in 1825'. I think this is the way they do see us: 'The native inhabitants have not yet attained that state of civilisation and knowledge which would qualify them to derive advantage from a large system of education'. I think it can be well applied.

I had hoped that our arguments before the Tertiary Education Commission might dispel some of the adages which spring to mind about colonial outposts. Unfortunately, it appears that hot sun, pith helmets and battles with crocodiles - which incidentally Professor Messel says we do not have - till sundown will continue to govern southern thinking where the Territory is concerned.

Mr Speaker, it seems that the Commonwealth does not accept our current growth rate or the statistics we put before the TEC, which were carefully prepared in conjunction with the Commonwealth's own agency, the Bureau of Census and Statistics. The rejection of these figures will confirm in the minds of many Territorians that centralist feelings towards the Northern Territory held by Commonwealth agencies are still very much alive. I think instead of agencies one should say the Commonwealth government.

The TEC report fails to recognise the right of Territorians to aspire what is taken for granted elsewhere in Australia. While it notes that one quarter of the Territory population is Aboriginal, it has the outright gall to presume that they must be discounted from a university on the basis of race.

Mr Speaker, the report reads as if the TEC was given the job of carving up our proposal, rather than being charged with the responsibility of an objective assessment.

Honourable members will be familiar with the full recommendations of the TEC report. They are not encouraging, but there is life in us yet. One would be far off the track to presume that the Tertiary Education Commission has irreversibly dashed Territory hopes for our proposal. The University Planning Authority continues to operate at as high a level as it did prior to the visit by the commission. We will continue to push the federal government for funding. However, there is no doubt that we have been shabbily treated.

Members of this Assembly, along with the rest of Australia, will have noted the Prime Minister's tireless efforts in the interests of 'north-south dialogue'. I can only say that there are communication problems in this part of the world which ought to be attended to by the Commonwealth government before it turns its attention to issues beyond our coastlines.

I move that the statement be noted.

Mr B. COLLINS (Arnhem): Mr Speaker, I would say initially that I am afraid that the opposition does not share the sense of outrage of the Minister for Education over the Tertiary Education Commission's report. Due to the courtesy of the Minister for Education, the opposition has studied the report and we have much to say on it. With the exception of one particular section of the report, which prompted the question I asked this morning, I am afraid that we do not share the objections of the government to it.

I would like to draw the attention of the Assembly to some of the content of the statement just delivered by the Minister for Education. I cannot agree completely with his opening paragraph in which he said that it was with a sense of shock that Territorians learnt at the end of April that the 'Razor Gang' had put the kibosh on the university. The Minister for Education obviously moves in a different circle of people to myself. I did not notice any particular sense of shock affecting anybody to whom I spoke when it was announced - not without some degree of anticipation - that the federal government was not prepared to commit itself to the $60m-plus that is required for the establishment, particularly in the light of fiscal restraints being applied currently Australia-wide.

Mr Robertson: It didn't worry you about another one at Duntroon did it?

Mr SPEAKER: Order, order!

Mr B. COLLINS: I refer to some specific parts of the minister's statement before I turn to the report itself. I do take some degree of exception to the minister's remarks when he said, and I quote: 'In reference to the commission, any thoughts of battling with the 'Razor Gang' obviously . . .'.

Mr Robertson: This is what I said and I have got it written here.

Mr SPEAKER: Order! The honourable member for Arnhem has the floor.

Mr B. COLLINS: Mr Speaker, in response to the interjection. I must confess - and I am sure the minister will realise - that in a fairly lengthy statement I was relying on the printed document which he was kind enough to give to me. I did not realise that he had deviated from it. I do apologise for that. I hope I can quote from the rest of the document without . . .

Mr Robertson: Fairly safely, but ...

Mr SPEAKER: Order! If members are going to have a dialogue instead of a debate . . .

Mr B. COLLINS: Mr Speaker, I do apologise. I should have been addressing the Chair. Obviously the Minister for Education shared the same objections to his own statement as I did.

Mr Speaker, I turn to this next section of the honourable minister's statement and I think this is really extraordinary: 'There was no account

taken of the fact that the existing 19 Australian universities offer precious little in fields of vital concern to the future growth of the Northern Territory'. I think that really is an extraordinary statement and we have discussed this in the Assembly previously. The areas of vital concern to the Northern Territory - such areas as provision of doctors, people in the area of public administration, mining engineers, veterinary officers etc - all come from the 19 existing universities in Australia. The government's own proposal did not anticipate that the university proposed for Palmerston was going to provide for these people in the foreseeable future. I would refer honourable members to paragraph 3.30 of the objections the commission had to the teaching programs of the proposed university:

> *The commission considers that the narrow range of academic activities proposed for the university presents problems. Under the proposal the university would, for at least its first 2 triennials, concentrate its undergraduate activities on a limited range of arts-type disciplines. Apart from teaching the first year of the Macquarie University science course, the university would have no science base for many years. The commission recognises this is a direct consequence of the small population on which the university will be able to draw in the immediate future. Nevertheless, the commission believes that, for a university to be acceptable as such, it must offer from the outset at least the basic range of both arts and science courses.*

I share that objection of the commission and I have said so in the Assembly in a previous debate. I am not arguing with the emphasis of the proposed university being not on research but on teaching. This is a basic philosophical argument which a lot of people in university circles in Australia were interested in when discussing this university proposal. But it was decided that, because the majority of the 600-odd people who seek tertiary education in the Territory do so in the fields of arts and sciences, the basic facilities offered at the university were going to be in arts and sciences not because there was any particular need for those disciplines to be utilised in the Territory but because that is what people want to learn. I am not arguing with that. But really it is not on to say that the proposed university - as proposed by the government, and I am more than familiar with the proposal - would supplement or in fact provide anything of significance additional to what is provided by the 19 universities the minister spoke about. He also said: 'I do not believe that members of the Tertiary Education Commission could fail to have been impressed by our arguments presented during talks with the commission in Darwin'. Well, they obviously were.

I share the minister's sympathy for the commission. I too would like to place on record that I believe that the Commonwealth government's announcement of the fact that it had already made a decision not to fund a university while the commission was in Darwin doing its job is disgraceful. It certainly cut the ground out from under the feet of that commission and of course it referred to it in the report. It put it in a very invidious position and, like the minister, I sympathise with it. I thought that was ridiculous.

After 4 paragraphs dealing with the educational reasons for not agreeing with the proposal, paragraph 3.5 of the report says: 'For the above reasons and in light of the government's recently announced decision, the commission has focused its attention on the place for a university to be established later in the decade'. The minister's statement says: 'It would seem that the Commonwealth does not accept our current growth rate or the statistics that we put before the Tertiary Education Commission which were carefully prepared in conjunction with one of the Commonwealth's own agencies, the Bureau of Census and Statistics'.

According to paragraph 3.17, there seems to be some confusion in interpreting statistics. I will not quote Disraeli again. The commission points out that there seems to be an anomaly between the projections on Commonwealth statistics and the proposal of the government. One section of the report says: 'Whether the population of Darwin grows at a sustained rate as high as 7% is of importance in deciding the time at which to plan changes in higher education. For example, if the growth rate for Darwin is closer to that projected by the Australian Bureau of statistics for the Territory as a whole, then by the year 2000 its population will be nearer 100,000 than the 200,000 implied by the 7% projection'. What the commission is saying is that, in fact, the official figures of the Australian bureau of statistics provide a figure which is almost 50% of the figure provided by the proposal of the government. So there does seem to be some confusion about relying too much on the statement that it was prepared in conjunction with the bureau of statistics. According to the commission, there is quite a wide discrepancy between the official Australian bureau of statistics' figures and the figures provided by the proposal itself. That is something that I will follow up later just to find out who is right.

I must also take some exception to the minister's statement where he says: 'The Tertiary Education Commission report fails to recognise the right of Territorians to aspire to what is taken for granted elsewhere in Australia. While it notes that one-quarter of the Territory population is Aboriginal, it has the outright gall to presume they must be discounted from a university on the basis of race'. That is what I object to. I do not believe that any objective person reading the relevant sections of the report could possibly make such a statement. I do not believe that it can be sustained. The reasons why the Tertiary Education Commission discounts the projections put forward in the proposal as to the rate of the Aboriginal enrolment in the university are based purely on educational reasons, not on racial reasons. Paragraphs 3.16 and 3.20 are where it gets a mention. Paragraph 3.20 says: 'The proposal also argues that future enrolment patterns in the university will be supplemented by (1) increased participation of the large Aboriginal and migrant population'. It then goes on to say: 'With regard to (1), it is possible that some increase in participation might be expected from migrant groups but it is more likely that only a small proportion of the Aboriginal community would, for some time to come,have the necessary prerequisites to involve themselves in university study. Moreover, a large range of post-secondary courses have already been developed in the Territory directed at the particular needs of Aboriginal people. These include courses at the Batchelor College . . .' - the establishment of which I commend the government for - '. . . the Darwin Community College, the Institute for Aboriginal Development, Nungalinya . . .'. That is the reference to Aboriginal people in the report.

I believe - and I have said it in the Assembly before - that it is in no way a denigration of Aboriginal people; maybe it is of the education system. I believe it is a realistic assessment to say that there will not be a large percentage of Aboriginal people who matriculate in the foreseeable future; that is, in the next 10 years. I recommend anyone who wants to take exception to that remark to have a look at the statistics. The number of Aboriginal students who matriculate in the Territory is appallingly low. From memory, in the last completed school year it was 3. I know that a number of Aboriginal people - friends of mine - are doing university law courses in Sydney.

Not for one minute - and I make no bones about this - am I advocating that the standards of entry for university should be lowered to cater for the needs of a particular group of people. Extra incentives should be given for enrolment. I believe in the positive discrimination program, for example, that has caused so much trouble in the United States, of giving entry to properly -

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qualified people to encourage a greater participation in university life. I do not think for a minute that you could anticipate doing it any other way for the very reason, if none other, that the Tertiary Education Commission has made it clear in every triennial report that it has ever produced that it will not fund courses which it considers are below standard. I support that. Such courses, the TEC says - quite correctly in my view - can be provided by colleges of advanced education and TAFE facilities, as they are currently in the Territory.

I would commend the report to anybody who wants to read it. I think anybody who has an interest in the establishment of a university should read it because it is a cogent document. It is well reasoned and well argued except for 1 particular section that I will take up in a minute.

There is one aspect of the government's proposal I have never been able to accept and it has brought the whole proposal into disrepute. In fact, I would go so far as to say it made the proposal a laughing stock among academics, among potential students and among others to whom I spoke. The government seriously advocated in that proposal the commencement of this university in the university year 1982 with 700 students, 15 degree and sub-degree courses, 5 senior academics etc. I have said before publicly, and in this Assembly, that I believe that was a nonsense proposal. It was seen as such by the Tertiary Education Commission. I believe that its inclusion in the proposal seriously mitigated against anyone taking that proposal seriously.

Everyone I spoke to, and I spoke to a great many people right around Australia, told me that the absolute minimum lead time that you could responsibly expect to have if you were going to have a university of repute was 3 years. In fact, I find that that figure is quoted in this document. Everyone I spoke to who had experience in setting up universities - and both the Leader of the Opposition and I spoke to people who had actually been in on the ground floor of starting a university - said that for any responsible government to seriously propose that it would get such a thing off the ground at a high standard of quality in 6 or 8 months made nonsense of the whole proposal.

Unfortunately, the commission was obliged to consider the proposal in that light. It says so. Paragraph 3.1 says: 'The proposal calls for the establishment of a university to commence operations from the beginning of 1982 and the commission's consideration of the proposal was on that basis'. So the parameters were set by the government not by the Tertiary Education Commission. Such a proposal was nonsense and is nonsense. It brought discredit on the rest of the proposal. I have no doubt that those particular guidelines were set down by the government, not by the University Planning Authority.

It is also clear from reading this proposal that the only reasons dealt with in any detail by the Tertiary Education Commission when it recommended against the establishment in 1982 were educational reasons, not reasons based on any decision made in Canberra. Those reasons are discussed in detail.

There is one aspect of the recommendations that interests me for the simple reason that the opposition said the same thing in the Assembly. Paragraph 6.3 reads: 'In the proposal, the University Planning Authority argued against the establishment of a university college as the first stage of a longer-term plan to develop a free-standing university, although it was proposed that 3 established universities would act in a sponsorship role . . . The commission accepts that university colleges have some inherent disadvantages but these must be weighed against certain advantages. It was the unequivocal view of all those with whom the working party had discussion in Darwin that the Territory did not want a university whose standards would not be readily accepted as

equal to those of existing Australian universities'. This was the major reason why the opposition suggested that a possible option and a sensible approach to the establishment of a university would be the conventional way: establish a university college first to get accreditation for the degrees that are offered.

The report goes on to say: 'Such a process has significant advantages. The awards offered are those of an institution with an established reputation. This should make it more attractive to potential students. Particularly in the field of research and supervision of higher degree students, there could be cooperation located in Darwin and the larger academic departments at the parent university. As academic departments located in Darwin grew and established independent reputations for teaching and research,so the need for a university college would diminish'.

Of course, this gets back to another problem. The reputation of any university depends to a large extent on the individual researchers that such a university is able to attract onto its staff. I know students who are interested in becoming veterinarians and anthropologists and they determine their choice of a university on the prestige and the reputation of the principal researchers who are attached to that university. There is no doubt that a Territory university would be in exactly the same position. I am suggesting that the proposal, as put up by the government - and I said this before - would not be of a sufficient calibre to attract the top-line research people needed to get a reputation for the university that would attract students and cause them to want to go to that university for other reasons than that it is down the road at Palmerston. I note with some interest that the Tertiary Education Commission says the same thing. It also says at some length that the option for a university college was not considered sufficiently and it is putting that forward as a positive suggestion for establishing a university. Because the opposition is already on record as saying that, I have no hesitation in endorsing that particular recommendation.

The one recommendation that I reject completely is that contained in 4.6 and 4.7. The report is talking about the Darwin Community College:

4.6. The commission does not consider that the college should attempt to divert resources in the further UG1 and UG2 courses except as described in paragraph 4 below.

4.7. The commission recommends that in order not to pre-empt the ultimate development of university work in the Northern Territory, the provision of advanced education courses at the Darwin Community College should relate to existing courses in education, business studies, fine arts and welfare studies and such additional associate diplomas - that is UG3 courses - as are acceptable to the commission.

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

Mr ISAACS (Opposition Leader): I move that an extension of time be granted to the member for Arnhem.

Motion agreed to.

Mr B. COLLINS (Arnhem): I do not understand the logic of that recommendation. It must have put the Darwin Community College in quite a confused state of mind. I am sure it does not know what to do as a result of this. What the commission is saying is that, for reasons that it cogently argues, there should not be a university established for the Northern Territory at this time. The

opposition's policy on this matter was that such courses in the interim could be offered at the Darwin Community College and we do not resile from that. We fully support the efforts of the Darwin Community College in getting these extra courses. It does seem to be very inconsistent. The commission is saying the university can be established in the Northern Territory in the 1990s but it will be all or nothing - we will have to wait for the university but we cannot establish degree courses at the Darwin Community College. The criteria for whether we can establish degree courses at the Darwin Community College should be left to those organisations which have to accredit the qualifications. If those courses can achieve national accreditation, I see no reason why the TEC should not fund them in the interim. It is a significant recommendation because it is the TEC that funds these courses and it is implicit in that statement that it will not do so.

At the end of that particular section, it details the recommended levels of funding for particular courses. It recommends that an external study centre be established at the Darwin Community College and it provides details of the funding that is recommended for that. It also recommends that university research be strengthened in the Territory by the North Australian Research Unit of ANU and recommends certain levels of funding for that. The opposition rejects very strongly the recommendation that funding will not be made available for Bachelor of Arts courses at the Darwin Community College. We believe that, in the interim, such courses are desirable and we should have them.

To conclude, I say again that we have strong objections to that particular part of the recommendations that deals with not funding degree courses at the college. The opposition agrees with the Tertiary Education Commission that it is potentially extremely dangerous for any university, particularly a new one, to consider offering less than degree courses when such courses are readily available, as they are in the Territory, at a college of advanced education or TAFE facility; and the 2 are combined in one at the Darwin Community College. It is clear from reading the proposal of the Northern Territory government that in fact it could only justify having a university by having a substantial number of the sub-degree courses that were being offered at the Darwin Community College transferred to the university to get the numbers to justify establishing a university, because the TEC, again in triennial report after triennial report, says that it will not fund less than degree courses at universities. Despite the comments of the Minister for Education, the TEC is a responsible body of eminent people, probably similar to that of the jurists we were talking about the other day who were also condemned because they said something the government did not agree with. In view of such a firmly formulated policy, it is nonsense to establish a university with the majority of its students initially doing less than degree courses. What you are doing is setting up a university that is committed from day 1 to finding independent funding from somewhere for a majority of courses being offered. I think that is nonsense and, obviously, so does the TEC.

I believe that there were many weak points in the proposal put up by the government and I have spoken on the objections that I had to certain sections. I believe that a great many of those weak points have been clearly identified by the Tertiary Education Commission's report. The arguments made against them are well researched and well argued with the single exception of that section of the report which does not agree with funding degree courses at the Darwin Community College.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it has been very interesting to listen to the honourable member for Arnhem and I certainly concede that getting a university off the ground anywhere let alone in the Northern Territory

would be a difficult thing in what the member for Arnhem himself described as a time of financial constraint. Perhaps it is that matter of financial constraint that provides the logic behind this report which the honourable member for Arnhem seems to be groping for. He seems to be able to recommend to us almost every recommendation in the Tertiary Education Commission's report other than its opposition to funding the Bachelor of Arts course at the Darwin Community College. To fund a Bachelor of Arts course would involve the expenditure of money by Commonwealth. The honourable member for Arnhem knows that and nods his head.

The whole tenor of this report has been tailored to fit in with the decisions that have been taken by government at present when it is going to tighten the purse strings. The Tertiary Education Commission had its freedom of action very much circumscribed by the statement of the Prime Minister on the report of the so-called 'Razor Gang'. In my opinion, it would be quite unrealistic to expect the Tertiary Education Commission to fly in the face of the Prime Minister's statement in parliament whatever we might wish or hope that such a commission would do.

Perhaps the Leader of the Opposition might make his interjections a little louder because he said at the start of the statement by my colleague the Minister for Education that the proposal for a university for the Northern Territory was rubbish. It is well known that the Leader of the Opposition is opposed to this proposal as in fact he is opposed to almost every proposal. It reminds me of self-government. Whilst he will not come right out and say he is against it, he does everything he can to torpedo it and talk it down. That is what he has been doing there while all this has been going on. He has been sitting there sniping, but he will not stand up and say he is against the university.

The honourable member for Arnhem said that the government's proposal provided for 700 students to be in the university by 1982. Whilst I do not have the proposal before me, my recollection is that a considerable number of those proposed students, if it was 700 in 1982, would be external students. In any event, if it is a fatal flaw to try to set a date and because the commencement date has been arbitrarily set at 1982, the Tertiary Education Commission decides against us, then I really do not know what the world is coming to. At least it could have said that it should be 1983 or 1984. I venture to suggest that it might indeed be 1984 or 1985 because governments are much more malleable when it comes towards the end of their term.

I also took exception to the member for Arnhem's statement that there was nothing that distinguished this university proposal from that of the other 19 or 20 Australian universities.

Mr B. Collins: I did not say that at all.

Mr EVERINGHAM: That is certainly the way it came over on this side of the Assembly, but I have some other things here in Hansard that you said too that I will be quoting back at you shortly.

It was proposed, as I recall, that there be an institute of South-east Asian studies attached to the university - which I think is very relevant in the context of the Northern Territory - and also an Institute of Aboriginal Studies.

I quote a statement made by the member of Arnhem in debate yesterday: 'In fact, it gets very much to the nub of the whole attitude of Australia towards the Northern Territory. I know, and the government knows because it is

contained in its own submission ...'.

Mr B. COLLINS: Point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr B. COLLINS: Mr Speaker, the Chief Minister knows full well that he is not permitted to quote in this Assembly from the uncorrected daily Hansard. He can quote from copious notes but not from Hansard.

Mr Robertson: You are technically correct, Bob, but we have never done it to you.

Mr EVERINGHAM: I will put that one on you from here on in.

Mr SPEAKER: Despite the Clerk's advice, I would prefer the Chief Minister to observe the ruling that I have given in the past that members may not read from uncorrected Hansard.

Mr EVERINGHAM: I observe your ruling, Mr Speaker, and certainly I will seek to see that your ruling is enforced uniformly in this Assembly from here on in.

Mr SPEAKER: On that subject, honourable member, the Standing Orders Committee might look at that on Tuesday and give the Speaker very firm guidelines as to what this Assembly does require.

Mr EVERINGHAM: Very well, Mr Speaker. I would think Hansard of singular lack of help to us if we cannot use it at all in the Assembly. We might as well forgo the pleasure and expense of having it.

Mrs Lawrie: You need to have it to correct it!

Mr Tuxworth: Too many people's jobs are involved with it!

Mr SPEAKER: The honourable member might bring that up on Tuesday too.

Mr EVERINGHAM: I don't know that I am a member of the Standing Orders Committee.

Mr SPEAKER: I think you are, ex officio, aren't you?

Mr EVERINGHAM: In any event, Mr Speaker, my recollection of what the honourable member for Arnhem said yesterday is that the Northern Territory is a small place in terms of population - in the order of 120,000 people - and that it is a mendicant society, that it is going places and that it is getting there. But it still has a way to go. There is no doubt about it. He said that it is part of Australia. If we are not going to take the Territory out of Australia, he said, we have to face up to the fact that we deserve subsidies and we need them for living here. There must be a start somewhere. If there is going to be a Territory 10 or 20 years from now, I recall the member saying, then it has to be fostered and encouraged by the rest of Australia and all Australians.

I adopt those remarks with satisfaction and it is for that reason that I am very disappointed in the report of the Tertiary Education Commission, because it has not treated us as Australians - as a remote part of Australia that deserves support. It has not treated the people here as deserving of being able

to gain their education in their own environment and background. It has treated it as just another university for Australia in a time of cost cuts.

Mr BELL (MacDonnell): Mr Speaker, I rise to speak to this statement in relation to the proposal for a Territory university. I want to start off by making a number of criticisms of the statement. I hope to go on to make what I hope will be constructive suggestions, and I have some questions for the minister which he might like to answer when he sums up.

My first criticism is that this statement was made by a party that endorses roundly the virtues of economic rationality. At all times it cuts back on public spending in many areas of government. On Tuesday the Minister for Health was talking about the health proposals in which a certain amount of money was to be available and what sort of health care we could afford. Here we have the other argument - that we need this particular facility and the hell with how much it will cost the rest of the country; we are going to have it.

I think that we ought to examine fairly carefully in this Assembly why, at one stage, the government extols the virtues of economic rationality and, at another time, decides that that sort of economic rationality ought to be cast out the window. I think the clues to the answer to that are contained in what has been referred to already as a very comprehensive report by the Tertiary Education Commission. I feel that the government sees the idea of a Territory university as a symbol of statehood. It sees the university as a symbol of statehood to the exclusion of the real tertiary education needs of the Territory population. I think that is the central point. This is where the opposition disagrees roundly with the government. We do not see a university as a symbol of statehood; we see a university as a service to the people of the Northern Territory. As a service to the people of the Northern Territory, we should be examining the needs for tertiary education that the people of the Territory have. We should not be building an institution simply for the sake of building an institution. To sum up, I think that the government is more interested in the buildings than the people. I will go on from that a little bit further.

I would like to take up another point that was raised by the member for Arnhem when he mentioned the statement about Aboriginal people. I find it rather wry, or to use the member for Arnhem's term 'cute', that when it suits the Minister for Education to mention the needs of Aboriginal people to push his own barrow he is more than happy to do so. As I have mentioned already this week in this Assembly, he does quite the contrary under other circumstances. I am sure you will appreciate the conflict there, Mr Speaker.

One other point I would like to make in terms of a university being a symbol of statehood and not meeting the tertiary education needs of people in the Territory is that there are a number of facilities that the Northern Territory does not have but which the states perhaps do have. This is a question I hope the minister will take up when he sums up at the end of this debate. Given the variety of facilities that are not available in the Territory but are available in the states, why is it so important to concentrate on the establishment of a university?

I mentioned earlier the idea that a university is people not buildings. I value tertiary education as much as anybody perhaps in the Assembly. I have come to understand it as interaction between people rather than bricks and mortar. I think it is there that the minister and the government could start in terms of creating a university. A university is created by the way people

think about it. That is where one of the alternative views which was put to the Tertiary Education Commission would seem to be of considerable value; that is, the proposal of a university college. Unless the Chief Minister imagines that we are being negative, let me say very clearly that our idea of meeting the tertiary education needs of Territory residents is quite different from that of the government, but it is a positive idea. One of the great universities of Australia which was disparaged today by the Minister for Education, namely the Australian National University, grew from such an idea. Off the top of my head, I think that it was in the 1930s with the growth of Canberra as the administrative centre for Australia. There were many people coming to Canberra as public servants and they felt the need for more education and courses were gradually built up. Initially, it started off with a faculty of arts that was run with only 2 teachers in the 1930s. The dates escape me at the moment. I recommend to honourable members that they consider the growth of an institution like the Australian National University.

Many Territory residents have been doing external courses for a number of years. A survey should be taken of the people doing those courses and consideration given to what sort of support, perhaps by way of tutorials, could be given to them if there were a sufficient number of people. We should be considering the number of people who are undertaking such courses. We should also be considering the sort of human resources we have in terms of people capable of conducting such tertiary courses in the Territory. From my experience, there are many people in Darwin and Alice Springs and I am sure in other places around the Territory who would be interested, perhaps on not quite so formal a basis initially,in contributing to the growth of the Northern Territory. That is the sort of thing that does not require a vast amount of funding. With a little bit of organisation and a little bit of publicity, that could be a constructive suggestion.

Finally, I hope that the criticisms I have made of the statement by the minister are deemed by the Assembly to be constructive criticisms. I hope that the minister will see fit to consider the suggestions I have made here today. I close by saying that, to my mind, a university is not a badge of statehood; it is a means by which people can learn things for the future growth of themselves and of the Northern Territory community.

Mr ROBERTSON (Education): Mr Speaker, I will be brief in reply. I will say at the outset that we on this side of the Assembly most certainly do not see a university as being any sort of symbol at all, unless it is a symbol of equal opportunity for Territorians to compete with their counterparts elsewhere in this nation. The odd thing about that allegation made by the member for MacDonnell lies probably in his motivation for making such an outrageous statement. I think the thing ought to be reversed: why is he opposed to a university? He says, quite inaccurately, that we see it as a symbol of statehood. I would think that the opposition to the university really stems from this paranoid fear he seems to have that a university building would somehow devolve more authority to the people of the Northern Territory in the matter of having a say in their own affairs. It would seem to me that the opposition is opposed to a university on the same grounds as it is opposed to self-government itself and opposed to statehood. Probably, Mr Speaker, that would be the reason rather than the one that he advanced.

I would like to say something in respect to the comments made by the member for Arnhem. He took exception to the words I used in this statement which related to the Tertiary Education Commission discounting Aboriginal people for the purposes of numbers on the basis of race. Perhaps those words were not well chosen by myself. What I meant was that a race of people had been discounted.

There is no way I would ever suggest or want to be seen to suggest that any racist attitudes would prevail within the Territory education system. I would certainly be the first to apologise to the Aboriginal people if what I have said could possibly imply that. It would be the furthest thing from my mind.

The rest of what the member for Arnhem said can very easily be summed up with his own words only slightly modified. I have not got tomorrow's Hansard yet. He said: 'It is a well-researched and well-argued document'. I think we could add to that - and it would sum up entirely what the opposition through its spokesmen on education put forward today: except where it does not agree with ALP policy. 'Where it agrees with our policy, we think it is a fine document! Where it does not agree with our policy, we reject it!'

Motion agreed to.

ANTI-DISCRIMINATION BILL
(Serial 141)

Bill presented and read a first time.

Mr ISAACS (Opposition Leader): I move that the bill be now read a second time.

In the June sittings I foreshadowed my intention to introduce anti-discrimination legislation which will make unlawful public expressions of discrimination. I did this in order to allow honourable members and the community sufficient time to absorb the principles and rationale behind the legislation.

In recent years there has been widespread acceptance of this need to protect an individual and a group's rights in response to the forces of a changing, more diverse community. To illustrate, the ethnic composition of the Australian population has undergone significant changes and has risen from 10% born overseas 30 years ago to nearly 40% today. Significantly, the Race Relations Act was passed in the Commonwealth parliament in 1975. The role of women too has changed dramatically so that a much higher percentage of women are seeking work today. Today 43% of married women are in the workforce as compared with 7% in 1947. Such changes mean that new groups have an expectation that equality of opportunity should be available to them. Such demands have been met in varying degrees by governments in Australia with regard to women; for example, equal pay being granted in 1973.

However, there are many areas where discrimination abounds, areas necessitating strong government intervention here in the Northern Territory. An analysis of the Northern Territory Public Service demonstrates the small number of disabled and Aborigines employed and the domination of males at the senior levels. Rental accommodation is another area where discrimination causes considerable hardship, particularly to separated or divorced women with children.

International Year of the Disabled Person has highlighted many inequalities suffered by the physically or intellectually handicapped, inequalities that have been neglected. For instance, people with handicaps are sometimes refused insurance cover or are required to pay extra on premiums often because of stereotype expectations; for example, handicapped people are said to be more accident prone.

The World Council of Churches Committee Report said that accounts of police harassment of and brutality to Aboriginals were disturbingly common, particularly in the Northern Territory, Western Australia and Queensland. Yet the

mechanisms established within the Northern Territory which are reflective of the recognition that discrimination exists are piecemeal and fraught with limitations. Take the Committee on Elimination of Discrimination in Employment and Occupation which, as the title implies, only covers discrimination in employment. Further, it has no investigatory powers and good results are dependent upon the goodwill and cooperation of the employees. The same applies to the equal opportunity section of the Northern Territory Public Service which is inevitably hampered by similar constraints.

Effective remedies for discrimination cannot rest solely on powers of persuasion. The trend in other progressive states in recent years has been to enact legislation to make discrimination unlawful in order to protect comprehensively more individuals in a variety of areas in addition to undertaking other ameliorative measures.

In South Australia, Mr Tonkin introduced a private member's bill resulting in the Sex Descrimination Act which became operative in South Australia in 1976. The Handicapped Persons Act of 1981 of South Australia is soon to be proclaimed. The Hamer government passed an Equal Opportunity Act in 1977 in Victoria and New South Wales passed an Anti-Discrimination Act in the same year. New South Wales indeed has recently amended its act to also include the handicapped. In addition, the federal government has announced its intention to legislate against discrimination in the Australian Capital Territory. Thus the Northern Territory is lagging behind the states in this area. In their commitment to overcome discrimination, other governments have sought solutions in legislation and the Northern Territory needs to do the same.

Let me read the summary of the United Kingdom Race Relations Board on the role of law in tackling problems of discrimination: '(1) law is an unequivocal declaration of public policy; (2) a law gives support to those who do not wish to discriminate but who feel compelled to do so by social pressure; (3) a law gives protection and redress for minority groups; (4) a law thus provides for the peaceful and orderly adjustment of grievances and the release of tensions; and (5) a law reduces prejudice by discouraging the behaviour in which prejudice finds expression'.

Mr Speaker, this statement articulates our belief that, in order to promote the rights of those presently disadvantaged, the government has a responsibility to take positive, decisive steps and legislate. The proposed legislation will approach the problems of discrimination by conciliation, education, the power to make binding orders and the implementation of affirmative action programs. The principle throughout the legislation is conciliation and negotiation, not confrontation.

I now proceed to a full explanation of the bill which, needless to say, has drawn heavily on state legislation elsewhere. Clauses 5 to 10 refer to the establishment of the anti-discrimination tribunal - which, incidentally, will be a part-time tribunal - which is to consist of a president who is to be a legal practitioner of at least 5 years standing and 2 other members. At least one member of the tribunal is to be a woman. The tribunal will not become involved in the day-to-day matters arising under the act, its functions being of a judicial nature.

Clauses 11 to 18 create the position, powers and functions of Commissioner for Equal Opportunity who, as in New South Wales, will not be a public servant. In addition to dealing with complaints through a process of conciliation, the commissioner has other important functions such as the carrying out of research to produce recommendations for changes to legislation and policies in order to

reduce discrimination, the dissemination of information relating to the incidence of discrimination and the conduct of educational and publicity programs.

Clauses 19 and 20 refer to the definitions of 'discrimination' and 'personal characteristic', the crux of the legislation. The proposed definition of 'personal characteristic' in the bill is to be a characteristic that relates to marital status, sex, an ethnic characteristic including race, colour, nationality or origin, and personal handicaps which do not include impairment of the intellect or a mental illness. This is the broadest definition of any existing legislation in Australia and is taken from the proposed Tasmanian anti-discrimination legislation.

The proposed definition of 'discrimination' in the bill has criteria including both direct and indirect discrimination as does New South Wales and South Australia. The provision for indirect discrimination is particularly important as it involves the most pervasive form of discrimination. Frequently, such discrimination results from unintentional acts which have been repeated unthinkingly over the years. The existence of such attitudes and practices means that many people are excluded from the mainstream.

The basic position will be that it will be unlawful to treat less favourably a person with a personal characteristic than persons who do not have that personal characteristic in the same or similar circumstances or to impose a particular requirement or condition which is unreasonable in the circumstances or unable to be complied with. Let me illustrate. For example, if an air charter company had a requirement that all pilots must be 6 feet tall, this would be discriminatory against women as the height is not relevant to effective performance and a higher proportion of men than women would be able to comply.

Turning to clauses 21 to 32, these will make discrimination unlawful in a range of areas and are similar to those covered in legislation of the states. Hence it will be unlawful to discriminate in the areas of employment, commission agents, contract workers, trade unions, qualifying bodies, employment agencies, partnerships, services, the provision of accommodation, advertising, and aiding and counselling. To illustrate, in employment it will be unlawful for an employer to discriminate against a person on the ground of a personal characteristic, in the terms and conditions offered, in the opportunities for promotion, transfer and training, in the arrangements made for the purpose of who should be offered the particular job and so on.

Partnership - similar to legislation in the states - will be permitted to be comprised of up to 6 partners before they are required to comply with the bill.

Clauses 33 to 50 outline the areas in which discrimination is permissible. Hopefully, some of these exemptions will be short-lived, but are inevitably present initially in legislation of this nature. For example, superannuation and insurance schemes contain terms and conditions which have been seen to be discriminatory but are too complex to eliminate immediately. Religious bodies and charitable bequests conferring benefits will be exempt. The bill will not affect clubs where the club is wholly or mainly for persons of a particular group. It will not affect educational institutions which are under the control of a religious body or parents, and will not render unlawful the exclusion of students on the ground of sex where an educational institution is carried on wholly or mainly for students of one sex.

Competitive sporting activity will be exempt where strength or stamina, nationality or length of residence of the competitor is relevant. Persons providing accommodation will be exempt where the owner or a relative resides, or where the accommodation provided is for no more than 6 persons apart from the owner or his family.

In the area of employment, there are exceptions too; for example, where sex is a genuine occupational qualification in jobs where clothing has to be fitted or where employment requires residence in communal accommodation for one sex. The bill will provide for employers to be exempt for reasons of authenticity in dramatic performances and restaurants. Time does not permit me to itemise all the exceptions but, on perusal, I am sure it will be agreed that the exceptions are sensible. All states have similar exemptions. In addition, temporary exemptions can be granted by the Administrator where it is not feasible for a body or organisation to immediately comply with the bill.

I turn to part IV which refers to enforcement. Clauses 51 to 57 set out the procedures whereby a person who alleges discrimination can request the commissioner to investigate and resolve the complaint by conciliation. If attempts to conciliate are not successful, the commissioner will refer the case to the tribunal.

Clauses 58 to 61 refer to representative complaints. Under these provisions, the tribunal will hear all representative complaints; complaints where 2 or more persons have been affected by the conduct of a respondent. The only other act which makes provisions for this sort of complaint is in New South Wales. In the United States, they are used in environment and discrimination cases. Chris Ronalds, Research Officer with the New South Wales Anti-Discrimination Board, writes:

> *Class actions have the obvious advantage of reducing the possibility and occurrence of discrimination in a particular work place by affording 'safety in numbers', as well as providing support for particular complainants, both moral and practical, in the collection of evidence to establish the basis of the complaint. They also broaden the potential effectiveness of the legislation by increasing the numbers of people affected by any one conciliation process or board decision. The flow-on effect to other people involved in the actual complaint will occur more easily.*

Clauses 62 to 75 refer to the inquiries held by the tribunal. The minister may refer any matter to the tribunal for inquiry. The tribunal will not be bound by the rules of evidence and may inform itself on any matter it thinks fit. By leave of the tribunal, a party to the inquiry may be represented by a legal practitioner or agent. The tribunal will be empowered to make interim orders in the course of investigation to prevent a party to the inquiry acting in a prejudicial manner. The board is further to be empowered to make binding orders as occurs in South Australia, Victoria and New South Wales. The board will be able to award damages or order the respondent to refrain from committing further acts of discrimination, declare void - in whole or part - any agreement made in contravention of the legislation or vary any agreement. Each party to an inquiry shall pay its own costs unless in a particular case the tribunal makes an order as to costs as it thinks fit. A party is able to appeal to the Supreme Court against an order.

In relation to enforcement of orders, failure to comply with an order will constitute an offence and can be prosecuted summarily and, as in New South Wales and Victoria, money ordered to be paid by a tribunal may be recovered as a debt in a court of competent jurisdiction.

Part V - equal opportunity and public employment - establishes a Director of Equal Opportunity who will establish positive programs to break down systemic discrimination in the Northern Territory Public Service. This part is modelled closely on the recent amendment to the anti-discrimination legislation adopted in New South Wales. Such provisions will complement the individual and group avenues of complaint, and will work significantly towards reducing entrenched discrimination. International agreements to which Australia is a signatory, such as the ILO Convention concerning elimination of discrimination in respect of employment, support the taking of special measures where necessary, and these conventions state that this will not be deemed to be discrimination.

As stated earlier, the figures relating to levels of employment of minority groups in the NTPS unquestionably point to a need for other 'special measures' to be taken by the government. The functions of the director are to advise and assist authorities and departments in relation to management plans, evaluate their effectiveness and report and make recommendations to the minister. The management plans will include provisions relating to review of personal practices, the devising of policies and programs and the setting of goals to eliminate and ensure the absence of discrimination in employment. Where the director is dissatisfied with any matter relating to preparation or implementation of a management plan, the director may refer the matter to the tribunal. Obviously, the need for this section in the bill will last only until such time as equality of opportunity is granted to all members of the NTPS.

Mr Speaker, this is an important piece of social legislation. It has as its basic premise principles of equality and tolerance so often spoken of but not so frequently practised. I urge all members to examine the legislation and discuss it widely.

I commend the bill to honourable members.

Debate adjourned.

STATEMENT
Quoting from Daily Hansard

Mr SPEAKER: Honourable members, I have given considerable thought to my action in forbidding quoting from the uncorrected Hansard. My ruling is correct. Quoting from the uncorrected Hansard means accepting Hansard's version of what members say without question. The provision of correction sheets in every uncorrected Hansard given to honourable members indicates that the Hansard editors themselves anticipate making mistakes in interpreting honourable members' speeches. I might add that it has always been the practice in this legislature that quoting from daily Hansard was forbidden although there is no mention of it in Standing Orders.

CONSUMER PROTECTION AMENDMENT BILL
(Serial 31)

Continued from 26 February 1981.

Mr PERRON (Community Development): Mr Speaker, the member for Fannie Bay presented this bill on 26 February 1981. The bill proposes that the Consumer Affairs Council submit an annual report in addition to the report submitted by the Commissioner for Consumer Affairs. In her second-reading speech, the member made the point that the former Consumer Protection Council reported directly to the Legislative Assembly whereas, under the present act, the Consumer Affairs Council's report is incorporated in the commissioner's report.

She also told us that, in the final report of the Consumer Protection Council, the chairman stated that he saw the new legislation as a gag applied to that body.

With all due respect to the member, both these points are irrelevant when the roles of the Consumer Protection Council, the Consumer Affairs Council and the Commissioner for Consumer Affairs are compared. In the days before self-government, the Consumer Protection Council was the sole consumer authority in the Northern Territory. Its members gave unstintingly of their time to receive and follow up consumers' complaints and carry out other consumer-related functions. The council was assisted by a secretary who was a permanent public servant. He conducted many of the investigations, attended interstate meetings, published a newsletter and generally organised the affairs of the council. It was proper, therefore, that the chairman of the council should have given an account of his stewardship to the Legislative Assembly. In 1978, the government recognised that it was inequitable to leave handling of complaints and other consumer matters in the hands of a largely unpaid private individual. It is a full-time job which requires full-time employees.

The Consumer Protection Act provides the statutory authority to set up the necessary organisation within the Northern Territory Public Service. However, it is not good government to rely entirely on government employees for advice, particularly in sensitive areas such as consumer affairs. The Consumer Affairs Council was created to fulfil the role of non-government adviser. It is coincidence that many of the members of the Consumer Affairs Council were also members of the old Consumer Protection Council. It is natural that some of these members may confuse the roles of the 2 bodies and see the new council as an emasculated Consumer Protection Council rather than a new body with new functions. It is this confusion of roles which may have promoted the claims of gagging in the final annual report of the Consumer Protection Council.

The section of the commissioner's annual report relating to the activities of the council is prepared by the council and is included in the report unedited. If the council feels that the commissioner's report is not strong enough, or that the report on the council's activities is not accurate, it should advise me. To the best of my recollection, whilst I have had quite a bit of correspondence to and from the Consumer Affairs Council, the matter of inaccurate or otherwise deficient reporting has never been raised with me.

Throughout the year this Assembly is required to examine annual reports from many statutory authorities. I consider it is inappropriate and unnecessary that 2 bodies whose functions complement each other - that is, the Commissioner for Consumer Affairs and the Consumer Affairs Council - should be required to submit annual reports. Therefore, the government cannot support this bill, basing its case primarily on the fact that the Consumer Affairs Council is not the same body, nor has it the same functions, as the old Consumer Protection Council.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to speak in support of this bill. I have listened with some attention to what the minister has said and I would like to take up a few points that he has made.

Unlike the minister, I do not believe that the present Consumer Affairs Council has confused its role with that of the commissioner. I think that in its report - which really spurred the presentation of this bill - where the old Consumer Affairs Council noted that there was no requirement for a report by the council to be tabled in the Assembly, it clearly recognised the difference in its role from that of the commissioner.

We were very pleased when the new Consumer Protection Bill was passed through this Assembly. I can recall that members on this side of the Assembly supported the government's initiative in repealing the old act and bringing in a new one which was more in line with the needs of Territory consumers. I also appreciate the fact that the minister saw the inappropriateness of having a body of people who gave up their time in a voluntary capacity to assist consumers. I appreciate the inappropriateness of having those people follow up complaints and institute legal proceedings against the firms about which consumers had complained. As far as that is concerned, the role of the commissioner is well understood, not only by the community at large but by the Consumer Affairs Council.

I think that the Commissioner for Consumer Affairs has done an excellent job within the terms of his powers and functions as set down in the Consumer Protection Act. Members will recall that it was only in the last sittings that we debated the report of the Commissioner for Consumer Affairs and many constructive recommendations were put forward in that report and debated in this Assembly. There was indeed a great deal of consensus as to what ought to be done in the future about those matters which were raised.

The powers and functions of the Consumer Affairs Council are clearly set out in the Consumer Protection Act as are the powers and functions of the Commissioner for Consumer Affairs. I would refer the minister to parts II and III of the act because in fact the functions are not identical. The functions that are to be discharged by the Consumer Affairs Council are somewhat different from the functions to be discharged by the commissioner. The functions of the council are to be found in section 6 of the act whereas the functions of the commissioner are spelled out in section 17 of the act.

There is no doubt there is an area of overlap in the 2 sets of functions and the areas of overlap are in the general approach of consumer affairs and matters affecting the interests of consumers. For example, the main function of the council is to act as an advisory body to the minister on matters affecting the interest of consumers and it is also charged with investigating and making recommendations to the minister on matters calculated to protect the interest of consumers. The council further has the function of making recommendations to the minister on matters referred by the minister, again discharging its role as an advisory body to the minister, and it is able also to consult and receive submissions from manufacturers, retailers and other sectors of the business community and consumer organisations, to disseminate information and to affiliate and cooperate with other bodies which have similar aims.

The function of the commissioner, as has already been noted by the honourable minister, is to take a more positive role in protecting consumers; that is, it is not purely advisory. The commissioner has specific functions to do certain things which the council can do as mentioned in paragraph (a) of section 17(1): to promote the interests of consumers and to assist them to greater awareness in relation to their assessment and use of goods and services, to collect, collate and disseminate information in respect of matters affecting the interests of consumers and to receive complaints from consumers. In these 3 functions, there is a clear overlap with the functions of the Consumer Affairs Council.

On the other hand, the Consumer Affairs Council has no powers; it has functions which are spelled out in section 6. The Consumer Affairs Commissioner not only has functions as outlined in section 17 but also has specific powers which are outlined in section 18. This is where the difference is clearly marked. The commissioner is able to initiate legal proceedings against companies acting fraudulently or against the interests of consumers. This power is not

available to the Consumer Affairs Council which is merely an advisory body which assists the minister in certain matters relating to consumer affairs. This is a clear difference in the roles of the 2 bodies. I do not think that the Consumer Affairs Council has confused its role; I think that it is very well aware of the fact that it has certain advisory functions but no powers. I hope that I have disposed of the matter of whether or not the commissioner's functions are identical to those of the council.

I come now to the question of whether or not the council should prepare its own report. If one looks at the functions of the council, one must come to the conclusion that they should. It has a broad function which is outlined in paragraph (b) of section 6: to investigate and make recommendations to the minister on matters calculated to protect the interests of consumers. A similar, although not identically worded, function is also available to the commissioner. There are few issues on which people expend money which may not be seen as being consumer related. It is more than likely that the matters investigated by the commissioner will not be the same as those which occupy the minds of the members of council. What I am saying is that there is a large area of interest in consumer protection and that the 2 sets of matters investigated will very rarely converge. The Consumer Affairs Council is able to look at a number of matters which may be neither practical nor appropriate for the commissioner to look at for a variety of reasons; one of them, for example, might be the fact that he has not received any complaints. I think that, because the Commissioner for Consumer Affairs has been given a function to afford a measure of relief to consumers - and consumer complaints are frequent in the Territory - that function must occupy a great deal of his time. With the advisory functions that are available to the council, it would use that particular paragraph to look at a number of matters which need not necessarily be the preoccupation of the commissioner. By providing in the present act, as we do, that only the commissioner presents a report, we are overlooking a large area of activity which the Consumer Affairs Council may be pursuing quite independently of the activities being pursued by the commissioner. For that reason, the bill which has been sponsored by the honourable member for Fannie Bay ought to be supported.

The minister said that it was not good government to rely entirely on government employees for policy, especially in sensitive areas such as consumer affairs. This is a commendable enunciation. Of course,that is why the Commissioner for Consumer Affairs is an employee within the meaning of the Public Service Act whereas the members of the Consumer Affairs Council are individuals who have been appointed to the council because of their interest in consumer affairs. They are acting in a voluntary capacity and not as employees of the government. I think that is a commendable thing but, because the members of the council may be pursuing activities independently of the commissioner, this Assembly - which has legislated for the existence of the council - ought to be informed of the activities being pursued by members of the Consumer Affairs Council. I do not think there is any confusion about roles.

The honourable minister said that the portion of the commissioner's report relating to the affairs and activities of the council was published unedited. Mr Speaker, nobody would for a moment suggest that there was any editing or, worse still, censorship of the part of the report submitted by the Consumer Affairs Council. However, there is a practical difficulty. Of course, the Consumer Affairs Council does not allege that the commissioner's report is in any way inaccurate but, on the other hand, I would ask the minister how the Consumer Affairs Council would know the content of the commissioner's report because there is no mechanism which provides that the commissioner must show his report to the council before it is published. The fact that the 2 amicably exist side by side in the same report is a matter of coincidence rather than

the result of any mechanism existing in the act to provide that the council has any say in the accuracy of the commissioner's report. For the minister to say that, if it is inaccurate, the Consumer Affairs Council ought to inform him, is not coming to the point of the matter which is that this Assembly ought to know of the activities of the Consumer Affairs Council.

The minister has mentioned that the 2 organisations have complementary functions and I believe this to be the case. Whilst there is some overlap, they are not identical functions. As the minister says, we do have many annual reports presented in this Assembly and I am extremely pleased to see the flow of information that comes to individual members here. It is something that members on all sides of this Assembly have worked for and personally I am pleased that the various departments produce these reports. I was also happy at the time to participate in amendments which provided that all departments would produce reports and the period for reporting would be standardised. On many occasions, members on both sides of the Assembly have commended the content, the manner of presentation and the detail contained within departmental reports. All this is good and open government and I think this trend ought to continue. In the same spirit, I think the minister ought to change his mind and support the bill sponsored by the member for Fannie Bay because it is completely consistent with action the government has taken itself, namely the provision of information to members of this Assembly and to the public. I support the bill.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I have been left with very little to say since the member for Sanderson replied to the minister responsible for consumer affairs so admirably and I am sure that all members or those of us who feel strongly about this issue will be disturbed that the minister rejected out of hand the reasonable request of the council of voluntary members who work in the interests of the Northern Territory. This bill has been introduced twice. As members of the Second Assembly will recall, it lapsed and I reintroduced it. It was introduced specifically at the request of the retiring Consumer Protection Council; the recommendation was included in its report. For the minister to suggest that it did not know what it was doing is quite insulting to those people whom he himself has indicated work well in the interests of the people of the Northern Territory. Quite clearly, they had read the act; they knew precisely what it said and that was what enabled them to pick up the change between this act and the previous act. They picked it up; members of the Assembly including myself did not pick it up. I was very pleased that they brought it to our attention because we had not noticed it. That they were able to comment in their report on the year ending June 1978 on this defect in the Consumer Protection Act indicates that they knew precisely what was going on. The members have indicated that they would like to be able to report direct to this Assembly and it is not asking too much of the minister to support them in this reasonable request.

The minister says that we have many reports before us, and indeed that is very true. We enjoy reading them and they provide us with much information. Mr Speaker, I know you believe that it is a function of this Assembly which should be encouraged that it debate a broad variety of issues, such as those presented to us in annual reports, in addition to legislative debates. We have this wider function in society and this is one of the things that we should pursue.

Another matter raised by the honourable minister was that the reports of the Consumer Affairs Council, which were presented to the Commissioner for Consumer Affairs, were not edited before they were presented in the combined report. We are very pleased to hear that. That, of course, is not the point.

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They can well be changed, and that was the fear of the council. The fact that they were not changed does not go to the point at all. They might well be changed in the future by this minister or by some other minister. Frequently, the council pursues different avenues of inquiry from the Commissioner for Consumer Affairs. It wishes to present this to the Assembly and I believe it should have the right to do so.

One of the things that strikes me about the work of the Consumer Affairs Council is that it is composed of people from many communities around the Northern Territory. While this makes it somewhat expensive when the council meets, it does provide input on consumer matters from people around the Territory in a way that, frequently, the commissioner and his staff are unable to do because, as we have read in his report, he is short of staff. Frequently, the government officer responsible for consumer affairs in a place such as Nhulunbuy has many other responsibilities. This is only one of his functions and he cannot give it the attention that the council does. I have noted this particularly about the work of the council. It concerns itself with the problems of the more isolated communities in the Northern Territory and this is something that members of the Assembly, so many of us being from Darwin and other large centres, should be interested to encourage. By the rejection of this bill by the Minister for Community Development, we could well be denied access to this information on consumer matters from places around the Northern Territory. I regret that the minister has indicated he will not support the bill, but I do seek support of other members.

Motion negatived.

TRAFFIC AMENDMENT BILL
(Serial 35)

Continued from 26 February 1981.

Mr DONDAS (Transport and Works): Mr Speaker, the government is opposed to this bill. It has given it special consideration and recognises the well-meant intention of the honourable member for Fannie Bay in submitting it, but cannot accept the bill in its current form. The government has not in fact determined whether the concept of reducing a disqualification period given by a court is acceptable or not. A need is seen for much work to determine whether adequate guidelines can be developed and how best they can be applied.

The honourable member for Arnhem himself addressed on Tuesday during the adjournment debate the sad question of the high accident rate on the Northern Territory roads. Referring to the 1979-80 annual report of the Northern Territory Police Force, the honourable member stated that figures in that report should be studied by everyone who is concerned about both the financial and human-suffering costs of drinking and driving in the Northern Territory. There can be no doubt that the Northern Territory has a drinking and driving problem. In an 8-month period last year, 742 people were convicted in the Darwin magistrate's court on driving and drinking charges. This represents 2% of the Darwin population per 12-month period. The national average is approximately 0.43%.

I quote the Co-ordinator of the Alcohol and Drug Dependence Foundation when I say: 'It seems that in the Northern Territory, if something is worth doing, it is worth doing to excess'. 216 of the total of 742 convicted attended Amity House. There is a school of thought that suggests that people who are known to have serious problems with alcohol should be barred from holding a licence whether they admit it or not. This thought follows the line

that, if a person has a potentially dangerous health problem, he should not be legally inflicted on the rest of the population once the disqualifying period has passed unless recovery is obvious to the court. A system operating in Tasmania, Queensland and Victoria allows magistrates discretionary powers to order people to attend and provide proof of completion of an alcohol and driving course before a licence is reissued. In 1980, alcohol was a major contributing factor in 75% of the deaths and 24% of the accidents on Northern Territory roads, a far greater rate than any other state.

The member for Arnhem advocated an even tougher line for the future. I recollect that he said: 'A future Territory government, whether it is a conservative or Labor government,will have to become even more aggressive and take an even harder line against drink-driving in the Territory'. A major problem with this bill is that, in seeking to cater for a person who has been genuinely and fully rehabilitated from an alcohol problem, judgment must be made which, if wrong, can put that person and, more significantly, other sections of the community at considerable risk. There is a need to ensure that such judgments can be made with a high level of certainty and that those making them are those best qualified to do so. It is not clear that the legal system or any other is suited for such judgments. Special licences offer a safety valve in that use for a strictly work-related purpose can be considered and the bill does not allow the option of a restricted licence. However, there is considerable concern that special licences are being issued more often and more freely than intended by the legislature. Unless this can be overcome, it could seriously jeopardise the community if the courts' powers are extended to allow licences to be returned as little as 2 years after disqualification. After all, the court must have had good reason for the disqualification at the time.

There has been suggestion that the application be to the court where the disqualification was made whereas this bill refers all applications to the Court of Summary Jurisdiction. Other suggestions are that applications should be to panels other than courts,but the suitability of these suggestions will have to be determined. There has also been suggestion that the time periods for eligibility to apply to the courts to have disqualification removed should be extended. The majority of disqualifications are for 3 years or less and the courts should have the power to include review periods where they disqualify drivers. I am not yet satisfied that any or all of these suggestions would provide a proper solution in the interests of the community as a whole as well as the truly rehabilitated drinker.

The Road Safety Council also has advised me that it is opposed to the bill in its present form. As the minister responsible for road safety, I am particularly concerned that the reduction of disqualification does not become just a routine procedure as these things, while well intended, often tend to become. The Northern Territory road accident scene is not one that favours experimentation of this nature no matter how well-intentioned. Indeed, the states themselves are split in their attitudes. Our road accident fatality and injury rates are well above those elsewhere in Australia and alcohol is a major factor in this as I have stated. I believe that the Chief Minister has circulated statistics which support me in this.

During the adjournment debate, I recollect the member for Arnhem saying: 'It does appear from looking at the statistics that, if you want to have the maximum chance of surviving on the road in the Northern Territory, the first thing is not to drink and only drive in December between 2 am and 6am, and on curves and hills only and not on straight roads'. The honourable member went on to say that statistics showed a large number of accidents occurred on straight roads and a considerable number occurred between 4 and 6 in the afternoon.

Mr Speaker, the honourable member for Arnhem made many valid points in his adjournment speech in addressing this problem. I wrote this particular quote down because I was making notes at the time and I think that the honourable member for Arnhem was really sinking the member for Fannie Bay's bill, because most of the things he was saying were in line with my thinking. He said: 'What the figures show only too clearly, and I realise that we talk about it ad nauseam in the Assembly, is the absolutely horrific problem that we have in the Territory with drink-driving'. He quite rightly said that drinking drivers appeared to accept the situation if they were caught on the road but that, if a breathalyser station were put 50 yards from an hotel, it would not be sportsmanlike and they would scream like hell. The honourable member could not understand that particular philosphy because the results of drink-driving in pain, suffering and monetary terms to the Territory every year are horrendous. Now we have a bill introduced by the honourable member for Fannie Bay which may well put people who might have caused some of this suffering back on the roads earlier than the court saw fit as an appropriate punishment for their wrongdoings.

While the government is already acting on many fronts of road safety, it needs to be assured that it is not acting with one hand tied behind its back. This would be a major risk if the present bill were passed. To emphasise the point, I would like to expand on the current Northern Territory situation. The most recent statistics show that we are killing ourselves at well over double the national rate and injuring ourselves at a higher rate by 50% or more than people elsewhere in Australia. The breakdown of these figures varies depending on whether we talk on a per capita or per vehicle basis. The basic message is still there: we are well behind the rest of Australia in control of this problem. Further, alcohol is a known factor in more than 50% of road fatalities, major accidents and injuries. The probability of being involved in an accident climbs steeply as the level of alcohol increases. Those who have already lost their licences because of alcohol offences have put the community at considerable risk and have often caused pain and suffering. Should they or the community be given the benefit of the doubt as to whether they will succumb again or not? I do not want to deprive these people but I do want to be sure that they are not allowed back in harness prematurely as it were.

To expand further on the Northern Territory situation, current police random breath-testing of drivers shows that we already have a much higher proportion of people with significant levels of alcohol in their blood on our roads than is found elsewhere. It is considerably higher than the proportion in Victoria. Proportionally, of the number of persons tested in the Northern Territory, 3 times as many have readings over 0.08% as those tested in Victoria. More than twice as many proportionally show 0.08% as show 0.05% in Victoria.

These figures have to be looked at carefully when considering our high fatality and injury rates. Few people who are not directly involved realise just how far-reaching are the effects of any one road accident. It affects the immediate victims, the relatives of the injured or dead, social structures, bystanders, witnesses, rescue workers, police, and ambulance and hospital staff. It can also involve expensive back-ups for ongoing trauma of both a physical and mental nature.

I would like to recommend that members read a publication of the New South Wales Traffic Research Unit entitled 'Psychological and Social Losses from Traffic Crashes'. This report, printed in May 1981, highlights the traumatic effects of road accidents, not only on the injured but on close relatives and others. I quote: 'A crash may be experienced as an event inflicting death, injury, terror or any of these combined. It may also initiate complex medical

and legal systems of treatment and compensation in which a victim may still be involved many years later. Each of these experiences can inflict losses on individuals involved. These losses may be seen in terms of increased mortality, morbidity, disrupted relationships, altered lifestyles and a wide range of psychopathic syndromes. One has to consider very carefully how far one can afford to risk the community by allowing people who have already put the community at risk back on the road prematurely'. With these reservations in mind, Mr Speaker, I oppose the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, it is a shame that the government does not take seriously the bills put forward by the opposition because the way the minister took licence with the remarks of the member for Arnhem and tried to associate them with the thrusts of this bill is laughable. The remarks made by the member for Arnhem were appropriate and relevant to the point that he was making. The remarks had no relevance to the issue of principle contained in the member for Fannie Bay's bill.

The government has an appropriate view about trying to stop the carnage on the roads. It recognises rightly the part that alcohol plays in the extraordinarily high incidence in the Territory of accident and death on the roads. There is a situation in this Assembly of complete accord between the government and the opposition with regard to road safety and matters relating to drink-driving. I do not think any further debate is needed on that matter.

What we are talking about and what is raised by the member for Fannie Bay is whether or not those people who have succumbed to drink, as the minister put it, and had their licences suspended for a long period of time - in excess of 3 years - ought to be allowed at some stage in the future to have that suspension reduced. As the member for Fannie Bay reminded us in her second-reading speech, it is a principle which has already been adopted with some success in New South Wales. It is not as though the Northern Territory will be breaking new ground. Of course the bringing of this bill was prompted by the spectacular campaign of a resident of the Northern Territory, one Doc Baban. He has been in the forefront of this campaign and has taken his story as far afield as the Melbourne Truth and to Her Majesty the Queen. He makes a case out which, I believe, deserves not just sympathetic consideration of a very patronising nature but action in the form of the bill before us today.

The absurdity of the minister's position is that the man in question, Doc Baban, in fact has rehabilitated himself from a woeful drunk - as he will tell you himself - to a teetotaller. He was barred from holding a licence for 10 years. The absurdity is that Doc Baban applied for a special licence to drive at work and, ultimately, to drive to, from and during work. That has been granted. Everybody who knows him will tell you that he has not touched a drop since the suspension was brought into effect and magistrates obviously were satisfied at the time of granting him the special licence that he had been rehabilitated. The crazy thing is that, although allowed to drive to and from work and during work - and there has been no question about his succumbing - the man is unable to drive on weekends and outside normal working hours.

I think that points out the narrow vision of the government's attitude. I am amazed that the minister should say that the government has not yet reached finality on its view of reduction of these suspensions. The member for Fannie Bay said this particular bill had been around for some time. Doc Baban's case has been well covered in the media for many years. He has had correspondence with the Chief Minister, as Attorney-General, for some time. He has taken it as far afield as the Melbourne Truth and to Her Majesty the Queen.

His is a case in point, a very good case in point. What we are saying is that a magistrate should be given the right to assess that kind of evidence. If you have a look at the bill - and the minister did not once refer to it - you will see that in proposed new subsection 55C(3) the magistrate has to be satisfied:

> *Upon the hearing of an application under subsection (1), the court may, if it is satisfied -*
>
> > *(a) that the offence leading to disqualification of the applicant is unlikely to recur as a result of a material change in the medical or other circumstances of the applicant since the date of his disqualification; and*
> >
> > *(b) that, if he is given permission to apply for a new licence in pursuance of an order made under this section, the applicant will be likely to drive without danger to the public,*
>
> *terminate the disqualification of the applicant and order the Clerk of the Court to notify the Registrar that permission has been given to the applicant to apply for a licence under section 10 of the Motor Vehicles Act.*

It is not as though these licences will be granted willy-nilly. The magistrate will have to be satisfied to a very great degree, by the terms of this bill, whether or not the applicant is able to drive without danger to the public and whether his circumstances have materially changed since the time of the disqualification. I think our magistrates are able to make that kind of judgment with the sort of certainty which we would expect. They will not be infallible but there has to be a recognition, and this is the crux of the whole argument, of people's determination and desire to rehabilitate themselves. It is not much use penalising a person with a 10-year suspension - as I think it was in Mr Baban's case - and,when he rehabilitates himself, which is precisely what we required of him,and satisfied magistrates that he is able to drive with care and without any danger to the public during working hours, then deny him an unrestricted licence after all.

The government has done the wrong thing. I think the philosophy behind the bill is good. I believe it is a recognition of people's capacity to rehabilitate themselves. It gives a reward, if you like, to those people who have in fact rehabilitated themselves. It is not a matter of right; they do not automatically get it. The magistrate has to be satisfied in the terms of subsection (3) of the proposed section. I am disappointed, as I am sure the member for Fannie Bay is - and poor old Doc Baban and plenty of others in his position will be - that the government has seen fit on this occasion, once again, to put off the question of giving people who rehabilitate themselves the opportunity to drive on the roads without being a danger to the public. It is not a matter of weakening one's resolve on taking a hard line on the question of drink-driving. Quite the contrary, it is the other side of the coin. It is saying that those people who have offended and who have now demonstrably rehabilitated themselves should be able to drive on our roads.

Mr B. COLLINS (Arnhem): Mr Speaker, I would like to speak briefly in support of this bill. I feel obliged to do so as I seem to have contributed to the majority of the honourable minister's response to the bill. I was rather disappointed that the minister treated the bill in such a cavalier fashion. Like the Leader of the Opposition, I was disappointed that not once during his speech did the minister refer to the bill itself, which I thought he could have done.

Mr Speaker, I support all the statements I made in the adjournment the other day and the numerous statements I have made on previous occasions on the same subject. That is the reason why I would like to see this bill supported. The bill does in fact take a line precisely opposite to the one the minister took. It does what I want to see done: it encourages people not to drink. I would have thought that was something the government would want to support not oppose.

It is clear that the government is determined to oppose the bill as it does with most of the opposition's legislation. Perhaps we can expect to see this appear at a later stage as government legislation as happens with much of our legislation after it is thrown out. We are certainly not opposed to that happening. I hope it will happen again in the case of this particular legislation.

The intent of the bill cannot be confused, as the minister seems to be confusing it, with applications for special licences. As the member for Barkly has commented in this Assembly previously, that was a much-abused system and it is still a much-abused system; people who are disqualified from driving march in and simply demand a special licence. This legislation would require a person to have a proven record - proven to the satisfaction of a court - of rehabilitation behind him or her before obtaining a licence. It promotes a fairly well established and fairly successful procedure which offers people an incentive for doing the right thing. There is nothing terribly complicated about that. I want to set the record straight: I believe it is totally consistent with my opposition to drink-driving and the problems that is causes. It encourages people to rehabilitate themselves and not to drink.

Mr TUXWORTH (Health): Mr Speaker, I would like to speak in opposition to the bill, possibly not to the surprise of members of the Assembly opposite. I have some fairly strong views that I have held for a very long time on this particular matter, probably because I have been involved with it in one way or another. I take the view that we have a licence in the community to drive. The licence really is a right for people to go on the road in a vehicle and conduct whatever business they will. However, that licence requires them to have due regard for their fellow citizens. The licence carries a responsibility for personal behaviour and conduct and a responsibility for the type of vehicle and the way the vehicle is driven. We all accept that, when that licence or right is abused, there needs to be some sort of penalty, probably for 2 reasons. Firstly, the person is a threat to the rest of society. While he is abusing his licence, he can cause considerable damage, injury and even death to other parties besides himself. Secondly, there should be a penalty to try to shaft home to the offender that his behaviour or attitude is not appreciated.

I must confess that I have seen many people lose their licences over the years for a variety of offences. In fact, in most of the local courts in small towns, Monday mornings are generally taken up with DUIs that result in penalties for persons in the community. The thing that fascinated me was that Tuesday morning was taken up with giving them all back their licences. I could never come to grips with the rationale behind it all: 'We are taking your licence off you on Monday because you have done something pretty serious and you have threatened the rest of the community but, because you might need it for work or for some other reason, we will give it back to you on Tuesday with certain conditions'. If we are to be fair dinkum about combating the drink-driver, we have to be fair dinkum about the way we handle the penalties. The penalty is loss of licence and it should not be returned on a permit basis or any other basis. The loss of the licence is not related to whether you are a habitual alcoholic who drives under the influence every day or whether you are a screaming alcoholic who goes out every Friday night or once a month, has a few

ales and drives home in a wobbly fashion. The result is still the same: the driver is a threat on the road and, if he is apprehended in that state, he loses his licence.

I must confess that, in recent years, the regularity with which people have had their licences returned seems to me to be defeating the purpose of taking the licence away in the first place. There is an old saying that hard cases make bad law and this is a fine example of it. If we want to bend the law to fit all the hard cases, it will not be worth much to us when we are finished.

In the bill itself and in the debate that I have heard so far, very little accent has been placed on the safety of the community. We are worried about the rehabilitation of the driver and what a hard lot he has had. There has not been much consideration given to the people who might die as a result of a licence being reinstated.

There were a couple of interesting things said. The Leader of the Opposition said that licences would not be handed out willy-nilly. Given the current state of affairs, that is pretty hard to understand because licences are still handed out. Whether they are handed out willy-nilly is a matter of debate, but they are still handed out. The member for Arnhem said that the bill encourages people not to drink. They were his words. If that is a fact, I think we ought to have it carved in marble, put on a plaque and delivered to every home because we spend half our lives trying to devise schemes to encourage people not to drink so much. If this bill has that answer, then I think it needs a great deal more attention.

Mr Speaker, I do not think the bill would discourage people from drinking but, as legislators, we should not lose sight of the fact that one of the premises that we have for taking away a licence is to cause some inconvenience to the offender who has been a threat to the rest of the community on the roads.

Mr ROBERTSON (Education): Mr Speaker, for the first time I have considered what the implications of allowing this bill to go through would be. I examined it over the last several weeks and decided it has some very dangerous ramifications.

Mr Everingham: Radical tendencies.

Mr ROBERTSON: No, I do not think that there was anything radical about it. I think it was probably put forward with the best intent in the world but the more I think about it the more dangerous I think it would be to enact it.

The opposition's principal justification for this bill has been taken up by both sides of the Assembly: alcohol-related offences in driving. Of course, it is not confined to that. There are other offences which result in the suspension for long periods of time of drivers' licences, not just drinking and driving.

The Leader of the Opposition advanced, with the best will in the world, the case of a rather celebrated person who has been campaigning for the reissue of his licence. Mr Speaker, that person was not deprived of his licence on the basis of his drinking. He was deprived of his licence on the basis of repeatedly driving whilst drunk. That is an entirely different thing. I believe that every encouragement ought to be given to people to overcome a severe alcohol problem should they have one. However, there is a tremendous difference between what is regarded as a social problem - in fact, an illness in many cases - and

what is regarded by everyone as a criminal offence: the act of consuming excessive alcohol and climbing behind the wheel of a car.

It is all very fine to look in isolation at the offence of drinking and driving and then drafting a bill like this to allow people to drive again if it is felt that they have been rehabilitated. On the face of it, it is acceptable to us because driving a motor car is something with which we are all totally familiar. If we adopt the new criminal code, the suspension of a driver's licence could be for the use of a motor vehicle in the exercise of crime. Certainly, we can argue rehabilitation there as well. A licence could also be suspended for a history of extremely dangerous driving.

If we enact this bill, we are asking a magistrate to determine that a person is unlikely to offend again. Certainly, the law is there for one just as it is for all. I suppose it is fair enough to determine that a person has overthrown the scourge of alcohol but that is not only what we are talking about. We are talking about a whole range of things besides alcohol-related offences. That is an impossible task for a magistrate. For a start, the opposition told us a magistrate is in a position to make a totally honest and subjective assessment of a person's prospects for rehabilitation so that he will not reoffend. Mr Speaker, another magistrate - or even the same one - decided that it was in the public interest that this person should not drive again for 10 or 15 years or life. When a magistrate comes to a conclusion to reinstate that driver, we have a delightful combination. He does not just have an alcohol problem; he has consciously coupled the 2 activities together.

I would like to go back to what I said earlier: we find it easy to accept because we are dealing with the matter of driving a motor vehicle. We can forgive and forget. But a vehicle is as lethal a machine as anything ever made - a terribly lethal contraption. It slaughters more people in this country annually than the number of Australians who died in the entire Vietnam war. In any 2½ year period, the motor vehicle kills more people than died in both Korea and Vietnam put together. It is a pretty lethal machine.

Mr Speaker, as every member in this Assembly knows, because I raise it occasionally, I fly aeroplanes. I fly a fairly sophisticated aeroplane. I can do about 220 statute miles across the ground. How would anyone here feel if I was convicted under air navigation orders of flying that aeroplane under the influence of alcohol? It is quite a different thing from driving a motor car because we are not used to it. Does it not have more impact on you than a motor car? You start to think about the consequences of that sort of behaviour.

There are offences related to firearms. What if, as a reult of consuming excessive alcohol, I did something foolish and potentially lethal with a .357 magnum pistol - which I am licensed to hold - a number of high-powered weapons or shotguns?

Mr B. Collins: A bodyguard would be cheaper.

Mr ROBERTSON: I am being quite serious about this. Even if you think it is funny, I do not. It is extremely serious.

Mr B. Collins: I think it is surprising.

Mr ROBERTSON: If the gaggle opposite, the fowl pen, could shut up, Mr Speaker, we might get on with sensible debate.

Mr SPEAKER: The honourable member is being provocative now.

Mr ROBERTSON: I suppose it is rather like the gentleman who worked with Colonel Gadaffi and was asked to sink the Sixth Fleet with 2 aeroplanes. I would have loved to have been at that briefing session. It is rather like the Irish kamikaze pilot, Mr Speaker.

Mr SPEAKER: The honourable minister will resume his speech.

Mr ROBERTSON: Mr Speaker, the point I am trying to make is that it is very easy for us to isolate motor vehicles because we all use them. I think we tend to forget just how lethal they can be. When we are debating this sort of bill, we tend to overlook the extent of the disregard of the law and of the privilege to drive which gave rise to suspensions of the magnitude that we are discussing. It is not just one offence; it is a history of multiple offences. It would seem to me that it would be extremely unwise to demonstrate to the public that this legislature is of the view that, provided one can convince a magistrate at some subsequent time, all is forgiven and forgotten.

I know that New South Wales has brought in legislation similar to this and I know that this Assembly has to examine the question of random breath-tests again. We picked up a piece of legislation from Victoria which, in light of the information which is available, I am starting to question very seriously. Why should we introduce legislation just because New South Wales has done so already? That was the justification that the Leader of the Opposition was suggesting to us. We are not recreating the wheel. Incidentally, New South Wales is a roadway slaughterhouse in terms of the number of people who have been killed or maimed. Why should we adopt something that they have picked up?

Mr Speaker, I do not think there has been any case made out by the opposition which would persuade me that it is wise in all the circumstances to say that, simply because it is a motor vehicle, we ought to allow people who have a repeated and proven propensity for totally unreasonable behaviour behind the wheel of a vehicle - not just for alcohol offences - to have a second chance to continue the process of killing and maiming.

Mrs LAWRIE (Nightcliff) Mr Speaker, that was a most interesting address by the Minister for Education and I appreciate the fact that he spoke without notes and did not read a prepared speech. I will speak in the adjournment about that because it really gives me the pip that members of this Assembly cannot perform without a bevy of prepared notes.

Mr SPEAKER: Will the honourable member speak to the bill.

Mrs LAWRIE: I do not need to read my speech, Mr Speaker.

Mr SPEAKER: No, but will you speak to the bill.

Mrs LAWRIE: I most certainly will because the dissertation just given by the Minister for Education was alarming in its total lack of logic, in view of events that have occurred in the Northern Territory. He outlined some of the problems that legislators have in dealing with one of society's more alarming problems: people who combine their right as citizens to drink with their licensed right to drive a motor vehicle on the roads. We are all aware of the problem. We all sympathise with magistrates and courts and legislatures which have to address one of the more fundamental social problems in western society today. However, the minister ignored one salient fact. The person who has been referred to twice in this debate, first by the Leader of the Opposition and secondly by the minister . . .

Mr Robertson: Not by name.

Mrs LAWRIE: Not by name - but as a person with a serious problem, a drinking problem, who has in fact received a licence. That is where the system becomes illogical.

Let us talk about the drunks on the road of whom none of us approve. It is probably easier for the clinical alcoholic to buck his particular problem than it is for the social drinker who drinks quite often but does not make quite such a mess of himself and who continues to function in a reasonably orderly manner and refuses to admit that he has a problem. We are not going to have a great debate on the medical aspect of drunkenness, but I think most people who have met members of both categories will agree with me.

What the honourable member for Fannie Bay has been attempting to do is offer to people who have transgressed against the Motor Vehicles Act and traffic laws for a variety of reasons which have led them to lose their licences for considerable periods of time the hope that, in rehabilitating themselves, they may recover not only their self-respect but the right to be licensed to drive if they can convince a court that they have reached this most desirable objective.

The Chief Minister interjected saying: 'This system will be abused'. Since he is Attorney-General, that does not seem to give any great indication of his faith in the courts. The Minister for Health mentioned a problem which was present when people could all too easily obtain special licences having just lost their general licences. The Minister for Education was at pains to point out to this Assembly the undesirable prospect of people who had been convicted of serious offences and surrendered their licences for life or for a large number of years being given the opportunity to get around that period of disqualification. That already exists; they can get a special licence, not a general licence. I would like to think that honourable members opposite will give a little more consideration to what the member for Fannie Bay is proposing instead of just regarding it as a private member's bill and refusing even to consider any amendments. Perhaps, in the light of what has been said today, the government ministers might indicate to the Assembly that, whilst they will not support the bill in its present form, perhaps because of the time strictures which the honourable member has proposed, they will still accept the philosophy that, given certain other things and the ability to convince a court, the return of a general licence may be appropriate.

I mentioned my difficulty in grasping the logic of the Minister for Education because there exists presently the opportunity for people who have offended seriously, and who have had their licences taken away for a long time, to obtain special licences. Would it not be more sensible for the government to indicate that, having obtained that special licence, after 4 or 5 years operation on it, the issuing of a general licence could be considered? What has upset me in this debate is what appears to be the complete dismissal of the concept by members opposite, probably because it has been brought forward as an opposition private member's bill. If they are genuine about never allowing people who have seriously transgressed to drive, why do they allow a provision to exist which gives people the right to drive a car on the road under special licence?

I think more attention should be paid to what the member for Fannie Bay and other members of the opposition have said. They are not trying to re-license people willy-nilly. The Minister for Education for once was not logical. I do not think the Chief Minister needs the Minister for Education to give him a variety of instructions. The Chief Minister in fact is one of the better members of this Assembly when it comes to speaking off the cuff. I think he is big enough, brave enough and tough enough to adequately defend himself without

prompting from any of his ministers.

Mr Robertson: I am talking to you. You have not read . . .

Mrs LAWRIE: Why? You do not have the floor.

Mr Everingham: Could we please cease this domestic quarrel and turbulence.

Mr SPEAKER: I will bring the Assembly to order. I ask members to behave themselves. Order!

Ms D'ROZARIO (Sanderson): Mr Speaker, I hope I can deliver a few comments quietly, which is my normal manner.

I am disappointed that the Minister for Transport and Works has adopted a punitive approach to the bill presented by the member for Fannie Bay. I think that we must look at this in a manner analogous to that of parole. If anyone thinks that analogy might be frivolous, let us not forget - as the honourable Minister for Education reminded us earlier this afternoon - that drink-driving is a very serious criminal offence.

I think that the Minister for Transport and Works could have taken a better approach to the bill than he has. I would remind members that,when we went through the debate on random breath-testing, both sides of the Assembly were subjected to a great deal of criticism and pressure from members of the community. It is fair to say that, by and large, the decision by this Assembly to introduce random breath-testing in the Territory was not a popular one with the electorate. Never mind, we all survived the wrath of the electorate - well most of us did, and here we are. At that time, despite pressure applied by the electorate, we were keen to assure members of the public that that was not a revenue-raising exercise on the part of the government, and the then minister and certainly the Chief Minister went out of their way to explain that it was meant to deter people from an unsociable and highly dangerous mode of behaviour. It was not meant in the first place to penalise; it was not meant to be a witch hunt; it was meant to deter drivers from driving when they had been drinking. Like the Minister for Education, I have not really analysed the experience of the last 18 months so I am not in a position to say whether that particular aspiration of this legislature came to pass. Nevertheless, our attitude then was directed at deterrents, not penalties and certainly not revenue-raising.

Here we have a matter which is closely related to the general question of drink-driving: what to do with drivers who have demonstrated an ability to rehabilitate and have been living in a manner which would satisfy the courts that they would not reoffend. As the Leader of the Opposition pointed out, there will not be an automatic grant of a licence after 2 years elapsed where the period of suspension is 3 years or more. The applicant has to prove to a court that he has been rehabilitated to an extent which would satisfy the court that he should have a normal licence.

Mr Speaker, the honourable Minister for Transport and Works said that this was putting a little bit too much on our magistracy because, after all, a magistrate had at some former time decided that the offence was so serious as to merit a long-term suspension. This is not meant to be a debate about the adequacy of the magistracy. I am sure that no member of this Assembly in any way reflects upon the ability of those worthy people to discharge their responsibilities at the bench. But the Minister for Transport and Works is saying that we are trying to do something in here although a magistrate has

decided at another time that a certain period should elapse before a person regains his licence. Mr Speaker, I recall that you have pointed out to us that the Assembly is the highest court and certainly, if we legislated for that provision, I am sure the magistrates would be able to deal with it.

The other point to be made is that, in criminal proceedings, judges and magistrates do decide. They decide penalties, the length of terms to be served, the size of fines and so on. That is not to say those penalties cannot be reduced by a parole board. Is the honourable Minister for Transport and Works telling me that parole boards are in some way perverting the course of justice by deciding whether or not a prisoner has rehabilitated himself to the extent where he could be released into general society? This is very much the same sort of provision. We are asking a magistrate to decide whether a person has demonstrated his ability to live in a manner of which society approves, whether he will no longer be a danger to the travelling public and whether he is a fit person as a result of his application and will endeavour to rehabilitate himself.

Mr Speaker, I think this is a worthy and compassionate approach to suspended drivers. I think that every member in this Assembly, and certainly anybody who ever speaks to me on road safety matters, will know that I am one of that group of people who falls among the hardliners as far as road safety matters are concerned. I find no conflict between supporting this bill and my general attitude towards road safety.

I do not know the person who has been referred to by members in this Assembly and I am not aware of his particular circumstances and indeed I believe that I have not seen much of his publicity either. I believe that there would be a number of people in the Northern Territory who would be able to avail themselves of the provisions of this bill after they have demonstrated that they are no longer drinkers.

As the honourable member for Fannie Bay points out, our approach should be to provide an incentive for persons to discontinue behaviour which we consider undesirable. If the government is interested in dissuading people from drinking - and there are in fact people who are dissuading people from drinking and driving - then a person who has rehabilitated himself, as I gather this person has, should be allowed - not as a right, but having demonstrated his rehabilitation to a court - to lead as normal a life as possible and to travel the roads as long as he is not a danger to the public. The honourable Minister for Health was concerned that we had not raised the question of community interests. I think there is nothing in this bill which goes against community interests. A person has to go to some lengths to demonstrate his mode of behaviour to the satisfaction of the court and, even after that, if the court has any doubts at all, there is no compulsion to issue the licence. I support this bill and I would hope that members of the government will too.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I had not planned to speak in this debate. However, when taken together with all other aspects of our traffic laws and our road toll, this bill touches on matters of grave importance. I wonder whether this bill should perhaps be taken in isolation as it is being taken. In November, we will have to consider whether we should renew the random-breath-test legislation and, at that time, it may be appropriate that we review also legislation that we have in respect of special licences. I believe I am a consensus person and a plagiarist, by definition, who seeks bits and pieces from everyone to try to whack a raft together that we can all float on and no one will dive over the far side in amongst the sharks. It seems to me that the Minister for Education certainly made some good points. My colleague, the Minister for Health, described a driving licence as a right; I would have described it as a privilege. As I understand it, the member for Nightcliff said

that we should accede to the bill proposed by the honourable member for Fannie Bay because people, especially the person more or less as a result of whose agitation this bill has been put forward, are already driving around because they have special driving licences.

Mrs Lawrie: I didn't say that.

Mr EVERINGHAM: It sounded like that to me. I would say this to the honourable member for Nightcliff, Mr Speaker: we should then, because of the disastrous position on Territory roads, review the question of special licences. These facts are unassailable: the Northern Territory would be the most unsafe place to drive in Australia; the Northern Territory has the smallest population of any area of its size in Australia; and the Northern Territory has the most alcohol-related traffic offences pro rata in Australia.

To date, we have approached the whole problem piecemeal. Last year or the year before, we introduced random breath-tests. Some years ago, the Legislative Council introduced special licences because it thought it was terribly wrong to take a man's livelihood away from him because of a momentary inadvertence when he drank the extra beer. I give the member for Fannie Bay credit for this bill. I think it displays a degree of sympathy with a particular problem but I wonder whether we aren't perhaps displaying too much sympathy with the individual and not enough concern for the community. There is no doubt that our community is not just driving on the road under the influence of alcohol but has alcohol right through it. Far be it from me to throw stones through a glass house; I am probably one of those persons someone talked about earlier - 'social drinkers who cannot recognise their problem'. At least, I can pick myself when I am talked about in a category, honourable member for Arnhem. I move forward for the bus ticket, Mr Speaker.

In any event, aside from that digression, we have in the Territory a very grave alcohol problem. There is a genuine wish on this side of the Assembly and I know that there is a genuine wish on the other side to attack this problem and to try to resolve it for the benefit of all people in the Territory. I wonder if our piecemeal approach is not wrong. This is another part of the piecemeal approach. What worries me is that I now have some doubts about the random breath-tests because of the statistics that have been shown to me and which I have circulated to other honourable members. It has been said this afternoon that this bill will encourage people not to drink. It concerns me that the reverse may be true: it will encourage people to drink because they know that there is another exit at the end of the tunnel. Not only will they have the prospect of obtaining a special licence - and it is really drinking and driving that concerns me - they will have 2 outs if we pass this bill. After 3 years, they will be able to say to the magistrate all these things. A magistrate can only act on what is said to him and the principal evidence will come from the person most affected. That person will aver all these things in line with the conditions that the member for Fannie Bay has put in as safe-guards. It is all terribly subjective because the person most concerned is saying, 'I will never do it again'.

I oppose this bill this afternoon on the basis that I think we should have a good look in the November sittings at random breath-tests, at special licences, at this proposal and, generally speaking, at the problem of drinking and driving. We will use as the cornerstone for that the examination of the random breath-tests. I would hope that I can get together with the Leader of the Opposition or his nominee to arrange appropriate terms of reference for that debate in the course of the next month or so. I would not like to support his bill at this time. I have very grave doubts about its effects and ramifications.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I thank all honourable members for their comments. Having begun with a situation where the minister said that he would not accept it and that would be that, it widened somewhat into a debate in which people have tried genuinely to look at the problem. I am very pleased that we have been able to do that to a certain extent. I accept the point made by the Chief Minister that we are looking at one thing in isolation. As a member of the opposition, that is one of the few things that I can do and it is one of the reasons why I introduced this bill. Certainly, if the Chief Minister can initiate a debate or discussion or even a committee meeting among Assembly members regarding the problem of drink-driving, I would support it and I would imagine all members of the opposition and indeed of the Assembly would do so too.

However, returning to the bill, my view is that it will encourage people who drink and drive and are disqualified to rehabilitate themselves and therefore it is a good thing. If I did not believe that it would in fact reduce the incidence of drunken driving, I would not have introduced it regardless of its effect on any particular individual. That, of course, is where I differ with some members of the government who believe in the words of the Minister for Transport and Works - I trust he did not mean it but he did say that the bill would put drunken drivers back on the road. That seems to be a reflection on our magistracy and I hope that I misheard him or that he perhaps did not mean that.

The Chief Minister and other members of the government have referred to their questioning of the efficacy of the breathalyser legislation. I am sure that there will be a lot of public interest in that statement as a result of statistics which were before us in the police report. The breathalyser legislation provides penalties for people who drink and drive. Of the carrot method or the stick method of encouraging people to do something that is definitely the stick method: if you drink and drive, you will be penalised. The legislation I introduced is the carrot method: it will encourage people to stop drinking and driving because they will be rewarded if they do so. Since the government is gaining the impression that the stick method does not work, I would ask it to look at the carrot method proposed in this bill. We do need to do something about drunken driving.

I point out to honourable members that,when we are talking about people who have had their licences cancelled for a certain period of time, they will get them back anyway at the end of the cancellation period. They will be drunken drivers back on the road. If in the interim we can encourage them to stop drinking,then we will have helped to minimise the problem. That is the intention of the bill. It is after they have stopped drinking that they get their licences back and after they have demonstrated it precisely. In any event, if they are not encouraged, in 5 or 10 years when their disqualification period runs out, they will be driving on the road again. In the interim, we could have encouraged them to rehabilitate themselves. That is the intention of the bill.

The honourable Minister for Transport and Works said he could not accept the bill in its present form. I certainly would have been happy to consider any amendments he might have put forward in terms of the time period or the matters that the magistrate must look at. He did not produce anything of the sort but talked mostly of what the member for Arnhem had to say, which was quite interesting, although he was not able to quote without notes.

Mr Speaker, in conclusion I thank those members who have supported the bill. I regret that the government has not seen fit to support it, but I do accept the words of the Chief Minister that the overall problem will be looked at and perhaps this method of encouraging people who drink and drive to rehabilitate will be reviewed by this Assembly in due course.

Motion negatived.

CRIMES COMPENSATION BILL
(Serial 59)

Continued from 26 February 1981.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it has been said that this government does not seek to attempt to accommodate the opposition in its legislative efforts. This bill is one where the government has made every effort to accommodate the opposition and, if the opposition has been prepared to arrive at what I would consider to be a reasonable compromise, this legislation could have been passed today. There are other pieces of legislation on the Northern Territory statute books, such as that relating to censorship, which were introduced by the Leader of the Opposition and on which the government came to a reasonable arrangement. In fact, the Leader of the Opposition's bill was passed with suitable amendments to make it operable. I have indicated already that discussions have taken place in respect of this legislation between the Leader of the Opposition and officers of the Department of Law in an endeavour to achieve consensus on this bill. The Leader of the Opposition has supplied the government with details of certain amendments which, I understand, he has in mind.

Mr Speaker, whilst the discussions have been useful, consensus unfortunately has not been achieved. The government supports some aspects of this bill but not all. Under the existing act, and there is existing legislation in the Northern Territory, a victim of a crime of violence can only be compensated if a conviction has been secured. This means that a victim gets nothing when the offender is unknown or is not apprehended. It also means that a victim gets nothing even when the identity of an offender is known if a conviction cannot be secured because the person either suffers from some mental or other disability or is released on a technicality.

The government recognises that it is both unfair and somewhat illogical to compensate only those victims who are fortunate enough, one might say, to be injured by persons who are caught and convicted. The government supports that part of the bill which seeks to enable all victims of crimes of violence, or their dependants, to claim compensation. The government also recognises that the maximum level of compensation recoverable at present is too low. The present figure of $4000 was set in 1976. The government accepts that this figure should be increased, at the very least to keep pace with inflation. The bill before the Assembly at the moment imposes no limit on the amount of compensation recoverable.

We appreciate that this appears to be in line with the Australian Law Reform Commission's thinking but do not accept that the commission's ideas can be translated fairly into a Territory context. Law reform commissions, unfortunately, in many cases have little regard for financial realities. The Law Reform Commission recommended a national scheme as its first choice. It said in its report: 'In terms of desirable legal concept and overall social justice, victims of violent crime in all jurisdictions in Australia should, ideally and logically, be compensated within the framework of a national accident compensation and rehabilitation program'.

It may or may not be desirable, Mr Speaker, to have a national program - that is not for me to canvass today, and it is not the issue before this Assembly. The Law Reform Commission recommended, in effect as a stopgap measure, that 'the introduction of a federal victim compensation scheme should not be delayed pending the introduction of such a national compensation program'. In relation to the federal victim scheme as opposed to the national scheme, the Law Reform Commission said: 'Present research suggests that neither in the Commonwealth nor Territory jurisdictions would the number of claims be large or the aggregate amount of Commonwealth liability be substantial'. The commission here, of course, is talking about compensation for people who suffer injury or die as a result of offences against a very limited category of laws, namely Commonwealth laws. I do not think that it is reasonable or practical to suggest that, because the Law Reform Commission has recommended that the Commonwealth, with its resources, pay open-ended compensation to a few people, the Territory, with its limited resources, should pay similar amounts to the much wider category of people likely to be injured or killed as a result of offences against Territory law.

Mr Speaker, you and honourable members will be aware that benefits payable under Commonwealth Social Security legislation are means-tested. The effect of the Territory paying large sums to incapacitated victims would be for the Territory to take over what is now a Commonwealth responsibility. There would be precious little chance of obtaining reimbursement from the Commonwealth. A limit is imposed in all other jurisdictions and, I understand, the most generous limit in the states is $10,000. This government is anxious to do as much as it can to help victims of crimes of violence. It has carefully considered what the limit should now be and has concluded that the limit of $15,000 would be reasonable and would compare very favourably with other jurisdictions.

Clause 22 of the bill sets out the types of loss for which the Leader of the Opposition considers there should be compensation. He has drawn the list very wide. The question is, firstly, whether there should be a limit on the overall amount of compensation payable and, secondly, the types of loss for which there should be compensation. They are, of course, essentially different and I have already given the government's view on the overall limit.

The question of types of loss for which there should be compensation is rather more difficult. Given the obvious need to make the best use of our limited resources, we are anxious to help those most in need. Bearing this in mind, I think those losses which fall into the category of actual pecuniary loss should receive a high priority. We have doubts as to whether loss of amenities or expectation of life, loss or impairment of consortium, loss of care and guidance of a child or solatium, should receive the same priority. I doubt if payments for general pain and suffering are necessarily justified.

I turn now to the question of who, in the final analysis, should decide whether or not compensation should, in fact, be paid. The bill proposes that a tribunal make that decision although I understand the Leader of the Opposition may now favour the courts. Whilst I think that the courts, as opposed to a tribunal, are a suitable vehicle to examine victims' claims and make recommendations, I do not think that they or a tribunal should have the final say. We are dealing with public funds and, in my view, we are dealing with discretionary public funds. It is my view and that of the government that, when money is to be paid out of the public purse, there should be direct ministerial responsibility whenever reasonably possible.

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For this reason, as a matter of principle, I think that a minister, in this case the Treasurer, should make the final decision. There are also practical considerations. Suppose a very wealthy person claims compensation. Suppose a person is privately very adequately insured. I am not at all sure whether it would be right to expect a court to make a decision as to whether such people should receive compensation from the government. This sort of decision probably ought to be made by a minister. I do not want to suggest for one moment that the minister will not, in most cases, accept the recommendations of the court. I am sure he will and that would certainly be the intention of this government. We acknowledge that people who are convicted of crimes of violence will often be men of straw. We therefore support the general policy in the bill that compensation should first be paid by the Crown without the victim having first to try and recover from the offender.

At the same time, the general policy reflected in the bill enabling orders to be made requiring offenders to reimburse the Crown is clearly quite right. Some offenders will have or be able to earn money and indeed some of them will be people of property. The government would therefore also like to see specific power and machinery enabling the court or a parole board, in appropriate cases, to make it a condition of release of a convicted offender that he repay, or make reasonable attempts to repay, the government.

I have gone through most of the main areas of agreement and disagreement. The areas of disagreement are significant. I have dealt with what I understand to be amendments that the Leader of the Opposition has proposed but has not, as far as I know, circulated. Whilst the government welcomes the Leader of the Opposition's initiative in this area and supports many of his ideas, we cannot support the bill as a whole. In addition to the matters that I have mentioned, there are a considerable number of less important policy, drafting and technical problems in the bill which need attention. We do not think that it is practical to try to amend the existing bill. I think we need to start again. I asked the Law Review Committee some time ago to examine the existing act. I understand that this committee has done a great deal of work and is due to report now or very shortly. I will certainly have a close look at that report when I receive it. I anticipate that the government should be in a position to introduce a new bill either in the next sittings or the one following it. Mr Speaker, I have to oppose this bill.

Mrs O'NEIL (Fannie Bay): Mr Speaker, it is a matter of disappointment to me to hear the Chief Minister indicate the government's opposition to this most commendable piece of legislation introduced by the Leader of the Opposition last February. The bill has a number of features which distinguish it from the current inadequate legislation relating to criminal injury. This bill proposes a tribunal-based system with the Chief Magistrate as president. Compensation is awarded regardless of whether the offender is known, apprehended or convicted. To me, this is the most important improvement in this bill over the current legislation. I personally know of the experiences of people in my electorate.

One man in particular was quite seriously injured as a result of a criminal assault when he was visiting another town in the Northern Territory away from his home. He was attacked from behind and had a fractured skull and serious head injuries. Because of this cowardly attack from behind, nobody knew who had done it and no person was ever brought to justice yet this man had suffered serious injury and may well have recurrent problems although he is now back at work. Because of this dreadful problem with the existing act which insists that the offender must be convicted before compensation is awarded, my constituent has still received no compensation whatsoever as a result of his injuries which could cause him problems in later life. He is an ordinary man, a family man, a working man and he certainly did not have the resources which

the Chief Minister inferred that some injured people might have, by way of insurance and otherwise, to deal with this.

Being aware of these problems and this particular circumstance and another of lesser seriousness which was also brought to my attention, I was much attracted by the Leader of the Opposition's bill. I believe that the government should support it even if it has, in its view, some deficiencies. These should be able to be dealt with by amendment and I am sure that the Leader of the Opposition would look most considerately at any suggestions which may be offered by the Chief Minister. He indicated to me that he was most anxious to come to some accommodation with the Chief Minister on these matters.

There are a number of other distinctions between this bill and the existing inadequate legislation. Compensation is to be awarded to a dependant of a deceased victim if that dependant is wholly or substantially dependent. That is a very useful improvement on the current situation. There is also the question of ministerial discretion in this matter. In the current legislation, the minister has discretion to determine whether and what compensation payment is to be made. I cannot understand the point of that discretion. It seems to me that, if a tribunal with the Chief Magistrate as president or simply a magistrate came to a conclusion that certain compensation should be payable, there is no reason why the minister would want discretion in that matter to intervene and change that payment.

Another distinctive feature of this bill is that it removes references to the domestic situation of the applicant. The provision in the existing legislation which relates to whether or not the victim was living with or was a relative of the offender seems to me quite unjust and anachronistic. We had a welcome statement from the Chief Minister the other day relating to provisions of the Draft Criminal Code. He said that code is an attempt to reflect modern social mores and, within it, the question of relationship between people when an offence is committed is, as far as possible, removed. We have all welcomed that. That feature of the bill is also a welcome improvement on the existing legislation.

There is also the question of a limit on the amount of compensation which may be awarded. The bill has no ceiling on the amount to be awarded. I understand the government would like to see such a ceiling. If the government moves amendments to that effect, I am sure honourable members would consider them seriously. I am particularly aware of the serious inequities and the problems that arise with the current legislation. People who are injured in a case where no conviction is subsequently arrived at receive no compensation at all, regardless of their personal circumstances. I know that this has caused serious problems for people in my electorate and I am sure to other citizens of the Northern Territory who have been injured as a result of a criminal act through no fault of their own. Any legislation which any member can introduce to overcome this problem must be welcomed. I support this bill most strongly.

Mr BELL (MacDonnell): Mr Speaker, I rise to speak briefly to this bill. The main point I want to make in stressing the importance of passing this legislation is in reference to crime rates in the Northern Territory. I obtained some figures that members might be interested in. They compare crime rates in New South Wales, Tasmania and the Northern Territory. If honourable members will bear with me, I will explain some of these figures. Tasmania is about one tenth of the size of New South Wales and, as one would expect, the crime rates for homicide, rape and assault are correspondingly about one tenth. When we compare Tasmania and the Northern Territory, we do not find the same proportions.

The Northern Territory population is about one quarter of that of Tasmania but the figures are not a quarter of the Tasmanian figures. In fact, the figures for the Northern Territory are nearly the same as those for Tasmania. I think my point then is clear. The chances that John Citizen has in the Northern Territory of being the victim of a crime are considerably greater - some 4 times greater - if we consider those figures.

I have one more point that I would like to make in this regard. I do not have figures to support it but I would be very interested to obtain figures and to have them explained to me in terms of criminal rates amongst Aboriginal Territorians and non-Aboriginal Territorians. I am not sure that this impinges on the Crimes Compensation Bill but it may be of relevance to a consideration of how this act might operate. My point is that it is important for the Assembly to consider that Territorians have more chance of being victims of crime and hence more chance of being subject to a Crimes Compensation Act.

Mr ISAACS (Opposition Leader): Mr Speaker, I thank members for their contributions to the debate. I regard this legislation as most important. I first introduced a Crimes Compensation Bill on 21 February 1980. That bill lapsed with the prorogation of the Assembly and was reintroduced on 26 February this year. I wrote subsequently to the Chief Minister in May of this year to invite comment from him because I felt we might have been of one mind on this. There was a chance for consensus. Some 2 months later, on 29 July, I received a reply from the Chief Minister which unfortunately did not leave a great deal of time to discuss the matter with his officers. Nonetheless, I had discussions with his officers and very fruitful they were. The 4 matters that the Chief Minister referred to in his speech were in fact the 4 matters which were discussed between his officers and myself.

I made it clear that I would not go to the wall on those matters. The government had the numbers and, if it was determined about those views, it could simply move amendments in the Assembly and we would have our legislation. At least we would have had fairness in matters of compensation to people who were victims - in many cases innocent victims - of crime, often where the offenders were not able to be brought to trial. If the government had given us any priority at all, it would have been a simple matter for it to have moved those amendments accordingly. I do not wish to go into the details of that but simply to set the record straight because the Chief Minister sought to give the impression that it was I who was truculent, obstructive and unwilling to compromise. Quite the contrary. The government knew about the deficiencies in this legislation in February last year. If some time had been given to it, I am quite sure we would have been able to rectify the minor technical, policy and machinery matters that the Chief Minister spoke about.

I am disappointed that the legislation will not be passed at this sittings. I believe the inequities in the current legislation are so great that they must be attended to very quickly. Consider the ceiling of $4000. It is hardly worth while anybody taking a matter to court. Also, one only receives compensation if the offender is apprehended and convicted. If an offender is found not fit to plead because he is mentally defective, then the victim will not receive any compensation.

I do not wish to go into the ins and outs of whether or not the minister should have the discretion or whether it should be the court or tribunal. I think it should be the tribunal because it is given the power to take into account all those matters that were referred to by the Chief Minister. If the government wants the minister to have the discretion, it simply amends the bill.

It is as easy as that. If it wishes to have specific powers to order parolees to make a contribution to the government by way of repayment, it is simply a case for amendment. If it is too difficult to insert it at this stage, we have lost nothing by having that amendment introduced later by the government. There is no provision in the existing legislation regarding that and another 6 months would not have hurt in that regard. In the meantime, it would have brought justice to injured people.

In relation to clause 22 and the matters which are to be taken into account, if the awarding of compensation for pain and suffering is offensive to the government, we simply have to delete paragraph (e). It is as simple as that. Let it not be said that there was no desire on our side to reach an accommodation with the government. Quite the contrary, it was my initiative in the first place by introducing the bill and writing to the Chief Minister to try and get some action and justice in this area. It is unjust.

The Law Reform Commission has been notified about our bill. It is quite interested to see that an attempt is being made to upgrade crimes compensation legislation in the Northern Territory. I hope that the government does introduce crimes compensation legislation in the November sittings which will take up the important differences between my bill and the old legislation. Perhaps it can introduce those matters which the government feels strongly about. We are all aware of recent instances where people have been injured and the offender was not caught and brought to trial. Even if an offender is convicted, the victim can only obtain a miserable $4000 compensation. One can imagine the damage inflicted on victims of assaults.

I thank members on this side of the Assembly for their support. I look forward to the crimes compensation legislation that will be introduced by the government. I hope it will be at the next sittings so that we can debate it and bring into effect laws which are commensurate with needs in 1981 and which are not the most backward in Australia, as is currently the position.

Motion negatived.

STATUE LAW REVISION BILL
(Serial 128)

Bill presented and read a first time.

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

This is a further bill in the ongoing exercise of updating terminology and correcting minor inconsistencies in connection with the reprinting and consolidation of Territory laws. There is not a great deal more that I can say about it. I commend it to honourable members. If any member is interested enough, he can check through it and discuss it with the draftsmen. I am sure that all honourable members will find that it is simply an attempt to remove unnecessary pieces of legislation from our statute books in the interests of producing a complete consolidation of Northern Territory legislation.

Mr Speaker, I commend the bill.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr TUXWORTH (Health) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 5 bills relating to health surveyors being presented and read a first time together and 1 motion being put in regard to, respectively, the second reading, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

PUBLIC HEALTH AMENDMENT BILL
(Serial 130)

ABATTOIRS AND SLAUGHTERING AMENDMENT BILL
(Serial 131)

CARAVAN PARKS AMENDMENT BILL
(Serial 132)

FOOD AND DRUGS AMENDMENT BILL
(Serial 133)

FOOD STANDARDS AMENDMENT BILL
(Serial 134)

Bills presented and read a first time.

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

These bills are simple. For some time the Australian Institute of Health Surveyors has recommended a change in the title of health officials in the various states from 'health inspector' to 'health surveyor'. The institute believes that the change in title will enhance public acceptance of the role of the health inspectors. It is unfortunate that this should be so but it appears the public infers from the title 'health inspector' that health officials are persecutors bent on finding fault.

A health inspector is an integral member of the health system and has a vital role to play in the maintenance of a healthy environment. Most states in Australia have accepted the institute's recommendation and changed the official title. It is desirable that the Territory now follow suit. Two of these bills make several minor changes of a statute law revision nature. I commend the bills to honourable members.

Debate adjourned.

LIMITATION BILL
(Serial 110)

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the Limitation Bill as it is a most important piece of legislation. It repeals sections of a number of Imperial acts which date back to 1588. It must bring a tear to the eye of the member for Alice Springs to see yet another link with the old country being severed. It also repeals sections of a number of South Australian acts which relate to the Northern Territory.

It makes a very important amendment in part IV of the schedule relating to policy regarding public officials. I believe that this is a most worthy step that the government has taken. In the acts referred to in part IV of the schedule, there are no sections that are to be omitted. Provisions where ordinary members of the public, in order to take action against public officials have first to give notice of such action within a specified period of time of an action by the official being taken, and then have to take proceedings within a certain specified period of time, have enabled public officials, in my view, to hide behind the technicalities of the law. I am very pleased indeed to see those very strict limitations because they generally refer to action to be instituted within a number of days or perhaps 3 months. It means that actions taken against public officials in pursuance of law will fall now under the general limitations section of the act. That, I believe, is a most important principle and I commend the government for adopting it.

The other thing which it does is make uniform the question of limitations in the vast bulk of actions that can be taken. Some limitations in excess of the uniform one, which will be 3 years, are still preserved in relation to property and other matters. In these cases, the limitation will be extended to 12 years. However, limitation is currently 6 years. Theorectically, it means that a large number of people could be affected because the time available to them to launch appeals, actions and so on has been reduced from 6 years to 3 years. On the face of it, that appears to be a downgrading and a removal of existing rights of citizens.

But the fact is that the Northern Territory is bringing itself into line not only with legislation elsewhere, but with various recent reports which are available on this question of limitation on time to appeal. The accepted time scale is in fact 3 years. What the government has done is to enable a court to have wide discretion to permit an appeal to be made even though it may be outside a 3-year limitation. I think that it should be pointed out that the vast bulk of appeals are instituted within the 3-year time scale. That seems to have been the recommendation of the New South Wales Law Reform Commission and I see it as appropriate that the Northern Territory should come into line with that.

I point one matter out to the Chief Minister which seems to be somewhat strange. In clause 4 - the interpretation section of the bill - the 'Crown' is defined in a way which I have always wanted to see in Northern Territory legislation. We normally refer to an act as binding the Crown, and we understand what the Crown is because of the self-government act. It seems to me that this definition of 'Crown' has been inserted because there is a similar definition of 'Crown' in New South Wales law. It may be that the definition 'Crown' is all right. I do not know that that has been the standard practice in Territory legislation. It may create difficulties if that particular definition does not conform with standard policy.

With that exception, I commend the bill. I believe that it is a very important and worthwhile policy in the matter relating to public officials which I spoke about earlier. I do not believe that people's rights will be significantly affected. It will make uniform the statute of limitations, from 6 to 3 years, with a discretionary power given to the court to enable people to appeal outside that limitation if it thinks fit. The opposition supports the bill.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I thank the Leader of the Opposition for his support for this bill. Normally the definition of 'Crown' might have been: 'the Crown means the Crown in right of the Territory'. I cannot say that I am giving the exact reasons that were given to me for this definition, but these are the reasons that were given to me for this definition, and these are the reasons that would occur to me. I see no reason why this legislation should not bind the Crown in right of the Territory, the Crown in right of the Commonwealth and the Crown in right of the states in so far as the Commonwealth or any state is party to an action in the Northern Territory, so long as that particular Crown - some people have said that the Northern Territory is only half a crown at this stage - is able to be bound. I think that would be the reason I would support all those Crowns being bound so far as we can bind them.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

LEAVE OF ABSENCE

Mr LEO (Nhulunbuy): Mr Speaker, I ask that leave of absence for this day be granted to the member for Victoria River on the ground of ill health.

Leave granted.

LEAVE OF ABSENCE

Mr EVERINGHAM (Chief Minister): Mr Speaker, I seek leave of this Assembly for myself in anticipation of the fact that I will probably be away from the Assembly on Tuesday due to a commitment to attend a meeting with land councils in Alice Springs on that day.

Leave granted.

TRAFFIC AMENDMENT BILL
(Serial 111)

Continued from 4 June 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to support this particular bill. It may seem quite a small bill but its effect will be welcomed by all schools' associations in the Northern Territory.

The effect of the bill is to rectify a few problems which have arisen in the operation of school crossings, and the minister has rightly pointed out that some drivers have been using the defence to the no-standing provisions and jeopardised the safety of children using those crossings. I personally have had representations from at least 5 of the schools in my electorate on this particular question and I am very pleased to see that the minister is taking this step to rectify the problem.

Whilst I am on my feet on the matter of school crossings, may I bring to the attention of the minister the operation of the school crossing on McMillans Road opposite the KOA Caravan Park. That particular crossing is used by children who live at that park and who attend the Malak school. As the Minister for Lands and Housing would know, there is much subdivisional activity

in that particular vicinity and the operation of that crossing is designed on the ordinary 'flags' approach. That is quite adequate in residential streets but not at all adequate on an urban arterial road which is used by a large number of commercial vehicles connected with the building of the subdivision which is presently under development at Karama. That particular crossing will not be assisted by the passage of this bill. I think it needs rather more than the prevention of cars standing in a no-standing zone. I would ask the minister to ask his department to look at a more appropriate crossing in that particular location. I support this bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this bill this afternoon, I am supporting the interests of road safety as they affect children in my electorate. There are 2 schools in my electorate in the rural area, and there is confusion and congestion outside both of them at times. Unfortunately, and it might also be said ironically, this confusion and congestion is brought about by the very people who would have the interests and safety of children most at heart. I am speaking about the mothers. It is usually mothers who bring children to school in the morning and pick them up in the afternoon. I am referring to those children who are picked up, not those children who catch a bus. I have seen it myself and others have mentioned it to me that, because of the age of the children milling around on the road at this time, there can be situations which, if not dangerous, verge on the dangerous at times. They are brought about not by any desire to break the law on the part of the people who pick the children up but rather because they are perhaps a little unthinking at the time.

This bill deals with subsection 36D(18) of the Traffic Act and paragraph (a) of that deals with the setting down of passengers and goods. Paragraph (d) deals with the taking-up of passengers and goods and the defence to those subsections. The defence is that they are picking up goods or people, or unloading them. The bill before us seeks to take away this defence. All of us have availed ourselves of this legislation to stop in a no-standing area and pick up people waiting there for us. Perhaps tradesmen have done the same and picked up goods in no-standing areas. The defence is that one is not standing or parking, but merely picking up.

In the adjournement debate this afternoon, I will say more about road safety as it affects the 2 schools in the rural area and mention a letter I have received from the Road Safety Council. I fully support this legislation.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I support this legislation and I am sure all members do because anything that will improve the safety of children crossing to school is to be encouraged.

Unlike the electorate of Sanderson, I am not blessed with large numbers of schools in my electorate; there is only one. However, the increase in traffic on the Ross Smith Avenue crossing side of that school, as the result of traffic diversions due to the construction of the Bagot Road-Stuart Highway overpass, has caused a great deal of concern to the school community, parents, teachers and the children. There are problems there. If they can be minimised by this bill, that is to be encouraged.

I am pleased to see the work that has been done to children's crossings by the Road Safety Council of the Territory. I am kind enough to support its work even though it did not support my bill. I was pleased to see in its 1979-80 annual report references to monitoring at children's crossings. As the minister said earlier today, this system works in Alice Springs and not in Darwin, and we do not quite know why. The report also mentioned the standardisation of children's crossings in the Northern Territory. I think the Darwin

style of road crossing is the one that has been, or will be, recommended for schools throughout the Northern Territory.

It is a pleasure to support this piece of legislation.

Mr DONDAS (Transport and Works): I thank members for their support of this bill and I would like to advise the member for Sanderson that the Department of Transport and Works has taken into consideration some of the problems that are associated with the crossing near the KOA Caravan Park. As soon as the department provides me with further details, I will forward them to her.

Motion agreed to; bill read a second time.

Mr DONDAS (Transport and Works) (by leave): I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

MOTOR VEHICLES AMENDMENT BILL
(Serial 112)

Continued from 4 June 1981.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition supports this legislation. It deals with 2 main areas of the Motor Vehicles Act. The first area is the fixing of number plates to trailers, motor bikes, boat trailers and vehicles. The House of Representatives Standing Committee on Road Safety recommended most of these changes. I understand that number plates on the front of motorbikes have caused hazards in the past. I understand from the police that it would not hamper their work in any way if such plates were eliminated. It seems to be an appropriate amendment.

The other part of the bill addresses itself to the use of trader's plates. This is dealt with in clauses 5 and 6 and it makes appropriate amendments in other clauses within the bill. I have been assured that the use of trader's plates is very difficult to police. The proposed amendments to subsections 35(1), (2), (3) and (5) would allow this broader use of trader's plates.

I was a little concerned about subsection 35(4) which gives the registrar wide discretionary powers. I was tempted to submit an amendment which would omit that subsection. However, on reflection, it is necessary for the registrar to have these discretionary powers. I can envisage certain situations where the registrar would have to make exemptions and allow loads to be carried or work done while trader's plates were being used. It puts a large responsibility on the registrar.

The amendments contained in clause 6 are to section 37 of the act. They are consequential on the changes made in clause 5. This allows for broader use of trader's plates. Once again, it would seem logical that this be pursued.

The repeal of section 41 by clause 7 would allow the use of trader's plates on Sundays. I believe the minister spoke to that in his second-reading speech. Because most people work Monday to Friday or Saturday, Sunday would be a logical time to test drive vehicles. The minister did not speak to the repeal of section 44 which is contained in clause 7 of the bill. I am told that it is a consequence of computer technology being employed at the Motor Vehicle Registry. If the minister has another explanation, I would be interested to hear why section 44 of the act is being repealed.

The third and fifth schedules have been repealed. This allows the registrar to choose the material, colour etc of number plates. Once again, that seems appropriate. It would be rather ridiculous to come back to the Assembly to change the colour of number plates. Nothing is altered by giving these powers to the registrar.

I could not find anything that was particularly objectionable in the schedules. The word 'ordinance' is changed to 'act'. A few of the dollar signs have been altered. I have no objection to this bill at all. The opposition supports it.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I would like to speak briefly in support of this bill. It always pleases me to see organisations in the community contribute to legislation. In this case, we have a bill in which 2 such organisations, the Motor Traders Association and the Motor Cycle Riders Association have made submissions to the government with respect to registration plates. Consequently, we have this legislation in front of us.

The removal of restrictions on the use of trader's plates is to be welcomed. For example, they may now be used on Sundays. Formerly they could not. I recently purchased a new vehicle and I was interested to see that a small number of motor dealers in Darwin are now selling on Sundays. I see no reason why restrictions on the use of trader's plates on Sunday and other restrictions should not be removed. I am happy to support that.

With regard to the motor-cycle plates, I have received submissions from members of the motor-cycle associations about the use of plates on the front of their cycles. They consider them dangerous. As the member for Nhulunbuy indicated, there are some national references on this. Once again, this is something that has been considered by the Road Safety Council in the Northern Territory. In its last annual report, that organisation also recommended to the Minister for Transport and Works that legislative requirements for front number plates on motor-cycles be abolished. I am happy to support this bill.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, I am happy to support this bill. I have had first-hand experience regarding motor-cycle accidents. I went over the top of the bike. Fortunately, I did not do any permanent damage. I well appreciate that the sharp front number plate on a motor-cycle could be quite hazardous. The police seem to be happy about the removal of this number plate and I am sure it is a very good move indeed.

Regarding the trader's plates, it is very pleasing indeed that various groups in the community were involved in the formulation of this legislation which is obviously receiving support from all sides. In essence, it is a liberalisation of the rules on trader's plates. There has been a lot of abuse in the past. Sunday trading and the fact that a prospective purchaser or his employee will now be able to drive unaccompanied in a vehicle are apparently quite acceptable and I agree with that sort of liberalisation. The registrar may waive the conditions in special cases. He has that right. There are safeguards built into this bill: a prospective purchaser or his employee must have his address and licence number recorded. That is a sensible thing which can be checked. Of course, if the owner of the trader's plates does not comply with that, he puts himself in a position where he could possibly lose them.

I do not agree with the member for Nhulunbuy's statement that it would be impossible to police the use of trader's plates. One could say that the speed limit is impossible to police fully. People are caught occasionally. I

suppose it is a bit like the random breath test. One thing is sure, when I hear that someone has been picked up for speeding, I watch my driving a bit more carefully. I think that is the effect on the majority of the people.

The police can easily check on a person who is driving a vehicle with trader's plates. They just check that the details are all in the register. It should not take very long. The fact that it would happen every now and then will help keep the traders and the people who use the trader's plates honest. In the same way, when occasionally a person is picked up for exceeding the speed limit,it tends to keep people honest. I support both aspects of the bill.

Mrs PAGDHAM-PURICH (Tiwi): Mr Deputy Speaker, the first point that I would like to speak about is the lack of objection to Sunday trading from the motor vehicle traders. That is a little different from the views expressed yesterday in the adjournment debate. If the motor vehicle traders have no objection to Sunday trading, the public is happy and everybody connected with the motor industry is happy, well good luck to them.

I am pleased to see that there are safeguards in this legislation so that a motor vehicle dealer can be assured that a person driving one of his cars with trader's plates is the holder of a bona fide driver's licence. I wonder if that is enough to prevent abuse of the use of these plates. If it has not been abused that way up to date, one hopes that it will not be abused in the future by people driving trade vehicles without a current driver's licence.

I would like to talk about an abuse perpetrated occasionally by a few not too honest dealers. It is the practice of not keeping their own vehicles registered and driving unregistered vehicles which are not even offered for sale with trader's plates. If these abuses have not been detected in the past, perhaps it will be rather difficult to detect them in the further.

Regarding the registrar being the sole arbiter of everything to do with plates, I was not quite sure from the legislation whether it meant all plates that vehicles carry or whether it only applied to trader's plates. I assume that the registrar will not let his head go if it applies to all plates and give us trailing roses and ivy on our plates. I assume that he will keep within the bounds of common sense. I support this bill.

Mr DONDAS (Transport and Works): Mr Deputy Speaker, I thank members for their support of this bill and pick up 2 points. The member for Tiwi mentioned the apparent way that somebody could abuse a trader's plate by trying to use one without the proper licence. Clause 5 definitely stipulates that a licensed motor vehicle dealer, who wishes to use trader's plates on a vehicle when a prospective purchaser wishes to drive that vehicle unaccompanied, can do so provided that person's name, licence number, address and signature are recorded first by the dealer. That would certainly alleviate any worries about abuse.

Regarding the question that the member for Nhulunbuy raised about clause 9, section 44 required dealers to furnish sales records to registrars. There is now a requirement in the Motor Vehicle Dealers Act for such records to be available for perusal by the Commissioner of Motor Vehicle Dealers. It was not thought necessary in this bill.

Motion agreed to; bill read a second time.

Mr DONDAS (Transport and Works (by leave): I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

LIQUOR AMENDMENT BILL
(Serial 113)

Continued from 9 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the Minister for Health finally got his act together on the amendments to the Liquor Act. The bill before us is an exercise in tidying up the Liquor Act in relation to the transfer of licences. The commissioner will be able to fix a licensing fee when the licensee has failed to make the necessary declarations or lodge the appropriate forms. It is also a vehicle to ensure the continuation of licences after a licensee has died so that the licence is carried on to an agent of the former licensee and the business can be conducted in that way. It also refers to the transfer of licences in the case of the backruptcy of the licensee. In all those matters, the bill before us does the job that is required.

The only matter that I query is the proposed new section relating to the registration of wholesalers. I must admit that I have not checked with the wholesalers and perhaps the minister can give me the answer on this when he replies. The proposed new section 113A is to register wholesalers. The reason for it, according to the minister, is that the wholesalers want it. Perhaps he might give a further explanation as to why wholesalers of liquor want to be registered. The registration fee is $20 and, with the paperwork involved in it, I do not know whether the registration is worth it. If there is a point behind it, I would very much like to hear that from the minister rather than just 'wholesalers want it, so they get it'. With a registration fee involved perhaps we may not need it.

Apart from that, it is a tidying-up exercise. It has the support of the opposition but I would like to hear from the minister about the registration of wholesalers.

Mr TUXWORTH (Health): Mr Speaker, for the benefit of the Leader of the Opposition and in response to his question relating to wholesalers, I understand new section 113A is to provide for the registration of wholesalers in the Territory. This amendment was introduced at the request of the industry, specifically by wholesalers who already operated here. Provided that they do not sell liquor to the public, wholesalers need not obtain a licence and will pay no fees for the annual registration fee other than the flat $20. One of the things that we hope to gain by having wholesalers registered is a better insight into the trading of the industry as a whole. At the moment, wholesalers are quite outside the limits of the commission's activities. That will provide us with the added benefit of obtaining information about the industry generally.

Motion agreed to; bill read a second time.

Mr TUXWORTH (Health) (by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

TEACHING SERVICE AMENDMENT BILL
(Serial 116)

Continued from 4 June 1981.

Mr B. COLLINS (Arnhem): This bill corrects a drafting error in the original legislation which was overlooked by both the Minister for Education and myself proving, once again, that nobody is perfect. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Education) (by leave): Mr Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

STATUTE LAW REVISION BILL
(Serial 117)

Continued from 4 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, just as the Chief Minister has a stereotype second-reading speech for the introduction of statute law revision bills, I too have a stereotype response. We have delved into the Statute Law Revision Bill, taking at random different provisions contained in it, simply to check that the job has been done and that, although amendments are being made to the law to accord with policy with regard to wording and so on, the substance of the law is not changed. The opposition obviously supports this upgrading of the law to ensure uniformity and consistency.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Schedule:

Mr EVERINGHAM (Chief Minister): I move amendments 46.1 to 46.5.

They are all drafting amendments. In fact, it is a drafting exercise.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

CHIROPRACTIC BILL
(Serial 37)

Continued from 9 June, 1981.

Mr TUXWORTH (Health): Mr Speaker, I seek leave of the Assembly to withdraw the Chiropractic Bill (Serial 37). In explanation, the legislation that we have been considering for some 2 or 3 sittings has attracted quite a lot of comment, some of which has been very constructive. I think those comments can be better accommodated in the bill if we take it back to the drawing board. I have spoken with most members of the Assembly on this matter and there is general consensus on the need to prepare the bill properly.

Leave granted.

TREASON AND FELONY FORFEITURE AMENDMENT BILL
(Serial 120)

Continued from 10 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, this is a small but quite important piece of legislation. The first remarkable thing is that we are amending an act of the South Australian parliament enacted in the year 1874. It is not surprising that it contains provisions which are archaic. That sort of thing happens when there is an old piece of legislation which just sits there and seemingly has very little application until some smart lawyer decides to delve into the statutes and find what laws in fact do prevail. Then some person loses certain rights because of dusty and cobwebbed legislation which is still around.

The amendment to the Treason and Felony Forfeiture Act of the South Australian parliament of 1874 contains 2 provisions which are affected by this amendment. The first is not remarkable; the second is.

The first matter amended is section 4 of that act because it is redundant. Currently, under the Criminal Law and Procedure Act, the courts may make an order or direction to require a person convicted to make some kind of repayment. Section 4 of this act does the same and it is therefore reasonable that section 4 should be repealed.

The other matter is that section 8 of that old act says that a person who is a felon and in jail loses rights to sue. That matter received a great deal of notoriety just recently in Alice Springs. It was so extraordinary that the Chief Justice was quoted on it in the newspaper. I think, in fact, he said it was 'barbarous' that such legislation should still prevail so that a felon did not have the right to sue. That being so, the government has acted promptly to introduce legislation to repeal that particular section. That is done by this piece of legislation. Obviously enough, it has the support of the opposition.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the bill be read a third time.

Motion agreed to; bill read a third time.

ADJOURNMENT

Mr STEELE (Primary Production and Tourism): Mr Speaker, I move that the Assembly do now adjourn.

Mr B. COLLINS (Arnhem): The punctilious member for Tiwi obviously has a problem which I would like to do my best to assist her with. I am not referring to the problem that the member has of her dingoes being unable to tell the difference between her and a can of Pal. I am referring to the problem that she has in deciding when a sittings is not a sittings. It is a very difficult question indeed as was demonstrated in the Assembly. It could lead to many a sleepless night for honourable members if it is not resolved. I would like to do what I can to assist the member to solve it.

I sympathise very much with the member for Tiwi because the question which she posed today raises others. I have another question, Mr Speaker, which is whether a member of the Assembly in good standing is still in good standing if

he is sitting at a sittings? Similarly, what is the position of a member of the Standing Committee during a sitting or sittings? What I would suggest to the member for Tiwi, Mr Speaker, is that perhaps the crouch would be a good solution to this problem. Perhaps the member could consider putting forward a suggestion that we introduce a system of parliamentary crouchings instead of sittings. Members could adopt a knees-bent posture as a happy compromise between sitting and standing.

I am sure that any time-and-motion expert would agree that crouching would be a far more suitable posture for members of the Assembly. From this midway posture members would have only a short distance to travel between sitting or standing when either was required of them. For example, much less energy would be required to spring to a standing position when one was in a crouch. Similarly, when one is crouching it requires only a momentary relaxation of the leg muscles to accomplish a very satisfactory sitting position. I hope, Mr Speaker, that this goes some way to solving the member's problem.

Mr SPEAKER: That is probably why it is unparliamentary to use the word 'lying'.

Mrs LAWRIE (Nightcliff): Mr Speaker, on Tuesday 1 August 1978, you made a ruling which I assume still exists, and I quote your words, Sir, from the bound Hansard of that day.

> *Honourable members, I feel that it is time that speeches, except second-reading speeches, were not read. The reading of speeches does not convey sentiments which we need in here. By the time a speech comes out in Hansard, it is history. Read speeches come out well, but they convince no one because the convincing must be done in this Chamber. It is the purpose of members to debate and speak, not read. There is nothing in the Standing Orders to prevent the reading of speeches but, after one year of full-time participation in parliamentary affairs, I think that, as honourable members are being paid as professionals, it is time they acted accordingly. I therefore rule that, unless there are exceptional circumstances, speeches should not be read.*

Mr Speaker, the honourable Minister for Education is one of the fortunate few in the Country Liberal Party government who can, from time to time, make a reasonably intelligent speech without its becoming obvious that it has been written for him by one of his multitude of advisers. The honourable Chief Minister is well served similarly, probably because of his training.

Mr Everingham: How do you know?

Mrs LAWRIE: I have had to sit and listen to you for 8 years and it seems like 800.

The honourable Chief Minister can speak fluently, sometimes very fluently and with a fair amount of ire and anger. Mr Speaker, I wonder if it is not time, Sir, for you to reiterate your feelings and make another wise ruling. I think it really is a little over-the-fence to have members of 6 and 7 years standing in this Assembly rising during debates with a foolscap page simply to read what is written there while the rest of us fall asleep.

Mr Speaker, one honourable minister was guilty of that today. He was not introducing a bill. I accept the necessity for members to be precise when introducing bills; that is, when making a second-reading speech. However, to reply to the debate by only reading what is written by one's advisers brings little credit on members or on this Assembly. I remember the joy and delight

with which members opposite and members of the opposition at the time fought for a degree of autonomy for the Territory, saying: 'We will be the masters of our own destiny. We will put through the legislative program. It will not be decided for us by anonymous persons in another place'. Yet, with this captive addiction to reading prepared speeches, we see that that very thing seems to be happening. Others, not politicians, not elected by the people, do indeed seem to be making the policy.

I do not think that any Cabinet minister is truly illiterate. I would like to think that they have some input into the speeches which are so carefully prepared yet I have noticed with growing dismay and concern that still, some years after the first elections, ministers read speeches and stop and say: 'I didn't mean that. I didn't say that. Well, that is not what I wanted'. I appreciate the demands upon their time, but it would be nice to have some feeling that what they are stating in this Assembly is their policy. Even more I deplore the fact that members opposite, in particular, rise in a debate which is not of their initiative and have to read prepared statements without giving the Assembly any idea as to their true feelings on the matter.

Mr Speaker, I look forward to your further ruling. I have your previous ruling here, Sir, if the attendant would take it to you to refresh your memory as your infinite wisdom really delighted me at the time.

Mr SPEAKER: Honourable members, I can only reiterate that speeches should not be read unless there are exceptional circumstances. This leaves more unsaid than said.

Mr ISAACS (Millner): Mr Speaker, I want to speak briefly this evening about a battler in the Territory who I believe should be given some consideration. I refer specifically to a battler in the mining game by the name of John Niddrie. He is a gouger or explorer in the Territory. He has been here for some 5 years around the Mount Wells - Pine Creek area and he has been doing his best to develop the mining industry in the Northern Territory. He does not have huge amounts of money behind him. He knows some people who are prepared to back him if he can get going, but he does not have much money. He has the capacity to succeed in the area. He has had his problems with the Department of Mines and Energy and certain members of the minister's staff, but I want to set that to one side. He strikes me as a decent chap and a person who wants to get on with the job of developing the mining industry in the Northern Territory at the level at which he is capable. I do not think he understands fully the niceties of diplomacy and how to go about speaking to departments. Certainly, he has a meticulousness about him and an attention to detail which gives a very good reflection of the man. It seems that he has been brushed aside. I do not want to go into the ins and outs or the whys and wherefores, or who did what and who did not do what because I do not think any useful purpose is served by that. I know that Niddrie has spoken to a member of the minister's personal staff and to departmental officers who, I understand, are quite impressed with the attention to detail that he has given.

It seems that he had certain expectations in the area around Pine Creek. The government made a decision about a policy area and Peko Wallsend have been given the rights in that area. About 10 or 15 minutes ago, Mr Niddrie received a considered reply from the minister in response to a very detailed letter that he himself had written. The minister went to some length to explain the grounds on which applicants for policy areas are granted their licences and explained in detail why Mr Niddrie missed out. I would simply like to make this plea to the minister. I know that he is a busy man and I know that an officer of his personal staff has spent a lot of time chasing up matters for Mr Niddrie. I would simply ask the minister to hear personally what Mr Niddrie

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has to say. It may well be that he will be impressed, as I am, and decide that the man has something to offer and that his case ought to be looked at. I am not talking about overturning the decision that has been made because I doubt that that can be done, but perhaps the minister can see if something can be done to assist this chap. I believe he is a decent fellow. He is not a big company; he is representative of many people in the Northern Territory who make a small living out of the mining industry. It may well be that, with the backing that he has, he may be able to make an even larger contribution than he thinks.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, further to the subject that I raised yesterday regarding small traders not wishing the larger supermarkets and larger commercial establishments to open on Sundays, I have been given some figures today which show that the small traders command quite a bit of support. I have been told that the small shopkeepers' organisation speaks for 5029 people. I am assuming this figure includes not only the owners but their employees. The supermarkets' staff is 476. There is quite a difference between 5029 people and 476 people. Add also the fact that this petition contained the signatures of 1026 people. Taken generally, those figures show, quite clearly that, at present, people do not want Sunday trading by large supermarkets.

I was very interested to hear what the Minister for Community Development had to say in reply to me yesterday. I do not know whether he was implying that he did not want to see restrictions placed on larger supermarkets for Sunday trading because it would relieve the monotony of the tourists' existence. They could all go whooping it up in the supermarkets. I have before me, Mr Deputy Speaker, some figures given to me by a senior personnel officer of Coles. It appears that tourists do not visit this particular large supermarket in Darwin in the same numbers that they do in Alice Springs. There were 1023 interviews conducted on a Saturday in Coles in Darwin. The patrons comprised 91% local urban people, 3% regional people - from within 60 miles - and 6% visitors. In Alice Springs, 873 interviews were conducted on a Saturday at Coles. 80% were local people, 3% were regional people and 17% were tourists. It can be seen from these figures that tourists are twice as important in Alice Springs from this point of view as they are here. I do not consider it a valid point to say that we must not hinder the larger shops being opened because of the tourists.

It is not quite fair to call this group of small shopkeepers selfish people. I hope the implication is not that they are selfish in the sense of thinking of themselves without any consideration for the welfare of other people. I think, Mr Deputy Speaker, we are all selfish. We all think of ourselves because, if we did not think of ourselves, perhaps nobody else would. It is a little idealistic not to expect people to think of themselves. However, these small shopkeepers are not only thinking of themselves but also of their customers. It is very necessary for them to be selfish in some ways because, if they are not thinking about their survival, they will go down the drain. We all must think of ourselves sometimes, Mr Deputy Speaker. Even politicians think of their survival just as everybody else does. I cannot see that it should be held to the detriment of these people that they are considering themselves.

To continue on another subject, I refer to the answers to 2 questions that I asked the Minister for Education this morning. I appreciate the brevity of his answer. There are some things that I would like to say about the permanent Humpty Doo school which will be built to take the place of the current temporary Humpty Doo school. A contract of $10.8m was let for the design and construction

of 4 primary schools in the Northern Territory. Humpty Doo school was one of them. The 4 schools cost $10.8m so each school would cost about $2.7m. That is a very large sum of money for one school. This school is being planned for section 358 Hundred of Bagot out on the Arnhem Highway. That section has 320 acres and there is another section of Crown land next to it which also has 320 acres. This makes a total area of 640 acres available for public use.

My next statement does not have anything to do with the Department of Education but I wonder sometimes about the planners who live in town. I have spoken about these planners before and I have yet to see their ivory towers. They think they live in ivory towers and I think they think that some of us who keep our feet on the ground perhaps do not have any ideas worth listening to or perhaps that we should pay attention to them because they think they know a lot more than we do. I have been told that the contractor found when he pegged out the boundaries for Humpty Doo schoolyard, that it went right across the road which was planned for the village square. It was not quite a case of the railroad going through the middle of the house, but it was a case of the road going through the middle of the school yard. I understand the school plans had to give way to the planners' superior knowledge of putting the road where they did despite the fact that they had at least another 500 acres to play with. They had to plan that road just where the school yard was to go. In the meantime, I hope they have seen reason and the road will be placed somewhere else. By the way, Mr Deputy Speaker, I was also told - and perhaps this is unavoidable at the moment - that there are 146 children at the Humpty Doo school and they have a playing area of about an acre. This is not a big area for 146 children to play in. The playing area is approximately the same size as the area occupied by the buildings, despite the fact that that there are 640 acres available in that particular area.

Another point I would like to raise concerns what I consider to be the undesirable monolith of the Department of Transport and Works. I am told that the project officer of the Department of Education cannot speak directly to the contractor who is building this school. He has to go through somebody in the Department of Transport and Works. I see the Department of Education as the customer and I cannot understand why the project officer, if he needs or wants to, cannot approach the contractor directly without going through the monolithic structure of another department. This is a situation which should be looked at, either by the honourable minister concerned or by somebody else.

I query also the perhaps undesirably heavy hand of the departmental hierarchy which is exerted over what has been described to me as the progressive running of the Government Printing Office. I feel that the staff of the Government Printing Office would feel better, and perhaps be able to run their affairs better, if they did not have to answer for all their actions to the hierarchy of the Department of Transport and Works.

I think too that the time has come to take a look at the position of the Fire Brigade in relation to this monolithic department. I attended a hearing concerning certain conditions in the Fire Brigade. I am not going to mention anything that happened at that hearing but what was brought home to me during that hearing was a general feeling of discontent. I hope that, if that is not changed, at least it will be assuaged, perhaps by a new structure in the Fire Brigade in the future. It was brought home to me strongly and clearly that if I were a member of the Fire Brigade, in uniform and a member of a disciplined group, I would resent most strongly being told what to do by a white collar worker who, in some cases, is an anonymous person, an illegible signature on a letter. I would prefer to be responsible for my actions to a minister at the top in a more direct way than through nameless and faceless people.

Mr Deputy Speaker, if I have time, I would like to touch on road safety as it relates to school crossings. I wrote to the Road Safety Council a couple of months ago. I received an answer by mail the day before yesterday. I suppose 2 months is not too long to wait for a letter and patience always pays off in the end. It was quite a nice letter and it was quite informative. I expressed concern about school crossings that are not supervised and I asked the Road Safety Council what they thought of a system of monitoring of school crossings by adults. The adults I had in mind were people to be nominated by the parents' groups at each school and could possibly include active, retired people who had an inclination to do that sort of work. I understand that this system is used in Western Australia. I happened to hear of this by chance. There is a system used in different places in the Territory whereby senior children from the school monitor school crossings, but I would like to see active, retired people - if they so wish - brought into a system like this where they would feel that they are still useful and active members of the community, with authority in the community, and also know that they are doing a very good job in the interests of the safety of children.

Coming back to the Humpty Doo school, Mr Deputy Speaker, I am still rather concerned about the safety of children who will use that school. Originally, I think it was to be placed close to the road. I cannot find out exactly where it will be placed in relation to the Fred's Pass Road which goes past it, and I do not think anybody else can. The building of this primary school at Humpty Doo seems to be surrounded by secrecy. I was told today that in the interests of safety, there will be a bus driveway and lay-by in the school grounds and I cannot understand this. I wonder if the people making the final decision are fully aware of the situation on the Fred's Pass Road. I understand it is a 2-chain road which is about 132 to 140 feet wide, that is the road reserve. The road that the traffic uses is 40 feet wide, which leaves 41 feet on each side. That might sound like enough space for a bus to manoeuvre to pick up or set down children and also for parents to pick up and set down children.

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

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, 4 or 5 weeks ago, I was invited by the Chairman of the Agricultural Development and Marketing Association to visit the Douglas-Daly scheme, which I duly did along with the honourable member for Tiwi. I must confess that before that time, without a real deal of knowledge about the system, I was rather enthusiastic and I had been advocating to appropriate people that we should not mess around with just 2 farms, but should make it at least a dozen. However, since my visit, I believe that I am considerably wiser in this matter and I appreciate the situation much better. Suitable soil is one of the real problems down there. I had the impression that rectangular blocks were surveyed, side by side, each with suitable soil. It is by no means that simple. There has been considerable difficulty in obtaining large enough areas with the best possible soil. They are looking to obtain a slope of not more than about 2 degrees. The reason for this is the tremendous amount of water that comes down in the wet season which could easily erode the soil.

That brings me to another point which rather astounded me and that was the depth of the topsoil. In many places around this area, they have dug down to obtain soil profiles and the topsoil seems to be about 4 to 6 inches deep. The point that concerns me is that the use of normal disc ploughing will put the topsoil under and bring the subsoil to the top, which will ruin much of the ground. I believe it is pretty well understood that ploughing on this particular scheme will have to be done by a ripping method so the topsoil is not turned down. It will be very interesting to see whether this approach, which has been used in other parts of Australia, can perhaps improve the depth of the

topsoil. There have been some excellent results in other parts of Australia with this particular method. I believe that the approach adopted there by the ADMA people is very professional. They are well aware of the problem and they are proceeding with suitable caution.

One thing concerned me greatly on that particular visit. There was a block which had been cleared by a private group in what seemed to me to be a very haphazard fashion. It certainly paid no regard to the 2-degree slope principle or anything like that, nor was the soil type at all appropriate. I believe that, unless some action is taken by the people concerned, when the wet comes a tremendous amount of erosion could occur. Perhaps a warning should be given to these people to examine this problem so that they do not ruin this countryside. I would recommend honourable members to take the opportunity to see this scheme for themselves.

Mr Deputy Speaker, the Alice Springs Show was held in July. It was one of the best that I have been to and I have been to about 12 now. It was good from the point of view that the Show Society took it upon itself to regulate where the drinking of alcohol could take place. The year before there seemed to be stalls dotted all around the oval and people could obtain alcoholic drinks at these stalls. There was a mess of cans and some people were none the better for wear. When people needed to be taken into protective custody, as many did, the police had to wind their way through the crowd to an accompaniment of comments that were not always supportive. As a family person, I felt that I could not let my kids wander off at all. I felt that I had to go with them. This, of course, became a bit of a drag, and I think many other people found it the same.

This year, the Show Society decided to allow drinking in the Member's Bar and in an area near the Member's Bar only. A lot of drinking was done and quite a lot of people were taken into protective custody, but the cleanliness of the show grounds and the general atmosphere reflected much more the feeling of a family day. Many people commented to me how much more they appreciated it. It was a move to resolve the liquor problem which is all to the good. I hope that if other people and other groups in Alice Springs - and maybe other parts of the Territory - have this problem they will consider a similar move which may offer a partial solution to it.

I was told by telephone that the Slim Dusty Show was held at Traeger Park in Alice Springs on Monday night. I was here of course to attend the Assembly so I missed out on it, but I believe the people in Darwin will be seeing it tomorrow night. There were 3000 to 4000 people at the oval and this was a dry show. The behaviour of the crowd is reported to have been excellent. There is much to be said for dry shows in this area since we have such a huge problem with liquor.

During my trip to Sri Lanka, one thing that appealed to me as we travelled through the little villages were the huts which the village people use. These people have a fairly simple lifestyle. They build huts which are similar to those some of the early European settlers used in the Territory. They were wooden frames with mud applied to them. They were whitewashed and looked quite presentable. They were thatched with palm fronds. For security and other pressing reasons, we had a pretty tight schedule so I did not have a chance to inspect them personally. However, the people from Sri Lanka on the train said that they were very cool and waterproof. It occurred to me that such housing could be very useful in the Territory. I am thinking of some of the Aboriginal settlements I have seen where tin constructions have been used. They are obviously very cold in winter and boiling hot in summer. One of the things about the simple technology of the mud huts is that the materials are

found locally and would be cheap. Of course the people build the huts themselves and there is always pride to be gained from things that you do yourself.

When we returned to Singapore and picked up a copy of the Straits Times, we found an article on mud huts. They are gaining popularity across the world and this is partly due to the fact that the cost of cement is becoming very high. In Alice Springs, it jumped from about $2 a bag to more than $5 a bag. The reason for this is the sheer cost of the energy used. To make cement requires an endothermic chemical reaction which means heat energy is taken in to produce the material. We know energy production is very expensive. This article made the point that millions of homes will be needed to house people in the coming decades and that a return to the mud hut could well be the solution. Two important things were mentioned about mud huts. You need a good pair of shoes and a good hat - a good foundation so that water will not get in underneath and a good hat on top to prevent the water ruining the tops of the walls.

That brings me to my last point, Mr Deputy Speaker. It was a delight for me to hear the honourable member for Arnhem, in this morning's debate about the university, support university entrance standards. It was delightful to hear him mention the word 'matriculation'. He did not give such support in the June sittings, Mr Deputy Speaker. He also went on to support high standards for the university if we want it to have a high reputation.

Mr DEPUTY SPEAKER: Order! Honourable member for Alice Springs, you are not reflecting on the debate; you are referring to a debate in the last sittings. Is that correct?

Mr D.W. COLLINS: Yes.

Mr DEPUTY SPEAKER: I ask you not to refer to any debate that has taken place today.

Mr D.W. COLLINS: Mr Deputy Speaker, I will reserve my remarks until next Tuesday when this ruling, I believe, will not be against me.

Mrs O'NEIL (Fannie Bay): I would not dream of referring to a debate that occurred earlier today but I would like to refer to a question that I asked the honourable Minister for Education about the delay in implementation of the Associate Diploma of Music course which it had been hoped would be introduced at Darwin Community College in 1982. I have been impressed, over a period of years, by the increasing quality of musical education which is available in the Northern Territory generally, particularly in schools. I think this is a great credit to the Department of Education. Of course, this is not happening only in the department but within the community generally. However, it is particularly apparent in the department.

On 3 occasions recently - I am sure this is not only happening in Darwin - we have been able to experience the high standard of musical accomplishment which is being achieved by Darwin children. The 'Beat Goes On' performance with a choir of 600 primary school children and an orchestra of maybe 50 secondary students and their teachers was excellent. Many thousands of people attended that performance. Later on, the North Australia Eisteddfod once again gave us examples of the high standard of performance that is being achieved. I was fortunate to be able to attend some of those sessions of the eisteddfod. I recall particularly the occasion when the primary school bands were being heard. Not surprisingly, that section was won by the Parap school band. The adjudicator, a distinguished gentleman from Sydney, remarked that the standard of band music in the primary school section was such that it would only be achieved

by a very few schools in Sydney which has a population of some millions. That was very pleasing to hear indeed. Last weekend, there was a performance of the Mikado at Nightcliff High School. I attended that on Saturday night as did the Chief Minister. It was absolutely delightful. The standard of performance was certainly much higher than I expected to see; it was an excellent and very enjoyable evening.

As I said, it is very pleasing to see this happening. Thus, it is particularly disappointing to see that, once students leave primary school and secondary school and enter the post school area, educational opportunities in music come to an abrupt halt. The Darwin Community College is able to offer, through its Department of Drama and Music in the School of Creative and Applied Arts, South Australian matriculation level music courses and the Australian Music Examinations Board examinations on the theory of music and practical examinations in piano and organ. That is all. I was very disappointed when a number of my constituents who had been interested in the Associate Diploma of Music came to me and pointed out that, because of a lack of funding, it had been decided to postpone the introduction of this course until after the 1982-84 triennium,which puts it several years away.

I would hope that the Minister for Education and anyone else who in any way can possibly influence decisions of this sort will do what they can to have that brought forward. If we have such a course available in the Northern Territory, we will be able to produce our own music teachers which we cannot do at the moment. We can produce teachers both for the private sector, where there are many teachers already doing a good job, and for school, and we would have more musicians of our own. I hope that at some time in the future, the Minister for Education can give us more joy on the question of post secondary school music education than we have at the moment.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, there has been a bit of talk in recent weeks about the cost of housing in the Northern Territory and about the decreasing capability of many Territorians to buy their first house. I would like to bring to the attention of the Treasurer one or two matters which, whilst not being monumental, might nevertheless afford some measure of relief to first house buyers.

Members will recall that, when this legislature passed its own Stamp Duty Act prescribing the rate of duty on a variety of instruments, it was subsequently legislated that there would be certain classes of transactions and instruments upon which there would be exemptions or concessions on the rate of duty prescribed in the Stamp Duty Act. One of the transactions for which this legislature saw fit to give a concession was to the first-time house purchase in the Northern Territory. It was a highly commendable decision. Thus it comes as something of a disappointment to find that there are a number of families who are buying or building a house for the first time and find themselves ineligible for this stamp duty concession. This does not result from a decision taken within this Legislative Assembly but only from an administrative discretion exercised by the Commissioner of Taxes. The persons to whom I refer are those who build or buy a house on an area of land greater than 2.08 hectares. As the member for Tiwi would certainly know, many people who live on a lot of that particular size are in fact merely hobby farmers or people who are indulging in various hobbies relating to animals and so on. These people are using the premises as their principal and sometimes only place of residence and for bona fide residential purposes. The Commissioner of Taxes has determined that these people will not be eligible for the stamp duty concession because they are living in non-residential premises. By that, I take it to mean that he regards the principal use of the land to be agriculture.

Anybody who knows anything about the agricultural capability of the Territory would know that it is not really possible to conduct a major agricultural pursuit on lots of such small dimensions. I would say that the criteria that the commissioner should be looking at is whether the principal activity is one of residence or whether that it is in fact the person's first purchase or construction of a house. They should be the major criteria not the size of the lot upon which the house is erected.

I feel that these people are being disadvantaged and I am particularly disappointed that it is not a decision of this legislature. In fact, the discretion being exercised by the commissioner is completely at odds with the spirit in which this legislature saw fit to give first-time house buyers a concession on their stamp duty. I ask the Treasurer to investigate this matter and specify by regulation which premises will be eligible for this concession, and thus not have public servants determine these matters creating inequities among certain classes of house buyers.

The member for Tiwi raised the matter of school contracts. I would like to raise the question of the Malak School with the Minister for Transport and Works. The Malak School, as the minister would be aware, has been in operation since the beginning of this school year. Since that school has been operational, there has been a series of matters to be taken up with the contractors, some of which remain unresolved. It is not easy to run a school of 436 children and keep them off the playing areas. That is one of the major bugbears at the moment. The contractor has not rectified deficiencies in the provision of topsoil and grassing of those areas. This has removed quite a large amount of the school's playing area from effective use.

I would ask the Minister for Transport and Works to rectify these contract difficulties quickly because they create many problems not only for the children but also for the staff who have to supervise the children.

Another matter relating to the Malak School is its inability to get trees now from the Conservation Commission. Members will know that the Conservation Commission has maintained an active and highly commendable program of providing trees in public parks in the northern suburbs and also for some public buildings. Again, it is a bit disappointing for the school council to be told that trees will no longer be available free of charge. In fact, if trees are required, they will have to be paid for.

I would suggest that, as far as public buildings are concerned, the Conservation Commission ought to be able to provide trees for the beautification of those buildings and facilities. I would favour the imposition of a small payment to people who just wish to have a few trees from the commission's nursery stock in their own yards. Certainly, as far as public buildings are concerned, I would have thought that that would have been one of the functions that the Conservation Commission would have been happy to discharge.

I was interested in the remarks made by the member for Alice Springs in connection with his trip to Sri Lanka. I am particularly pleased that members of this Assembly who go overseas on Commonwealth Parliamentary Association assignments give some kind of report to other members. I for one was unaware that this trip had been undertaken. I was very pleased to hear the report given by the member for Alice Springs, although it by no means equals the very excellent report given here 3 years ago by the member for Casuarina who once represented us at Westminster. I am always pleased to hear reports from members who go on CPA assignments.

What particularly interested me was his reference to the housing of some of the Sri Lankan people. I can tell him that this method of housing is under threat in all underdeveloped countries. The member had noted some virtues of this particular type of housing, and in fact, it does have several virtues such as its low cost and low technology. That type of housing is not resistant to cyclones and floods. That is one of the virtues. When it is washed away, it is simply re-erected using the materials which are available from areas which have been excavated for the planting of paddy or from alluvial river beds.

It is not that these people are being trendy. The member made reference to the fact that we should look at this type of housing for Aboriginals. I do not know what Aboriginals think of that but certainly that type of housing has been tried in the Northern Territory. In the Darwin area, I know of 3 houses that have been constructed by the pise method. Believe me, it is not by any means a cheap method over here. One of the reasons is that one must obtain a licence to excavate the material. Not all soils are suitable for this particular construction method. In fact, the houses that have been constructed, because they have had to be constructed to the cyclone code, have turned out to be expensive indeed. I do not know whether this method is applicable to providing cheap housing for Aboriginal communities.

The Sri Lankan people, and indeed the people in large parts of India and the Middle-East, are very fortunate to be living in areas which have the correct type of soil which can be taken without causing any adverse effects. In Sri Lanka and in large parts of southern India, village communities have used the materials from rice fields when they have had to be subdivided by embanking walls. That is of course the source of their material. They do not have to go very far for it. It certainly is not applicable in all areas. In the dry climate of Australia where soils tend not to have the plasticity which is required in this type of housing, I doubt very much that it has much application.

Nevertheless, I was interested that members look closely at the lifestyles of some of these people and do not just throw up their hands in horror and bring home stories of gross poverty and the inability of the people to improve their material welfare. These people are in fact quite good at coming to solutions which are within their means.

Mr DEPUTY SPEAKER: Members, so that we are all quite clear on the matter of allusion to earlier debates, I draw members' attention to Standing Order 53 which reads: 'No member shall allude to any debate of the same session unless such allusion be relevant to the matter under discussion'.

Mr VALE (Stuart): Mr Deputy Speaker, there are 3 points I wish to raise in tonight's adjournment debate. The first is a formal request to the Minister for Lands and Housing who has responsibility for the Place Names Committee. There is a river south of Alice Springs which was renamed several years ago by the Place Names Committee without any consultation with Alice Springs residents. I refer of course to Roe Creek. For many years, it was known simply as Temple Bar. I believe there is a large area of support amongst the population of Alice Springs to switch that name back to Temple Bar Creek. I would ask the Minister for Lands and Housing to take that up for me with the Place Names Committee.

The second point which I wish to raise concerns T-junctions which are under construction or roads that have just been completed. I would ask the Minister for Transport and Works to take up with his department a problem caused by contractors and or the department itself. When construction is finished, invariably a small amount of gravel or dressing of some description is left near the T-intersection which I believe constitutes a danger to motorists.

My final point also pertains to roads. No sooner are roads laid and sealed before various government departments start digging them up to lay a telephone line, a water pipe or a sewerage pipe. I do not believe it would be a very big problem for the Department of Transport and Works to co-ordinate the laying of a road. It should check with all government agencies and departments to determine whether any services will be required under the road. If so, prior to sealing a road, it could put some type of piping under it which could be used to feed telephone lines, water pipes or whatever. I do not think it would be a major problem for the Department of Transport and Works to co-ordinate within the town boundaries of Alice Springs and other places. It would certainly save these roads from being dug up almost within months of being sealed and would certainly save motorists and residents of the Northern Territory a lot of inconvenience.

Mr DONDAS (Transport and Works): Mr Deputy Speaker, I rise this afternoon because I would like to clarify a couple of the points made by the member for Tiwi. She spoke about the Government Printer and the problem he has of having to report to the hierarchy of the Department of Transport and Works. I would like to advise the member for Tiwi that, whilst there were some problems in the administration area of the department, the Government Printer did make a plea to both the Chief Minister and myself that he be allowed to at least report to the Secretary of the Department of Transport and Works. I am not sure whether she is aware of that or not. This afternoon apparently she was not. I certainly hope she takes that point in. If she has any particular problem regarding the divisions in the Department of Transport and Works, she should at least talk to me as the relevant minister and I might be able to set her straight. At the moment, the Government Printer does report directly to the Secretary of the Department of Transport and Works.

Regarding the fire brigade, I think that the member for Tiwi speaks with 2 tongues. This morning we had some discussion regarding the fire brigade and the member said to me: 'Everything is going terrifically in the fire brigade. All the blokes are pretty happy. There is only one particular complaint. They want to get out of the clutches of the public service. When are you going to introduce legislation because the new Director of Fire Services has some very good ideas and I would like to see some of those ideas implemented in the new legislation?' I said: 'Fine, I will try to find out when we are going to introduce this legislation and hopefully it will be about February next year'. That seemed to satisfy the honourable member. Yet this afternoon she gets up quite coolly and says that morale is bad in the fire brigade and members do not like the Department of Transport and Works. I am very very confused, Mr Deputy Speaker. At 10 o'clock this morning, I was told that the fire brigade and its members were doing a terrific job and the Department of Transport and Works was doing a good job yet this afternoon it wants to get out of the clutches of the Department of Transport and Works.

As far as I am aware, the site works have only just started on the Humpty Doo school area, but the honourable member says that there is a project officer from the Department of Education. The honourable member for Tiwi knows the history of the project prior to the letting of the contract for those schools. She should know why the project officer of the Department of Education is being kept away from the project officer of the Department of Transport and Works. We felt that if we let the project officer from the Department of Education continue, we would finish up with schools costing $5m each instead of $2.8m.

I find that the honourable member for Tiwi is ill-informed. She is not getting her facts and information right before raising subjects in the Assembly. As far as the fire brigade is concerned, Mr Deputy Speaker, the government has implemented most of the recommendations of the Williamson Report and I hope that not too far in the future all the recommendations will be met.

The honourable member for Tiwi spoke about the bus service there. I was not quite sure whether she was saying that bus services would not go into the school or that nobody seemed to know where the road would go. I do not know where the road will go. I am quite sure that the honourable member is capable of eliciting that information from either the Department of Education or the Department of Transport and Works. She spoke about monoliths and people not being able to elicit information from that department. The Department of Transport and Works is not a monolith. The Department of Health is a monolith. The Department of Transport and Works only runs second.

Nevertheless, I would like to take up a point the member for Sanderson made regarding trees. I am quite surprised that the Conservation Commission is a bit short on trees because I have just issued a press release stating that the Conservation Commission is going to plant 5000 trees out at Rapid Creek recreational area. I am quite sure that arrangements can be made for some of those trees to go to the Malak School. There are 5000 trees and I believe that some should go out to Malak. I will also take up the question of topsoil. Presumably a contract could be let by the Department of Education rather than the Department of Transport and Works.

This afternoon, the honourable member for Nightcliff made some remarks about people in the Assembly who have been here for 8 years and who still need to read out particular information. I have to read this out, Mr Deputy Speaker, because in trying to reply to a question the member asked me yesterday, I would like to be specific.

Most members are aware of the questions asked concerning the environmental impact study and the level to which pumping will be permitted at Donkey Camp during the dry season, and whether it would cause silting. The answer from my officers is that a notice of intent regarding the project was referred to the Commonwealth Department of Science and the Environment in accordance with the Commonwealth Environment Protection Impact Proposals Act. After examining our proposal, that department did not consider an environment impact study to be necessary. Similarly, we have no reason to believe the draw-off water will cause silting downstream from the pump station. On the subject of drawing off, my department proposes to limit draw-down to 1.5 metres initially. If this proves satisfactory - and there is no reason to believe that it will not - draw-down will be increased to the design limit of 2 metres. My department is keeping matters such as this under review in conjunction with the local Katherine River Advisory Committee.

Mr BELL (MacDonnell): Mr Deputy Speaker, I shall commence by asking a few questions about the mud-hut mentality of the member for Alice Springs. It is a phrase that has gained some notoriety in his electorate. I am surprised that he raised it after the Minister for Lands and Housing so savagely beat the honest burghers of Alice Springs over the head with exactly that phrase.

I would like to make a point in regard to his suggestion. I appreciate, and I am sure Aboriginal people will appreciate, the interest that the member for Alice Springs takes in Aboriginal housing. I strongly suggest that he spend a bit of time working with a housing association at one of these places to gain a greater understanding of them. Corrugated iron housing -

corrugated iron wiltjas, humpies, or however you would like to call them - fulfils a fairly important social purpose in that they are easily demountable. I would suggest that is one difficulty with the cheap housing that the member for Alice Springs is suggesting.

The member for Alice Springs made some comments about standards. He expressed surprise that people on this side of the Assembly might have conflicting attitudes in respect to standards in education. Since the member for Alice Springs has demonstrated previously a somewhat quirky attitude to discipline, I think that this point deserves some elucidation. I have only been in this Assembly for a short time but, on a number of occasions, I have heard the member for Alice Spring extol the virtues of compulsory examinations for all students. I think that he equates compulsory examinations with standards in education. I suggest that that is a fairly restricted view of standards. On this side of the Assembly, I think particularly in the case of the member for Arnhem, by standards in tertiary education we mean that people achieve at a high level. We encourage excellence. It is for those people who decide that tertiary education is important that we believe the standards ought to be maintained.

To turn to the substance of what I want to speak about tonight, I would like to refer to a journal, the Territory Digest, produced by the Information Office. It is a very handsome journal. I was glancing through a copy of this journal a few days ago when I came across an article about one Sergeant McKinnon. In my electorate, Sergeant McKinnon is very well known. I have collected some stories from old Pitjantjatjara men concerned with Sergeant McKinnon and I was a little surprised to see this article which suggested that Sergeant McKinnon was somehow one of the true,rugged,outback pioneers - tough, but fair. I think that is not a correct impression. It is certainly not the impression that many of my constituents have of the man.

I will tell you one story that perhaps illustrates the point and members may, in fact, be aware of it. At Ayers Rock is Mutitjula, a place which is usually called Maggie Springs, and it was there that the uncle of a very close friend of mine was shot by men in McKinnon's party. This resulted in a Royal Commission hearing at Alice Springs in the 1930s. This Royal Commission came to Alice Springs and, because of its isolation and because of the need to visit Ayers Rock at that time, it had to engage a guide and a cook for the party. It will not come as a surprise that the Royal Commission exonerated Sergeant McKinnon in that regard.

In case it is thought that I am trying to suggest that all black-white contact in the Northern Territory has been bad, let me recount quickly one more story of an old man whom I know well and who, I have reason to believe, regards me as a friend - a judgment I consider with some pride, I suppose. He is referred to by English-speakers as Snowy. His Pitjantjatjara name, Nguwi, is a bit hard for English speakers. His first contact with European civilisation came in an area very close to Angas Downs homestead. It is somewhat north of Angas Downs homestead near what is now the Wallera Ranch, which of course was not there at that time. Snowy talks very happily about his first contact with the man who was working a homestead in that area at the time. He is in fact the grandfather of a man who is working now at Docker River as a community adviser, Mr Garry Cartwright. Snowy talks in very happy terms about his connections with Garry's family.

I raise those 2 matters to point out that culture contact in the Northern Territory has been good and bad. It is very often alleged that people on our side of the political fence only talk about the bad things. I raise those stories to show that that is not the case; both are involved in it. In case

people think that that is history, let us imagine that it is history. Let us imagine that Aboriginal people in the Northern Territory have gained control of their lives, that people living on pastoral leases have areas of their own in which they are able to carry out their own economic activities and in which they are able to carry out their own way of life and their own religion. Let us imagine that there are areas of Aboriginal land in parts of the Northern Territory that have not been taken up as pastoral leases and where Aboriginal people are able to determine more of their own lifestyle. Let us imagine that there are some Aboriginal people who are more interested in finding their place in European-type towns. Unfortunately, that is a dream at present, Mr Deputy Speaker.

I mention those things as a preface to 2 particular and very serious examples of exploitation that are of direct concern to this Assembly and to the government of the Northern Territory. The first one was brought to my attention by an article in the 'West Australian' of Tuesday 30 June. It is headlined, 'Woman Tells of Sex Exploitation'. The article itself refers to a story that was passed on to the newspaper by a woman working as a governess in what is referred to as a big cattle station in the Kimberleys. I will not go through the details of what happened there. This alleged that the Aboriginal women on the station, which she named in the 'West Australian', were treated as unpaid prostitutes. She said, 'There was an element of persuasion going on. Some of the women were given lollies but there were also people who could be very forceful with them. I know of at least 1 case of rape'. I think I have given the flavour of the piece to people. When the Community Welfare Department in Western Australia investigated this particular case, it transpired that this particular cattle station is not in Western Australia at all but in the Northern Territory. I hope to be able to take that up with our Department of Community Development to try to see that some sort of justice is done and that something can be done to improve the lot of those people.

Mr Steele: It has already been in the News.

Mr BELL: I hope something is being done about it. It is one thing for things to be in the News and it is another thing for things to be done about them.

The second instance I wish to refer to is also on a cattle station in the Northern Territory. I have here statutory declarations which I do not propose to table, Mr Deputy Speaker, because I do not believe that it is in the interests of the people involved for their names to be made public at this stage. However, I will raise this matter with both the Minister for Community Development and the Minister for Education. It involves the use of Aboriginal children as child labour on this cattle station. It is a matter of grave concern. The issue of course is not a simple one; I appreciate that it is a complex one. I do not want to buy into issues such as the relevance of western-type education for Aboriginal children here. I do not want to buy into complex arguments about the relationship between station management and resident Aboriginal groups except perhaps to say that cases of this sort are very powerful evidence for greater concern over the process of excisions as recommended by the Gibb Committee. This particular statutory declaration relates to one man who worked for 3 months mustering cattle on a station. In that time, he was provided by the management with food, 2 blankets, 2 pairs of short cowboy boots, 2 pairs of jeans, 2 press-stud western shirts, 1 good hat, 1 belt, some lollies, soft drinks, chips and chewing gum when he was at the station, and one packet of Rinso. For the work that he put in for that 3 months mustering cattle for that station, he received a princely sum of $80. His brother, aged 10, has been put to work on the same station. The difficulty might be that he chose to work there. His parents might be happy but I do not believe it is the sort

of situation we ought to be tolerating.

Mr TUXWORTH (Mines and Energy): Mr Deputy Speaker, I wish to touch on 2 points this afternoon. The first one is in relation to the comments of the Leader of the Opposition about Mr Niddrie and his difficulties with exploration areas at Pine Creek. Because of my movements, I have not at this stage had a chance to see Mr Niddrie because our paths have never crossed. I can assure honourable members that his representations have been fully taken into account and a great deal of effort has been expended in an attempt to satisfy him. I am quite happy to see Mr Niddrie. There is no problem with that. It is just a matter of finding a time that is convenient to us both because he comes and goes just as I come and go. I am more than happy to do that.

I would like to provide some information that has been given to me by the department in response to the points raised yesterday by the member for Arnhem. If I could preface the remarks that relate to the Nabarlek incident, as it is known, you, Sir, by correspondence,have asked whether information could be made available to the Sessional Committee on the Environment. I would like to advise other members as I have advised you that officers of the department will be available at the committee's pleasure on Monday. If the committee would like to take up that offer for a briefing from the technical people within the department, I am more than happy to see it go ahead. The report is as follows.

The plant run-off pond is located down the slope from the Nabarlek treatment plant. One of its purposes is to catch any spillage draining from the general plant area, which spillage is not trapped in the containment bunding system of the plant. Periodically, the water in this pond is diluted and pumped back into the system for plant process water. The level of impurities in the pond can be high at various times due to a concentration from the high evaporation in the area or because of collection of minor operational spillages.

On 6 March, the water in the pond had been diluted by deliberate addition of water and was being pumped back into the system. Then a heavy downpour occurred with a heavy rainstorm falling as would occur infrequently. The run-off pond filled and remained secure. Water then backed up feeder drains leading back to the plant area. The water from the plant could not then get into the pond. This water then flowed into the area surrounding the plant. An environmental officer of the department heard and reported to the local mines inspector that there had been some overflow at the Nabarlek plant. At that time,the mines inspector regarded it as insignificant and therefore took no action and did not report the matter to his superiors.

Later, the environmental officer reported the rumour to another inspector who followed it up with a visit on the 22nd when the mine site was inspected with the acting manager who, we understand, knew nothing of the incident. No evidence of dam overflow was apparent. The high water mark indicated that this had not occurred and there was no water or debris lying around the base of the dam. Of course, this is not surprising because there had not, in fact, been any overflow from the pond.

At this point, Mr Deputy Speaker, I wish to emphasise one fact. The water which could not get into the pond and which flowed into the surrounding area did no harm. It was of a very low order of radioactivity and there was no measurable effect on the environment. This was explained in full technical detail in the letter I wrote to the Northern Land Council on 5 August and this letter is available to members if they wish to peruse it. It would appear that company management regarded the water overflowing the drains as insignificant.

It did not consider it a reportable incident. The company has not denied that the drains overflowed but did deny that the pond overflowed. I suppose technically it is wrong but I could hardly call it deceit. Routine checks before and after the occurrence show that no significant changes occurred in the environment. Further investigations are being made but, as I have said, the department agrees with the company that no harm has been done.

In summary, it would appear that the incident has been exaggerated out of all proportion and this is an example of minor operational problems which can happen from time to time in any processing plant. There was no damage or harmful effect on the environment. The occurrence of excessive rainfall was unusual. The design of the Nabarlek water management system is such that most water is contained within mill in the mine area. Further precautions are being taken to contain excessive cloud bursts, and full reports on the incident have been provided to the Supervising Scientist as well as to the Northern Land Council.

Mr Deputy Speaker, this incident has generated reams and reams of technical data which I am more than happy to make available to members of the committee for their consideration when they sit and for a briefing by departmental people. There is one point that the honourable member raised which I cannot answer because I cannot enter the mind of the officer in charge of the site at the time: why did he not consider that the incident was reportable? At this stage, I would like to let the matter rest until the committee has had its meeting and its briefing. If honourable members feel that there is any impropriety on the part of people in the employ of the government or myself, I would be more than happy to have the matter raised again. At this stage, I will leave it at that.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGE FROM ADMINISTRATOR

Mr SPEAKER: Honourable members, I have message No 6 from His Honour the Administrator of the Northern Territory.

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth recommend to the Legislative Assembly a bill entitled the Appropriation Act 1981-82 to provide for the appropriation of certain sums out of the Consolidated Fund for the service of the year ending 30 June 1982.

Dated this 21st day of August 1981.

E.E. JOHNSTON
Administrator

APPROPRIATION BILL 1981-82
(Serial 151)

Bill presented and read a first time.

Mr PERRON (Treasurer and Industrial Development): I move that the bill be now read a second time.

It is my pleasure to present the government's budget for 1981-82. This, the fourth budget of the self-governing Northern Territory, will sustain the theme of social and economic prosperity for Territorians through growth and progress. This fundamental approach of the government was endorsed by Territorians at the 1980 elections and it remains our principal objective.

An inevitable consequence of our rapid progress and the growth of a prosperous community has been a constant stream of new settlers. This population growth, the highest in Australia, combined with soaring interest rates for home loans has stretched the Territory's capacity to provide sufficient residential accommodation at reasonable cost. The high cost of housing is a national problem. Its availability and its costs are problems of particular concern to the Territory. Government expenditure will be increased in 1981-82 to help redress this shortage. The government will also continue to argue that the Commonwealth adopt economic policies which will shield Territorians from further crippling escalations in their monthly mortgage payments. We are fighting those forces which are eroding the dream of home ownership.

Previous Territory budgets have set the pattern for positive action on the land and housing fronts. This government is determined to continue its commitment to housing. This year, for the first time, combined public expenditures on lands and housing will total $170m. Capital expenditure, including housing loans, will account for $116m. This is a housing budget; details are provided later in this speech.

Mr Speaker, the budget is presented in accordance with the Financial Administration and Audit Act and the Northern Territory (Self-Government) Act. Total expenditures provided for this financial year, including special appropriations, amount to $756.3m, an increase of $101m or 15.4% on last year. Of this amount, $730.5m is for distribution through this Appropriation Bill and $25.8m through special appropriations under other acts. In addition, the semi-government borrowing program will provide $25m for capital works projects of Territory

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authorities. Looking back to this time in 1978, it is interesting to note that the $350m appropriated in the first self-government budget has been more than doubled in this fourth budget. As in previous years, the government is aiming for a balanced position.

I now turn to the sources of revenue which are itemised in Budget Paper No 2. The Commonwealth will provide $618.9m under the terms of the Memorandum of Understanding, including the $6m which was in dispute. The reversal of the Commonwealth's original decision and the rightful payment of this amount within the terms of the Memorandum of Understanding resulted from the most strenous representations by the Territory government. The year-to-year increases guaranteed by the memorandum essentially allow the government to provide the services required in our growing community and to foster the spiralling growth of business on which the livelihoods of so many depend. The need to ensure the preservation of the integrity of the memorandum is therefore of utmost importance.

The following are the main components of the Commonwealth funding: $315.1m - tax-sharing entitlements; $20m - additional assistance grant; $20.6m - health grant; $114.9m - capital grants in advances; and $145.6m - specific purpose payments. Local revenues and the balance in the Consolidated Fund will provide a total of $137.4m. This compares with $104.8m in 1980-81. Significant increases are estimated: mining royalties - $7m; health revenues - $8.5m; and new revenues which I will come to in a moment.

Honourable members will be aware of the Territory's undertaking to make a reasonable revenue-raising effort as set down in the memorandum. The government in its budget deliberations instituted a review of Territory taxes and charges, the first major examination in 3 years. The taxes introduced at self-government were deliberately set below similar imposts in the states. Road tax and land tax were not introduced and death duties were abolished. Significant duty exemptions were brought in, including property insurance and workmen's compensation insurance and major concessions were granted for payroll tax. Territory taxation since self-government has been kept at the lowest level in Australia. However, any government must from time to time take a hard look at its sources of income and relate them to rising costs. This budget provides for: a new scale of stamp duty charges replacing that introduced in 1978; new rates for liquor licensing fees, the first change since 1978; the introduction of tobacco licence fees; and increases in the scale of charges for motor vehicle registration.

The Stamp Duty Act is to be amended to provide for a new scale of charges and to make certain court documents dutiable. These measures are expected to raise $2.9m this year. Amendments to the act will be introduced this session. The bill will provide for raising the duty on cheques to 10¢, on hire purchase agreements and hiring arrangement documents from 1% to 1.5%, and on conveyances from $1 to $1.50 per $100 of value for most transfers. The exemption for first home buyers will still apply. Deeds, powers-of-attorney, lease arrangements and general insurance policies will not attract increases. Duty on loan securities will rise by $5 on the first $15,000 of value and by 5¢ for each $100 of value above $15,000. This increase will not apply to mortgages for first home buyers.

The one-time duty on registration certificates when vehicles change hands will increase by $1 to $1.50 per $100 of value. A maximum limit on duty payable of $500 is to be introduced for the first time. On a $6000 car, the duty will rise from $30 to $90. By comparison, duty on the same vehicle would be $120 in New South Wales, $150 in Victoria and $180 in South Australia, exactly double the new Territory rate. Duty on life insurance premiums will double to 10¢ per $100 of sum insured. On share transfers, duty will rise from 10¢ to 15¢ per 100 units, still the lowest in Australia. For the purposes of duty, a new category

of document will be included in the act. Court originating processes and civil trial papers will attract duty ranging from $5 for an originating process before the small claims tribunal and $100 for a Supreme Court process.

Mr Speaker, I point out that the Territory's general exemptions on stamp duty will still apply. Apart from first home buyers, these include building and contents, workmen's compensation and most forms of credit.

The Territory's present liquor licensing fees were framed in 1978 and are generally the lowest in Australia. In this sittings, legislation will be introduced to increase revenue from this source by an estimated $200,000 this year. The new fees will be: for on-licences, mainly including hotels and restaurants, 7% of the value of liquor purchases instead of the current 5%; for off-licences, which cover stores, 10% of the value of purchases up from the existing 7%; for roadside inns which provide their own power and water an annual fee of $200 up from the present $40; and for roadside inns which are connected to essential services, the replacement of the existing $40 annual to a fee of 5% of the value of purchases. The Territory's 55 licensed clubs will be exempted from any increases and will continue to pay fees on a graduated scale from $200 flat to a maximum of 5% of the value of purchases.

Legislation will be introduced this session providing for a licence fee of 12% related to the wholesale value of tobacco products as from today. This measure is estimated to raise $850,000 in 1981-82. After existing shelf stocks are exhausted, it is expected that the new fees will increase the price of a packet of cigarettes by about 10¢. Wholesalers in Western Australia, Tasmania and New South Wales currently pay a licence fee on tobacco products equal to 10% of sales. The rate in Victoria and South Australia is 12% and 12.5% respectively.

Fees payable under the Motor Vehicles Act will be increased for the first time in 3 years for most categories of vehicle. For the average 4-cylinder, 2-litre family car, a new annual charge will be $36.00, a rise of $9. This compares with charges of $60 in New South Wales and $52 in Victoria. For a 3-litre vehicle, the fee will be $60, compared with the existing $45. For each extra litre of capacity up to 6 litres, an additional fee of $25 will apply. Over 6 litres, the new fee will be $135, plus $15 for each additional litre. The new fees will apply from tomorrow and are expected to raise an additional $400,000.

Before turning to the expenditure details, I mention the continuing effect of constitutional change. Following the recent review of Commonwealth activities, responsibility for a number of functional areas has been transferred to the Territory. They are: sacred sites protection, rural extension services, uranium mining regulatory services, including environmental regulation, and residual teaching service functions. Included in the tax-sharing grant mentioned earlier is $4m which the Commonwealth has provided for these transfers. The Territory government considers this level of funding inadequate and will be seeking additional amounts during the year. I now turn to expenditure proposals.

The government has attracted private investment capital to the Territory to help meet part of the huge development costs required in the housing area - a step taken in the face of continuing opposition. We reject the proposition that the taxpayer should be responsible for facing all of these costs. The government's policy has been to mobilise a mix of private and public funds to meet the demand by Territorians for new housing construction. Even with private investment, the demands on public resources are massive. Pressure for new accommodation exists in all Territory centres. This year throughout the Territory, the Housing Commission will commit funds to a new housing commencement, numbering 854 units,

compared with 642 last year. Put another way, that is equivalent to building another Tennant Creek or the greater part of Katherine in a single year.

The commission's program will be more than matched by activity in the private sector where dwelling starts are estimated to exceed 1200. The housing commission program provides for 577 starts in Darwin, 128 in Alice Springs, 99 in Tennant Creek and 50 in Katherine. The construction program for public housing will attract cash of $33.1m, a 76% increase. It includes funding for Aboriginal housing. $17.8m is available for the staff housing program $700,000 more than last year. These figures total $50.9m for new dwelling commencements and the completion of works in progress amounts to a massive 42% increase.

Territorians in 1981-82 will continue to benefit from the most generous government home loans scheme in Australia. From today, the scheme will be extended to include single people. In addition some of the present loan limits will be increased. Details will be announced by my colleague, the Minister for Lands and Housing. Loans totalling some $58m have been approved since the scheme began in October 1979. This year, loans amounting to at least $28m will be made available through the scheme. The need for additional funds will be closely monitored.

The Territory Insurance Office, I am pleased to say, is playing its role in the housing field. $2m has been placed with a local building society, thus helping to increase the overall availability of housing finance. The Public Trustee of the Northern Territory is involved to a somewhat smaller degree with almost $1m in first mortgage loans as at 30 June, over half of it in the residential sector.

The recent entry of a second building society into the Territory is welcomed. It is hoped that both societies see merit in adopting a system of deferred loans similar to that recently introduced in New South Wales. The government calls on the banks and other financial institutions to recognise their responsibilities to their Territorian customers. It is regrettable that savings bank loans for housing in the Territory amount to only 22% of Territory deposits compared with the national average of 51%. There is obviously room for greater participation by the whole private sector in the provision of housing finance. Figures published by the Bureau of Statistics show that in 1979-80 private sector loans for housing, as a percentage of total housing loans in the Territory, were only one third of the national average.

Concerning the Commonwealth's contribution, their special purpose housing payments to the states and the Territory this year have not allowed for inflation. Our payment of $14.9m is a year-to-year increase of $400,000, a mere 3%. Our commitment in this area has nevertheless been honoured in spite of the constraints imposed by the Commonwealth.

The allocation in the Appropriation Bill for the Housing Commission, including the government's Home Loans Scheme, amounts to some $61.8m, 8.4% of the total budget outlay. However, total finances available to the commission this year, including internal revenues, are estimated to be $117m.

Mr Speaker, I have highlighted our positive and determined attitude towards housing. To put in context the magnitude of the Territory government's effort, let me quote a seemingly incredible statistic. In terms of relative financial effort, this government's contribution to housing finance is 1600% greater than the national average. This calculation is based on official Australian Bureau of Statistics figures for 1979-80. In that year, this government provided 68% of all housing loan finance in the Territory, compared with the national average of 4%.

Combined appropriations for the Department of Lands and the Palmerston Development Authority are $24.5m, a 28% increase on last year's actual expenditure of $19.2m. Additionally, through the capital works program, some $12m has been earmarked for land development. For 1981-82, the authority's appropriation is $7.2m. Its total budget, including funds from semi-government borrowings and the opening balance in its trust account, is $22.8m. Additionally, it is pleasing to note that the estimated private sector expenditure in the new city's first 2 suburbs and town centre this year is expected to be some $9m. The first housing lots are scheduled to be ready by the end of the financial year. Our goal of increasingly involving private developers ensures that the huge building production costs at Palmerston are not an excessive burden on government resources. The success of this policy and the consequent freeing of government funds for other areas of expenditure have been typified in residential development at Leanyer, Karama and Brinkin in Darwin and, in Alice Springs, at Sadadeen and Araluen.

Within the total $17.3m allocated to the Department of Lands, $4.2m has been set aside for the survey and mapping function, an increase of $1m. Land administration, land development, planning and the Building Authority will receive $3.8m, an overall increase of $500,000. Investigations will continue into areas suitable for subdivisional development. Funding for the Lands Department's Alice Springs office has been increased by more than 29% to $1.6m. Basic services will be provided to a residential and hotel development in Alice Springs, the Humpty Doo Village Centre, industrial areas in Darwin and Katherine, the Darwin Golf Course development and stage 1 of the residential development at the 2½ mile Darwin. Some $6m has been allocated for the acquisition of land including buy-back from developers in Darwin and Alice Springs and land required for trunk road systems.

Mr Speaker, the government's total commitment to lands and housing is put in perspective by the addition of all proposed expenditures by the Housing Commission, the Department of Lands and the Palmerston Development Authority and subdivisional expenditures through the capital works program. Including operating costs and debt servicing, these figures combined amount to $170m.

Provision is included in the budget for Health Department outlays totalling $89.7m. This represents an increase of some $10.6m or 13% and includes the Commonwealth contribution of $20.6m towards the cost of running hospitals under the new health funding arrangements. As has been widely publicised, from 1 September, hospitals will charge all patients except those in the disadvantaged categories; that is, those persons who have been issued with a card by the Commonwealth Department of Social Security.

$218,000 has been allocated for the staffing and operation of the new Jabiru hospital and Community Health Centre. Funding is provided for grants-in-aid to various community organisations for operational and capital purposes. This assistance will total some $5.8m compared with $4.3m last year, with just over $2m going to the St John Council and the balance to various missions and community organisations. The government's funding for St John is associated with that organisation's ambulance service which it operates in Darwin, Alice Springs, Tennant Creek and Katherine. It includes $400,000 towards the cost of a new centre in Alice Springs.

The health vote also provides $245,000 for the implementation of an election undertaking by this government to establish a drug and alcohol bureau to give specialist attention to the problems of drug and drink abuse. The bureau will co-ordinate the activities of the various agencies throughout the Territory and will provide advice to the government on rehabilitation and training programs. All responsible citizens will welcome this initiative. Additionally, grants

to organisations working in the field of drug and alcohol abuse will amount to $233,000 compared to $203,000 last year.

The budget for the Department of Education totals $91.6m, an increase of $11.6m or 14.6%. New initiatives include $969,000 for child migrant education programs and $429,000 for the Katherine Rural Education Centre. Funds for student assistance schemes have been increased 43% to $899,000. The School-to-Work Transition Program will go up 179% to $503,000, thus underlining the government's commitment to help our school leavers enter the workforce. $1.3m has been provided to enable the recruitment of more teachers to service the rapidly increasing school-age population. Salaries of the Department of Education, amounting to $60.2m, represent 66% of the total education budget.

As members will be aware, the government has established a Northern Territory Teaching Service and has appointed a commissioner responsible for the employment and conditions of service of the Territory's teachers. This budget provides $378,000 for this function.

A 52% increase is provided for the Community College of Central Australia to $1.6m. Outlays for the Darwin Community College are to increase by 21% to $11.5m. The increased allocations will allow for larger student numbers as well as a wider range of courses. As a result, more of the Territory's skilled workforce will, in future, be trained in the Terriotry. The Gillen House School of Tourism and Catering in Alice Springs has commenced operations. Its activities will be extended this year.

The Planning Authority for the Territory university will be funded at the level of $500,000 this year, allowing completion of a master site plan, commencement of preparatory site works and planning of research and teaching programs. Despite the Commonwealth intention not to fund the university before the 1984 triennium, the Territory government will continue to urge earlier funding.

A 41% increase is proposed for the Industries Training Commission to enable our workforce to keep pace with advances in technology. The $1.9m provided for the commission includes $486,000 specifically for apprenticeship training. Additionally, funding is provided for the establishment of a training centre in Alice Springs, following the successful introduction of such a centre in Darwin during 1980-81. The government has decided to discontinue the workmen's compensation subsidy and time loss subsidy schemes operating in respect of apprentices. These schemes were introduced to encourage apprentice employment but there has been little demand for them. They have had no discernible effect on apprentice numbers which have been increasing in any event.

The organisation which promotes one of our most valuable industries, the Northern Territory Tourist Commission, will receive a 21% increase to $3.2m. New programs include: the establishment of a Territory Tourist Bureau in Perth - $135,000; the relocation of the Darwin Bureau and Regional Office to a new complex being built by the Territory Insurance Office - $122,000; and a major survey of visitor attitudes in conjunction with the Development Corporation - $35,000.

The Northern Territory Development Corporation will have total funding of $10.8m in 1981-82 of which $5.3m is provided in this bill. Revenues, proposed borrowings and the opening balance in the corporation's trust account will contribute the remainder. Last year, the corporation's total expenditure was $8.4m. The corporation will maintain its campaign to attract new investment and industry to the Territory. Development assistance loans are estimated to total $8.2m, including $625,000 for rural adjustment scheme loans. This compares with $6.3m

in 1980-81, an increase of 30%. The corporation's budget includes continued funding for the popular Small Business Advisory Service.

Provision of just over $1m has been made to cover the operations of the Racing and Gaming Commission, a 107% increase. The government recognises the need to ensure a healthy growth in the racing industry and major developmental needs have been identified. The 1981-82 budget allocation includes $380,000 to be disbursed by the commission for assistance to the racing industry. The commission's increase also covers the first full year of casino inspectorate operations in Alice Springs.

Regulatory services for uranium mining, a transferred function referred to earlier, are the responsibility of the Conservation Commission and the Departments of Mines and Energy, Transport and Works and Health. Expenditure in these areas in 1981-82 will be limited to the $3.6m provided by the Commonwealth in the Territory's base funding. As I have already mentioned, the government considers this funding inadequate and will be seeking additional funds from the Commonwealth.

The Northern Territory's mineral and energy resources, their discovery and development, are matters which affect the prosperity of every major centre in the Territory. Passage of this bill will see a rise exceeding 200% in the amounts appropriated to the Department of Mines and Energy compared with the first year of self-government. The $11.9m allocated in this budget is a $2.6m increase over last year. This includes amounts for transferred uranium regulatory services. Funding for the Mines Division will increase by 70% to $2.1m and for geological survey by 17% to just over $2m. Expenditure on industrial safety will rise 62% to $1.4m.

The Commonwealth has provided in its budget for a subsidy to the Northern Territory Electricity Commission of $45.7m, which compares with $43m in 1980-81. Under the Memorandum of Understanding, the Commonwealth has agreed to fund the commission's operating deficit. On present indications the 1981-82 deficit will reach $58.9m. We are negotiating a new and longer-term basis for the subsidy arrangement. The government will be pursuing the matter of the 1981-82 subsidy together with fundings for the new power-station in the Top End.

The largest single allocation is for the Department of Transport and Works, $200.6m or 27% of the budget compared with an adjusted expenditure of $182m last year. Honourable members should note that, because of a change in the department's accounting structure, it has been necessary to adjust last year's published expenditure figures in the papers now before them. Included in the 1981-82 appropriations are funds for uranium environmental regulatory services.

An amount of $2.4m is provided for the operating deficit of the Darwin bus service, a $500,000 increase. While efficiencies have been introduced to the service, its growing losses relate directly to inadequate patronage. Greater levels of public support are needed to stop this drain on Territory funds. $316,000 is provided for the commissioning of the Jabiru Fire-station. Provision for the department's repairs and maintenance program for government assets will increase by $3.9m to $27.8m. The major focus of activities for the Department of Transport and Works, however, is the government's capital works program.

The value of works in progress at 1 July 1981 was $93.7m. In 1981-82, the government will put out to contract new projects valued in the order of $104m. Provision is made for cash expenditure of $98.3m against works in progress and new works. Of this, $95.1m is provided in this Appropriation Bill and $3.2m will be funded from the Palmerston Development Authority's trust account. This compares with expenditure of $83m in the 1980-81 capital works program, an

increase of 18%. By general regional breakup, planning expenditure will be: Darwin, Gove and outlying communities, $54.9m including $4.7m for Palmerston; Katherine $9.5m; Tennant Creek $13.4m; Alice Springs $20.5m, including completion of basic services for stages 1 and 2 at Yulara.

New road works totalling $24.2m will be commenced with approximately half the program being in the southern and central regions of the Territory. The program allows for major upgrading of the Stuart, Barkly and Arnhem Highways. Further works include Frances Bay arterial stage 1, the Pine Creek to Arnhem Highway link stage 1 and the Edith Falls access road. Other significant works programs include: the upgrading of water supplies in Tennant Creek and Darwin and provision of $1.7m for water supply to the new residential Sadadeen subdivision in Alice Springs; $14.8m for the new township of Palmerston to allow for internal roads, a pre-primary school and fire station; upgrading of services to Aboriginal communities with a program totalling $18.3m; a new headquarters for the Territory police to be at Berrimah costing $11.5m; $1.3m to upgrade the water supply to existing residential areas of Alice Springs; a Humpty Doo High School - $4.5m; and $1.5m for the civil works component of the roll-off facility at the Darwin wharf.

The government has directed that design proceed for a number of items not included in the capital works program. They include: Alice Springs industrial subdivision; Sadadeen residential subdivision stage 3; Tennant Creek Area school upgrading and high school; Humpty Doo Village Centre sewerage reticulation; southern area - construction of the prison farm stage 1; and Darwin - Daly Street fire station.

Honourable members will note that this budget does not provide for the development of Yulara Tourist Village stage 3. Expressions of interest have been sought from private developers and these proposals are currently being examined. The government will make an announcement on this matter in the near future.

The capital works program is not the sole source of government funding for construction in the Territory. In addition to the $98.3m cash to be spent through the program this year, another $93.4m will be spent by Territory authorities including $50.9m by the Housing Commission, $278m by the Electricity Commission, $1.6m by the Conservation Commission and $600,000 by the Port Authority. A further $12.5m will be spent by the Palmerston Development Authority financed by semi-government borrowings. In addition to the $47m through the capital works program, government expenditure on construction in the new city of Palmerston will total $17.2m this year.

Mr Speaker, adding together the government's expenditure on capital works and expenditure by its authorities, the total public sector expenditure on capital works in the Territory this year will be $191.7m. The majority of this work will be handled by private contractors and will provide real employment opportunities.

The Department of Primary Production will receive $14m, a 15% increase. $2.4m is set aside for the brucellosis and tuberculosis eradication campaign compared with $2m spent last year. Large increases for cropping development assistance from $87,000 to $138,000 and for the Plant Industry Branch from $1.6m to $2.2m are included. The Fisheries Division will receive $1.4m. The provision for the Agricultural Development and Marketing Authority is $2.1m but to this must be added the opening balance of the authority's trust account of $867,000, giving a total of $2.9m. Of this, $1.7m has been allocated for the Douglas-Daly commercial farming project and $419,000 will be spent in Katherine to establish a grain receival store and a seed and fertiliser warehouse to service the needs

of farmers in the Katherine district.

Funds amounting to $53.2m have been provided to the Department of Community Development, a $5m or 10.6% increase. The allocation is to be distributed as follows: community government $20.3m; local government $8.4m; correctional services $8.3m; community welfare $7.4m; community services $6.4m and library services $2.4m.

$6.1m will be set aside for the Darwin, Alice Springs, Katherine and Tennant Creek councils for operational subsidies, special purpose grants, capital grants and road grants, including $825,000 for local roads. Some $1.7m of the amount for the councils is in respect of the local government tax-sharing entitlement payable by the Commonwealth to the Territory. Additionally, payments to the councils for library services in 1981-82 will be in excess of $1m.

The government's assistance to community bodies engaged in youth, sport and recreation, and art and cultural affairs activities, continues through an allocation of $3.5m. This includes funding for grants and low interest loans to community-based recreation clubs. Design and documentation will begin on a new international indoor sports stadium in Darwin; $300,000 has been set aside for this project including a welcome $100,000 Commonwealth grant. A dollar-for-dollar funding arrangement for construction is expected.

The government continues to redress the imbalance which exists between the standard of services available to Aboriginals in remote communities and those available to people in the major Territory centres. However, we are disappointed at the Commonwealth's response to our proposals to improve urgently environmental health in these communities. The Commonwealth has refused to provide meaningful support to the Territory's program. While the level of funding we believe to be essential has not been forthcoming, the series of works proposed and commenced by the Territory government will continue nevertheless through a new works program totalling $18.3m, including $3.9m of Commonwealth-funded works. This budget also provides $18.5m to be distributed through the Department of Community Development as grants-in-aid to Aboriginal communities for town management and public utilities, including the introduction of community government.

$20m will be available to the Chief Minister's Department this year, a $2.4m increase. The allocation includes $10m for the Jabiru Town Development Authority, and $223,000 for the Sacred Sites Protection Authority, being funds received from the Commonwealth for these purposes.

This year, the government will establish a Northern Territory Electoral Office. It has budgeted $130,000 for this purpose. There is also provision for a Territory display now being established at the Centenary Trade Fair in Sabah, East Malaysia, which will be attended amongst others by the Malaysian Prime Minister and other Asian national leaders in a few days time. It will also provide another opportunity to promote the Territory and its products.

The office of the Public Service Commissioner will be funded $10.2m this year, a $2.8m increase. The allocation includes funding for the government's data processing service which has been the responsibility of the commissioner's office since 1 July. Included in the commission's budget is $1.6m for a rental grant payment to the Housing Commission to offset losses in the operation of the staff rental scheme. The government has been pleased to note the increasing number of home purchases by public servants reflecting the growing move to permanency in the Territory.

The ever present and unfortunately large number of law breakers in our society and the government's responsibility to preserve law and order have again led to real growth in the allocation for our police force. This year police

funding has been increased 19% to $25.3m and provision of $740,000 has been made for emergency services, compared with $683,000 last year.

Despite land claims on most Territory national parks, this budget increases Conservation Commission spending to $15.9m or by 23%. $200,000 is provided for the acquisition of land for the further development of nature parks at Howard Springs, Berry Springs and for the Kings Canyon National Park. $350,000 is provided for the Yulara Tourist Village town management functions, $300,000 for the control of feral animals and $310,000 for uranium environmental regulatory services. The budget also provides for the staffing of the new National Park and Wildlife Sanctuary on Aboriginal land at Cobourg Peninsula - $205,000; beautification and improvement programs to roads and median strips - $500,000; and upgrading of the Darwin Botanical Gardens, stage 1 - $100,000. As already mentioned, $1.6m is provided for the commission's capital works program and the development of reserves and recreational areas.

The Department of Law's budgeted allocation of $8.6m represents an increase of 14%. Operation of our courts, including the court reporting service, accounts for $3.3m. The Registrar-General's allocation has been increased to $880,000 allowing for a strengthening of its investigative functions relating to company malpractice and liquidations. An additional workload within this department has resulted from the introduction of the government's freehold title conversion policy.

$2.4m is set aside for the Museums and Art Galleries Board, an 80% increase which is associated with the new museum complex due to be opened on 10 September by the Governor-General. This new amenity will display the Territory's unique collections which match the best in Australia.

The estimated cost of audit services is $865,000. This is the last year the Commonwealth Auditor-General will provide audit services to the Territory. The government is still considering the merits of the various options which might be adopted to replace this service but leans towards the use of private accountants. The Commonwealth decision to eventually withdraw is irrevocable.

Honourable members will note the allocation of $2.5m as Advance to the Treasurer. In 1980-81 the provision under this heading was $12m. The substantial drop is because allowance for the effects of inflation has been included this year in departmental appropriations. The $2.5m or 0.3% of the budget is to cover unforeseen and emergent expenditures.

In total, $255m has been provided for the staffing of the Northern Territory Public Service and some statutory corporations this financial year. Excluded from this figure are the staffing costs of the Electricity and Housing Commissions, the Port Authority and some business undertakings. It has been necessary to budget for 27 pays in 1981-82 instead of the usual 26. I understand this 27th pay only occurs every 8, 10 or 12 years. Education, including the community colleges, is the single area where there will be significant staff gains this year. The Department of Education's staff increase on last financial year is expected to be 134. Additional staff at community colleges in Darwin and Alice Springs will be 46.

This Appropriation Bill does not include funds totalling $25.8m which have been set aside to meet appropriations made under other acts of the Territory. Items included in this category are the remuneration of 4 Supreme Court Judges, $352,000, under the Supreme Court Act, the Northern Territory's contribution towards the Legislative Assembly's members superannuation fund $500,000, under the Legislative Assembly Members Superannuation Act, interest and sinking fund

repayments $24.5m, and expenses associated with the public borrowings $500,000. Both of these latter items are under the provisions of the Financial Administration and Audit Act.

In conclusion, after 3 years of self-government, the first review of Territory taxes and fees was instituted during the preparation of this budget. A 3-year period for not only holding down taxes and charges but also for delivering substantial tax cuts is a record any state government would envy. The payroll tax and housing loan concessions, which were features of the last budget, have been maintained. Other state-like taxes such as land tax, road tax, credit duties and death duties are still absent from the Territory. The government has taken the view that, while we must have regard for raising a fair proportion of revenues locally, we must equally have regard for Territorians' capacity to pay. The new and increased measures contained in this budget have been carefully framed with this in mind.

This budget was put together against a background of disputation with the Commonwealth in a number of areas. During the year, a hardening of the Commonwealth attitude to the Territory has become apparent. While we were largely successful over the argument about the Territory's tax-sharing entitlement, there are still a number of outstanding matters. The taxation zone allowance question is of major concern. The printed copies of the speech, now in circulation, make no reference to this matter as we have been in constant contact with the Commonwealth since the handing down of the federal budget. I regret to inform honourable members that, as of this morning, we are still unaware of the Commonwealth's intentions but Territorians can be assured that, if the decision is to the Territory's detriment, we will continue to campaign for zone allowance increases.

Of critical importance to Territorians is the continuation of the federal subsidy for NTEC and Commonwealth funding for the new power-station. The university is also an issue and so too is the matter of satisfactory funding levels for uranium regulatory functions. These will be pursued by the government. Balanced against these elements in our relationship with the Commonwealth is the federal government's commitment to the Alice Springs-Darwin rail link, which all thinking Australians will applaud as a project of national significance.

During this calendar year, industrial disputes, which in the main originated in the south, disrupted industry and the lives of many Territorians. Widespread disruption was not peculiar to the Territory but the effects of stoppages, particularly those involving the transport industry, are magnified by our isolation. The effects of future strikes can be minimised by Territory exemption and the government has sought and will continue to seek such exemptions.

Despite the various constraints on the government, we have put together a budget which will maintain our aim and the desire by Territorians to improve personal prosperity through economic growth. This budget continues the record of its 3 predecessors. In particular, it establishes a new high in our commitment to housing and confirms the government's determination to meet perhaps the most significant challenge in today's Territory.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

DISTINGUISHED VISITOR
Sam Calder

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of a distinguished visitor, Mr Sam Calder, former federal member for

the Northern Territory for many years. On your behalf I extend a warm welcome to Mr Calder.

Members: Hear, hear!

DISTRIBUTION OF DAILY HANSARD

Mr SPEAKER: Honourable members, I have considered the request of the honourable member for Nightcliff that the distribution of copies of the Daily Hansard to ministerial and departmental offices and others be delayed until members have had an opportunity to correct errors. Despite the fact that the Daily Hansard is distributed on the clear understanding that it is uncorrected, there is merit in the request. I have therefore given instructions that copies of the Daily Hansard are not to be made available to persons, other than members, before 1pm on each sitting day. This will allow members 2 hours in which to notify errors and 1 hour for the preparation of an amendment sheet. This system will not be possible for the Hansard on the last sitting day of each sittings. A full distribution will be made as soon as the Hansards are received and copies of amendments notified will be distributed to all recipients of the Daily Hansard.

CONTROL OF WATERS AMENDMENT BILL
(Serial 144)

Bill presented and read a first time.

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

In introducing this bill, the government is endeavouring to arrest a potential problem in the Darwin rural area. The bill seeks to give the Controller of Water Resources powers in relation to domestic bores which are necessary for the management of the Territory's water resources. These powers operate in a water control district which is declared for specific areas by myself as minister.

A survey of bores in the Darwin rural area in May of this year indicated a potential pollution problem could arise. A further survey in August showed that the potential still existed after 4 months of the dry season. The problem derives from inadequate bore construction and septic tank systems and, although these are not prevalent to any degree, the government considers it is necessary to act now to ensure that the problem does not develop into a major health hazard. At the same time, there has been a rapid rate of bore construction in the Darwin rural area of late which is likely to excerbate the situation if action is not taken immediately. Furthermore, large portions of the areas include the aquifers which are being investigated as possible future additions to Darwin's water supply. Therefore, it is obvious that immediate action should be taken and I will be seeking urgency to have this bill debated and passed during this sittings.

I do not intend to alarm people unnecessarily but, to ensure the safe management of our water supply, we must ensure good housekeeping for water and sanitation at all times, otherwise our resource will be polluted. Basically, this amendment will require people intending to construct a bore in a water control district to apply for a permit which will only be given if the bore complies with acceptable standards.

Concurrently with this legislation, I will be undertaking additional action. The Darwin rural area will be declared a water control district, thereby giving powers to the Controller of Water Resources to take any steps he feels necessary to protect the water resources in the area. This will now include action in

relation to domestic bores. I will be declaring a drainage control area to cover the Darwin rural area to allow the Controller of Water Resources to take additional steps necessary to avoid pollution of the aquifers by faulty bores and septic tanks. The department will be extending its education advice program to re-emphasise the potential problems in the rural area if its sound house-keeping methods are not followed. At the same time, my colleague, the Minister for Health, will be making amendments to regulations which will supplement the action I have outlined to the Assembly.

In summary, the bill is introduced now in order to avoid a health hazard resulting from pollution of our water resources. I commend the bill.

Debate adjourned.

STAMP DUTY AMENDMENT BILL
(Serial 148)

Bill presented and read a first time.

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

I explained in the budget that a number of new revenue measures will be introduced into the Assembly today. The bills cover stamp duty, tobacco licensing and liquor licensing. They are an integral part of the budget package and are required to achieve a balanced position. Stamp duty and tobacco licensing legislation must both come into force on September 1 to prevent speculation and produce the required revenue. We therefore propose that these bills be passed during these sittings. The provisions of the Liquor Licensing Amendment Bill, to be introduced by the Minister for Health, will not commence until January, the beginning of the new licensing period. Hence urgency is not required on that particular bill.

This bill, together with its companion the Taxation Administration Amendment Act which I will introduce shortly, is to amend the Stamp Duty Act which has been effective in the Northern Territory without significant change since its introduction in 1978. The purpose of the amendment is to increase most categories of Stamp Duty in order to raise additional revenue in the budget context. Stamp duty is one of the most important revenue-raising powers constitutionally available to the states. Under our own arrangements, this is also true in respect of the Territory. Total stamp duty collections in the Northern Territory this year are estimated to be $8.45m of which $2.9m may be attributed to the increases in this bill. With some important exceptions and subject to continuation of existing exemptions, this bill seeks to increase the levels of the duty imposed on various documents to state-like levels.

Clause 4 protects the validity of cheque forms already issued and in the hands of bank customers prior to the commencement date of this legislation. Clause 6 contains the amendments to the charging schedule. Important among these is that stamp duty on cheques will rise from 5¢ to 10¢. The duty on conveyance of property is now 1% of the value up to $50,000 and then 3 steps reaching 2% for values over $250,000. This bill will increase the percentage rate of stamp duty for transactions valued up to $50,000 up to 1.5% and apply increases in 3 steps to reach 3% for values over $250,000. The concession allowing full exemption of duty on the conveyance of a person's first purchase of land or a house in the Territory will continue. This concession has benefited many Territorians since its introduction.

This bill increases the percentage rate of duty from 1% to 1.5% of the

purchase price of goods in respect of hire purchase agreements and the total hire charge in respect of hiring arrangements. The duty on loan security documents is increased by this bill to $10 for the first $15,000 and 30¢ for each $100 over $15,000 of the sum secured. This is still low by state standards. First land or house buyers will be exempted from this increase also.

Under the bill, the duty on a motor vehicle certificate of registration rises from 50¢ to $1.50 per $100 of the value of the vehicle purchased. A maximum duty of $500 has been introduced to limit the burden on the users of heavy equipment. Despite the increase, the rate remains substantially below the rate in most states.

No increase in the duty on general insurance is proposed. At the same time, the exemption from duty on insurance on buildings and their contents will remain. However, the bill provides for an increase from 5¢ to 10¢ per $100 of the sum insured on life insurance policies effected in the Territory. The bill also sets the fee for the transfer or assignment of a policy of life insurance other than by way of mortgage or release of a mortgage at $3 rather than linking the value of the policy to the fees for conveyances. The new charge will reflect the practice in the states and will be of particular benefit where the transfers include transfer from one superannuation scheme to another.

There is an increase in the rate of duty on transfers of marketable securities not transacted by a Territory broker to 15¢ per 100 units with a minimum of $5 per transfer. No change has been made to the rate of duty on transfers effected through a share broker in the Territory. This remains at a half of the common state rate to encourage local share transfer arrangements.

A form of duty previously omitted has been introduced to cover official copies of legal documents. The duty will be 50¢ for each counterpart or copy of a duty stamped original. This measure will assist the legal profession and members of the public by allowing an adhesive stamp to be affixed to counterparts or copies indicating that the original instrument had been duly stamped. It will overcome a very cumbersome procedure at the moment when certified copies are required. In the past, duty has not been imposed on legal documents referred to as originating processes and applications for setting down for trial in respect of civil actions. The imposition of a duty on these documents is to bring them into line with those documents required to be stamped before lodgement with the Registrar-General. This duty will range from $5 on a application to the small claims jurisdiction of the local court to $100 for an application for setting down for trial of a civil action in the Supreme Court.

Mr Speaker, the opportunity has also been taken to amend the legislation to prevent 2 recently detected and serious avoidance practices. Both schemes involve item 9A of the second schedule which is now to be repealed. Item 9A(c) had exempted from stamp duty conveyances made by a trustee to a beneficiary. This exemption is so broad in character as to allow abuse. The proposed replacement item removes the possibility of such avoidance by more clearly defining the categories of exemption for conveyances of property from a trustee to a beneficiary. The proposed amendment will make the Territory legislation in this area similar to that in the states.

Item 9A also allowed as an exemption from the conveyance duty any borrowing arrangement where the full title of the property passes as security for the loan. The intention was that these types of transactions were really designed as loan transactions rather than conveyance transactions. As such, they should be exempt from duty. However, it is possible for the provision to be used to avoid duty on what is intended by the parties as an actual transfer of property.

This was never intended and, to avoid any doubt, this exemption is now to be repealed. This will not penalise genuine borrowers because of the availability of the mortgage system under the Real Property Act.

In tightening exemptions allowed between trustees and beneficiaries, it has been necessary to separately preserve an exemption for certain legal transfers of property which occur during the legal winding-up process of a company. This is achieved in new item 9.

Mr Speaker, I commend the bill to the Assembly.

Debate adjourned.

TAXATION (ADMINISTRATION) AMENDMENT BILL
(Serial 149)

Bill presented and read a first time.

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

As honourable members are no doubt aware, the Taxation Administration Act establishes the administrative framework for the operation of the Stamp Duty Act, including the assessment, evidentiary and payment aspects for each category of stamp duty. The primary purpose of this bill is to set up the administrative mechanism necessary to support the introduction of the new duty on court documents already announced as an amendment to the Stamp Duty Act. This appears as a new division 12A.

I commend the bill to honourable members.

Debate adjourned.

BUSINESS FRANCHISE (TOBACCO) BILL
(Serial 143)

Bill presented and read a first time.

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

The bill introduces a licensing requirement for those dealing in tobacco products in the Territory. Members will be aware that no such licence is currently required in respect of sales in the Territory. At the same time, all states, except Queensland, have found it necessary to introduce this type of fee to meet commitments generated by an expected level of government service. This fee has been in force in these states since 1975

The Territory is guaranteed sound funding arrangements of the state-like model under the Memorandum of Understanding. It is therefore reasonable that we not fall short of the usual measures of local revenue effort except where specific concessions can be shown to be in the interests of Territory development in the circumstances which prevail here.

The bill contains a commencement date of 1 September but, to minimise speculation, the new licence fees will be calculated by retailers from today. It is therefore expected that the price of tobacco products will rise after existing retail stock is sold. As a result of this new measure, the price of a packet of cigarettes will rise by about 10¢.

It is my intention that the new licensing system should place a minimum of administrative burden on retailers. The licence fee is payable by licensees in proportion to the value of a retrospective measure of the wholesale turnover of tobacco products. In most cases, the retailer will not be required to be licensed at all as he will be buying his stock from a licensed wholesaler who, consistent with normal state practice, will collect and pay the relevant fee. Only those retailers who purchase from unlicensed wholesalers will need to be licensed under the act. There will be a 2-month transitional period during which only a nominal licence fee is payable. This will allow those who will be required to be licensed to accumulate the subsequent fee.

The Commissioner of Taxes will be issuing public notices setting out the requirements of the new licensing system and will handle inquiries so that all affected parties are fully aware of their responsibilities and the choices available. The Territory has had the advantage of the states' experience with legislation in this area and the opportunity has been taken to incorporate several of the most recent features of the state-type legislation in this bill.

Mr Speaker, I turn to the bill itself. Part I contains the preliminary aspects of the bill, including a commencement date of 1 September and the various definitions that are required. Members will note that 'internal trade' is specifically defined. The bill relates only to sales in the Territory but wholesalers with offices interstate will be able to be licensed. This is of particular relevance in Alice Springs with its commercial orientation to Adelaide.

Part II of the bill relates to grouping of related companies. The grouping provisions are quite complex and a good example of the advantage that we have had through studying the states' experience. These clauses are similar to those in the payroll tax legislation and are designed to prevent avoidance by fragmentation of commercial operations. The effect of the grouping provisions is to make each member of a group jointly and severally liable for the payment of the licence fee. Thus there cannot be avoidance merely by one member of the group being bled by the others and then claiming to lack the capacity to pay the fees or going into premature liquidation to avoid paying fees altogether.

Part III of the bill sets out some of the basic administrative provisions. The Commissioner of Taxes will administer the act and be responsible for the licensing process. It is, of course, his obligation to ensure that licence fees are paid in accordance with the act. Hence he has the normal powers of entry to points of sale in order to take copies, and powers to request information. There is an obligation to comply with any legal request made by the commissioner and there are penalties for non-compliance.

Part IV covers the actual licensing requirement. Under clause 14, all wholesalers and retailers who do not purchase their stock from a licensed wholesaler will be obliged to be licensed. There are penalties for non-compliance. It is expected that most retailers will purchase from licensed wholesalers and will thus be relieved of any administrative burden. The application for the licence and payment of a licence fee is made to the commissioner who has 14 days to notify the applicant of his decision and, if approved, to issue a licence. In regard to licensing of groups, each member of the group may receive a licence and each such licence will detail the names of all members of the group.

Clauses 19 and 20 refer to the duration and renewal of licences. The licence will be granted on a month-by-month basis and the holder must seek the renewal of that licence and pay the relevant fee by the middle of the month of each current licence. I acknowledge that this relatively short licence period will place some added burden on the licence holders. It has been adopted in line with the states which have each found that the old 12-monthly licensing

period sometimes encouraged deliberate liquidation of companies towards the end of a licence period so that the fee could be retained and distributed to shareholders. A reduced period is also of benefit to firms whose share of the market is declining. Clause 21 requires that the commissioner be informed should there be changes to the composition of a group under a group tobacco licence during the licensing period. Clause 22 makes provision for changes that may occur within a licensing period. If a licensed wholesaler or retailer sells his business, the bill allows the commissioner to approve the transfer of the licence.

Part V prescribes the level of the licence fees. Clause 23 is the key clause. Under subclause 23(1), once a transitional period has ended, licence holders will be obliged to pay a fee that is proportional to the wholesale value of stock sold, in the case of wholesalers, and purchased, in the case of a retailer who buys from an unlicensed wholesaler. The fee to be paid is equal to 12% of the wholesale value of the tobacco, the same as in Victoria and slightly less than in South Australia. The actual licence fee for a particular month will be calculated on the basis of sales in the month falling 2 months prior to the licensing period. For added clarity, the schedule to this bill sets out the licensing months and the respective months on which the sales' assessments are based. In practice, this means that the wholesaler or licensed retailer will collect a fee during the course of one month, determine from his turnover the precise level of fee payable and pay this to the commissioner within 15 days, together with the application for licence renewal.

Subclauses 23(2) and 23(3) enable the commissioner to assess unilaterally the wholesale value if circumstances demand this. That value is to be the gross value of what the retailer would normally expect to pay in purchasing stock from a wholesaler. This is to prevent any transfer-pricing arrangements which might be entered into to minimise the payment of the fee. It also allows the commissioner to assess the fees should there be any lack of information available to enable the precise measurement. The commissioner is also able to assess a fee for a new entrant to the industry by subclause 23(5). The commissioner assesses a reasonable amount having regard to specified matters. Subclause 23(6) confirms that the licence fee only applies to tobacco products that are intended for consumption in the Territory.

Clause 24 allows the commissioner discretion to reassess licence fees when necessary. This clause sets out the rules under which the adjusted fee is to be shared amongst different licence holders if the licence is transferred from one person to another during the period of reassessment. For this purpose, the basic rule is that the refund or additional payment will be payable in proportion to the time each person held the licence in the relevant period. Clauses 25 and 26 contain provisions to enable any fee that is legally payable to be recovered whether the person concerned is licensed or not. Clause 26(3) of the bill renders all members of a group jointly and severally liable for the fees payable by any member of the group thereby reducing the possibility of avoidance by one member of the group in favour of the others.

Part VI of the bill relates to the keeping of records by licensees. Under clause 27, all records that are prescribed by the commissioner must be kept up to 5 years unless the commissioner certifies otherwise or the company concerned has been wound up. Clause 28 obliges licensed wholesalers to endorse all invoices with the words 'sold by licensed wholesaler' together with the number of the licence. There will be penalties for any person using such words if he is not entitled to do so. This will not only assist the commissioner in preventing avoidance but will also make it clear to retailers in considering their own liability.

Part VII of the bill deals with the appeal provisions. There are 2 broad

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matters that can be the subject of an appeal. The first, detailed in clause 29, is an appeal against the refusal of the commissioner to grant a licence. In this case, the Treasurer has the right to reverse the commissioner's decision. The second relates to an appeal against the commissioner's assessment of the fee itself and is set out in clauses 29 to 34. In such case, the person requiring the reassessment objects to the commissioner and, if still not satisfied, then appeals to the Supreme Court which will decide the matter or remit it to the commissioner for reassessment. No objection to the commissioner or appeal to the Supreme Court affects the obligation to pay the assessed fee until the matter is finally settled.

Part VIII of the bill deals with specific offences. Broadly the offences relate to the sale of tobacco without a licence and to the provision of false information. In regard to the former, any person selling tobacco in a retail outlet without a licence is subject to a penalty of $1000 unless the stock was purchased from a licensed wholesaler. By clause 35(2), where there are sales of tobacco products on a particular premises, it is assumed that the occupier of the premises has sold the tobacco. The bill allows for an exemption if the occupier was unaware or took reasonable steps to prevent the sale being made. Clause 35(3) imposes a penalty on retailers and wholesalers who do not specify all the premises from which they transact business.

The offences regarding the provision of information relate to information requested by the commissioner or information that is required to be kept under the bill. If a person is convicted of an offence relating to false information, the licence will be forfeited.

Clause 37 is the regulation-making power. Clause 38 contains transitional provisions which will allow the smooth introduction of this system of licensing. Under those transitional provisions, wholesalers and retailers requiring a licence will be required to pay $5 for the first 2 months. This licence must be applied for within 7 days of the commencement of the act; that is, 14 days from today. We do not expect that more than a handful of retailers will have to be licensed under this legislation. Nevertheless, so that there can be no doubt of the obligations created by the act, there will be an extensive advertising campaign, a free STD phone-in system and publication of lists of wholesalers who become licensed and thereby shield their retailers. I repeat, once it is confirmed that suppliers are licensed wholesalers, the obligation on retailers to be licensed ceases. This is obviously the preferred course for most of them. Retailers should be aware, as an important point of detail, that all tobacco products are assessable. Accordingly, if different suppliers are used, all suppliers must be licensed as wholesalers to overcome the need for the retailer to be licensed.

The Commissioner of Taxes and officials of the Treasury will be holding discussions with wholesalers today to determine the appropriate administrative arrangements, so I expect that wholesalers will cooperate in introducing the new system as they have in the states. Although the statistics are limited, I estimate that this measure, 10¢ on a packet of cigarettes, will yield $850,000 in the balance of this financial year, and $1.5m in a full year. I commend the bill to honourable members.

Debate adjourned.

LIQUOR AMENDMENT BILL
(Serial 145)

Bill presented and read a first time.

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

Honourable members are aware that liquor licensing fees in the Territory are well below the level of fees applicable in all states and have not been altered since 1978. In overall terms, the fees of the Territory are now 20% to 30% lower than those in the states. My colleague, the Treasurer, has already announced that an increase in liquor licensing fees is to apply from 1 January 1982. The purpose of this bill is to allow fees to be set by regulation from 1 January 1982. It also alters the definition of 'roadhouses'. There will be a distinction between those licensed premises that are further than 60km from other licensed premises and which have available government services defined as 'electricity and water', and those in similar locations without such government services. The subsequent regulations will provide for the fee in respect of liquor sold and consumed away from the licensed premises to rise from 7% to 10% of the cost into store or a minimum of $200. For liquor sold and consumed on licensed premises, the fee will rise from 5% to 7% of the cost into store or a minimum of $200. The fee related to liquor consumed in pubs will remain unaltered.

For roadhouses without government services, there will be a fixed annual fee of $200. For those with government services, the fee will be 5% of the value of wholesale purchases. Previously, the fee for both roadhouse categories was $40. The effect of this increase will be reflected in sales after 1 January 1982. In most outlets, the practical effect would be about 1¢ on a 10oz glass of beer. I commend the bill to honourable members.

Debate adjourned.

REPORT

Subordinate Legislation and Tabled Papers Committee - First Report

Continued from 24 February 1981.

Mr HARRIS (Port Darwin): Mr Speaker, in noting the first report of the Subordinate Legislation and Tabled Papers Committee, I would like to make a few comments. Unfortunately, the second report of that particular committee was debated before the first report. There was nothing that I could do about that but I apologise to the Assembly. There are occasions when government business requires certain motions to be moved down the Notice Paper.

I would like to reiterate that the amount of work that comes across the desks of the members of the Subordinate Legislation and Tabled Papers Committee is quite considerable. It has been very difficult on occasions to give each of those regulations and papers the attention that they deserve. We do not seem to have any time in which to look at ways of improving the operation of that particular committee.

One of the problems we have - and the member for Nightcliff has raised this - is the lack of legal expertise on the committee. The honourable member for Nightcliff and I attended a conference in Canberra last year. At that conference, the various state committees on delegated legislation debated this issue at length. The problem is how to obtain a truly independent assessment of whether a matter is ultra vires or not. It is very difficult for me to come to grips with this problem. The Chief Minister has said that we are able to contact the Department of Law whenever we have a query in relation to a particular paper and we have done this on occasion. The operation of the committee is such that the members are asked to write to me concerning any queries that they have about a particular paper. That query is then referred to the Solicitor-General for an opinion. We then deliberate the problem and decide whether or not the paper should be accepted or disallowed.

As a result of copy papers Nos 14 and 25 of this report, the committee members have requested that more specific detail be provided with the sketches that accompany the documentation of areas of land that are to be revoked. The members of the committee felt that it was necessary for us to have more detail provided, not only of the area that was to be revoked but also the areas that surround that particular area. We have requested that, in future, more detail be provided in the sketch documents.

We have also written to the Department of Mines and Energy asking that detail be given to a particular permit - for example, a prospecting permit in relation to petroleum - so that we are able to relate it to an area of the Northern Territory. At the moment, it is shown as a dot as an indication of where it is. We do not really know exactly what area that permit relates to.

There are a number of papers in this report that ran out of time because of the election. Those were copy papers Nos 216 and 224 to 229. Copy paper No 237 has been referred to the Solicitor-General but we did not feel that matters that we queried in that particular paper warranted its disallowance at that time.

The only other matter that I would like to raise is the delay in the tabling of some reports in this Assembly. Comment has been made on this by other members in the past. One of the papers is the financial statement of the city council for the year ending 30 June 1976. That is something that the committee itself will have to direct its attention to in the future.

Motion agreed to.

STATEMENT

Brucellosis and Tuberculosis Eradication Campaign

Continued from 10 June 1981.

Mr B. COLLINS (Arnhem): Mr Speaker, the minister concluded his statement by saying: 'Time is fast running out and the legislative deadline in our major export market will pay no heed to producers who claim geographic or financial difficulties as terms preventing compliance with disease-free status requirements'. I would like to say that the opposition supports those sentiments. In fact, the research that we have done seems to indicate that those sentiments are very true indeed.

The cattle industry represents one of the Territory's key areas of economic activity. In the financial year 1979-80, beef production was second only to the mining industry in terms of value of production. The beef and associated industries contribute nearly $100m to the Territory's economy. Due to the obvious importance of the industry, the Labor Party considered it appropriate that we make direct representations to the Industries Assistance Commission Inquiry into the continued financial participation of the Australian government in the bovine tuberculosis and brucellosis eradication campaign. We did so in support of the government's submissions. The success of this program will have a significant bearing on the future of the Australian beef industry. More importantly, it could well determine whether we continue to have a viable beef industry at all in the Northern Territory.

As you are aware and as was outlined by the honourable minister when he made his statement, the Northern Territory presents special difficulties in disease eradication in relation to the cattle industry. This is the case particularly in relation to the control of bovine tuberculosis in the Top End. These problems are clearly illustrated in statistics that have been produced by the Commonwealth Bureau of Animal Health, and I would like to quote from those

statistics. In 1979-80, the bureau stated in its report that little progress had been made in reducing the number of Territory herds infected with tuberculosis. As of 1 July 1979, there were 180 herds infected with the disease from a total of 200; that is 90% of herds. Mr Speaker, the bureau reported at the end of June 1980 that 90% of herds remained infected, so not much progress was made. In contrast, during the same period of time, quite reasonable progress was made in eradication programs in other states. At the beginning of July 1979, the bureau reported 76 infected herds from a total of 143 and by June 1980 these infected herd numbers had dropped to 60. By contrast, the eradication of brucellosis appears to be progressing at a reasonable rate.

This slow progress in tuberculosis eradication reflects the characteristics of the Top End cattle industry, as was also outlined by the honourable minister in his statement. Individual holdings here are generally large and relatively underdeveloped. Consequently, effective mustering of herds is a long and costly process. Top End cattlemen have told me that, where it is possible for such musters to take place, and sometimes it is not, costs upwards of 15% to 20% more than normal would be involved. Of course, as I have said before, effective mustering is an absolute key area of disease control. There is a lack of infrastructure such as fencing, holding yards and access roads. Therefore, there is a major problem in undertaking the required level of herd management, making effective eradication extremely difficult in the Territory. As a consequence of the special problems that we have here, simply to argue that there should be continued Australian government involvement in the brucellosis and tuberculosis campaigns would fall well short of what we really need in the Territory. This must inevitably mean that extra Australian government assistance must be provided to overcome the specific Territory problems to which I have just referred.

Mr Speaker, I submit that to attempt to ignore the difficult pockets of disease and isolate them from the rest of the Australian herd should not be considered as an alternative. It is my belief that a clean herd in the Territory is extremely important in the total Australian context. Failure to eradicate both diseases could have dire consequences for both the Territory and the Australian beef industries. This was the basis of our submission that the campaign be seen in a national context. One could expect to see increasing restrictions on the movement of store cattle interstate to the detriment of both Territory and southern industries. One would also expect embargoes to be placed on the export of cattle from the Territory. I hope this will not happen.

I know that the department has to consider all options. I know one of the options it is considering is exporting to Asian countries. Of course, the opposition supports that move but we certainly do not see that as being an alternative to disease eradication for 2 reasons. One is that I believe that the United States market will continue to play the major role in exports from Australia as it does currently - $500m per year out of the total of $800m. Also, it cannot be simply assumed that Asian markets will continue to have lower standards than they do for other developed countries. That situation will not last forever.

It must be seen as feasible that our key beef export markets may take an overview of the presence of disease in the Australian herds and not see the isolation of pockets of diseased animals as an acceptable solution. In my evidence to the commission, I made the point that, in assessing the impact of the withdrawal of the Australian government's support from the Territory brucellosis and tuberculosis eradication campaign, potential losses to the industry have to be weighed against alternative uses for the resources.

Mr Speaker, the Australian Bureau of Statistics land use statistics show that land use patterns in the Territory are dominated by vast tracts of unimproved

land. This suggests that there are limited economical alternatives to the present use - that is, grazing - to which this land has been put. The lack of alternative applications presently utilised by the beef industry was clearly illustrated when the industry suffered its mid-1970s depression. Rather than switching to any alternative land use, most cattle stations simply laid off their workers and turned off only sufficient cattle to allow for a subsistence existence until the market recovered. They just ticked over.

If it is the federal government's decision to cease its contribution to the eradication program after mid-1984 and if it simply isolates the problem area, it will virtually destroy the beef industry in those areas and have considerable impact on the Northern Territory's second biggest industry. Considerable financial assistance would then be required for economic reconstruction.

As I have stated, because of the nature of the country here, the cost of reconstruction would be enormous and it may well be largely unproductive; that is, the net cost to the Territory of the Australian government ending the campaign would be extremely high. The only alternative to reconstruction would be the depopulation of the rural areas of the Northern Territory and that is something I do not think we can afford. This is not an acceptable alternative on economic, social or defence grounds.

A further point that I felt needed to be made to the commission hearing was the importance of a buoyant market to the effective operation of the program. The Territory Department of Primary Production has estimated that in the depression of the mid-1970s about 60% of Territory cattle stations faced extremely limited prospects for future viability. This meant that little or no working capital was available to maintain or improve infrastructure vital to disease control. As a consequence, there was also a deterioration in the level of herd management. I therefore put to the commission that the Australian government must look to insulate the Territory eradication program from market fluctuations. From an examination of the record, it is fairly clear what this does. When the market is buoyant, cattle owners are happy to participate in the program because they have the money to do so. When prices are depressed - and they are not too good at the moment - obviously producers do not have money to spend on eradicating disease. They concentrate on essentials and just keeping the place moving until the market improves. This of course has a very bad effect on the program as a whole. When there is a depression in the market, there is a deterioration in the level of herd management and therefore a deterioration in the level of disease control.

We are an important part of the national beef industry but we do have specific problems here in the Territory that must be overcome. I put it to the commission that consideration needs to be given to a regional approach within the total national program. Specifically, it was recommended that the commission should address itself to the key problems that are facing the industry in the Territory. It was with some degree of pleasure that I found by talking to officers of the Bureau of Animal Health and the federal Agricultural Bureau that those bodies intend to do just exactly that. The lack of infrastructure and working capital to provide it are just some of the problems here. The problem in some regions where herd management is impossible means that the only reasonable way of controlling the disease will be partial or total destocking. That is the only solution. The minister introduced legislation last week that will provide for just exactly that. The solutions are to be found in the Australian government funding to allow for adequate infrastructure to enable proper herd management and hence disease control and appropriate compensation where partial or total destocking is required.

A further point is worthy of consideration and I put this also to the

commission. Improved infrastructure and improved herd management will not only lead to herd control but also to a considerable increase in productivity of the industry in the Territory. It is not just a totally negative thing for the government to provide this extra funding because there would be returns in greater productivity. Coupled with the eradication of pockets of diseased cattle through destocking, such Commonwealth funding must be seen as money well spent. What I was suggesting to the commission was that it put to the Australian government the Territory's case for increased funding for an industry that is already economically viable to make that industry even more productive. We are not seeking protection from international competition in the Territory as are southern manufacturing industries who find themselves no longer competitive.

The other problem we have in the top end of the Territory is the large population of feral animals: cattle, buffalo and pigs. That problem is much more severe in the top end of the Territory than it is, for example, in north Queensland or the Kimberleys. In fact, an officer of the Bureau of Animal Health told me after a recent aerial tour he did of the Kimberleys in Western Australia that he would not like to be a foot amd mouth organism struggling up the beach in Western Australia looking for something to infect because he reckoned it would have trouble finding anything to suit its purpose. The Territory certainly would not present that problem to a foot and mouth disease germ because on our coastal plains we have large herds of buffalo that would become infected. We have problems with tuberculosis and brucellosis, particularly tuberculosis.

I think it is a cold hard fact that it is very close to the end of the time when we can afford to have uncontrolled herds of buffalo in the Territory. Much as the tourists might like to see them, I am afraid that we are reaching the stage where they will have to be eradicated. As I have said in this Assembly on many occasions, I am not suggesting for one minute the destruction of buffalo by the method of shooting them and letting the carcases rot. I think that is a disgraceful waste of good meat, particularly when it is done on such a large scale. I am totally opposed to it. However, the proper eradication of buffalo so that the meat can be utilised needs to be carried out, whether it is for consumption by humans or pets. I am totally opposed to the presence of feral animals in national parks. I believe the presence of pigs and buffalo is particularly destructive. Buffalo particularly damage the habitat of water birds by eating the sedges and stirring up the sediments at the bottom of the habitats and so on. There is no place for them in national parks. The most important aspect of the need for their eradication is that they provide a reservoir for disease. As I said to the commissioner and as I said earlier in the Assembly, events are likely to overtake us if we do not come to terms with them.

I heard this morning that $300,000 has been allocated for disease control. I am sure it will take a lot more money than that. The figure that I have heard - and I am sure it is probably a gestimate - is that the Bureau of Animal Health people consider at least $3m would be required to eradicate buffalo and feral cattle. I would say that is probably conservative.

Mr Speaker, I believe that the Territory will be forced to take part in this national campaign. From the evidence that was given to the commission, it appears that there is considerable doubt as to whether importing countries will be prepared to accept beef from a country that has pockets of the diseases left. Japan was one case quoted. Japan achieved eradication of tuberculosis and brucellosis just after the Second World War but its herds were reinfected by beef from Australia. It had to start again from scratch. With that example in mind, when exporting countries such as the United States achieve total eradication, as they are determined to do, they will certainly not run the risk of importing cattle that may be infected. Countries are breathing down our necks as far as export beef is concerned. Our biggest competitors are New Zealand and Canada. Both

those countries have aggressive eradication programs. They are competing step by step with Australia for export beef markets; it is a highly competitive industry. No country that has effected eradication will run the risk of reintroducing infection. I certainly accept the evidence that it will not be acceptable to the United States to say the disease has been eradicated from most of Australia, but there is still some tuberculosis and brucellosis in herds in the Northern Territory.

What is likely to happen is that, in the interim, the Australian states will quarantine the Territory as the United States government threatened to do with Texas. There will be no movement of beef in or out of the Territory. This would mean total disaster for the industry in the Territory. To maintain an industry that is already bringing to the economy $100m a year - an industry that I believe has unlimited potential for further growth - it is necessary for us to participate even more aggressively and more successfully in the brucellosis and tuberculosis eradication program than we are at the moment.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I rise to support this statement of the honourable Minister for Primary Production and Tourism this afternoon with a great deal of pleasure. Anybody who knows the situation fully could not help but support the program taking place now for the eradication of brucellosis and tuberculosis in the Northern Territory.

There are particular difficulties in the Northern Territory as anybody will be aware who has lived here for a time, spoken to people or been engaged in primary industry. Until now, the main thrust of livestock production has been harvesting not husbandry. I agree with most of the remarks of the member for Arnhem in that the time has come when harvesting operations must cease in the interests of eradication of brucellosis and tuberculosis. I see the eradication of these diseases as the start in the control and eradication of other diseases from the Territory. To look at the situation realistically, it is much more expensive for the landholder whose finances are committed to a much less productive way of harvesting than husbandry. His fencing is not a great cost, but it is much more expensive in time, effort and equipment. He has less chance of success than if he used his finances to adequately subdivide the property and grow improved pastures so that he could control the disease effectively.

The officers of the Department of Primary Production stand alone in their interest in this eradication program and in the help that they extend to primary producers. Unfortunately, I cannot say this of a couple of other government departments which could improve the help which they extend to the people they serve. We must go ahead with all the finance and knowledge at our disposal to fully eradicate tuberculosis and brucellosis. I would like to point out a few of the day-to-day problems of which perhaps some honourable members may not be aware.

The honourable member for Arnhem touched more on the Northern Territory's share of the world meat market. I prefer to touch on the local situation as it affects the day-to-day running of this campaign. It entails a lot of work and it will entail perhaps a complete reorganisation of properties. To my knowledge, most people in the Territory are willing to enter the eradication campaign but how far they can go with the finance available is another story. It involves mustering stock for one test and then, in another 60 days' time, they have to be tested again. This requires the handling of stock on those 2 occasions and is not a very simple matter. The more the stock are handled, the easier it will become providing they are free of disease. The more amenable they are, the greater will be the market fees that the stock will attract. Amenability is one thing that is sometimes lacking in Territory stock. They are used to wide-ranging and they are a bit hard to handle at times.

I understand that the compensation paid for reactor cattle and buffaloes is 75% of the market value. I would like to see an increase in that percentage paid to the owner. I assume that the same percentage of market value is paid in the destocking program.

I understand that the tuberculin used in the tuberculosis test can desensitise the tissue and this is the reason why 60 days is needed to obtain accurate results from the second test. It can be reduced to 42 days in some instances but 60 days is the ideal time. During the 60 days, the stock that is tested should be isolated from other stock so that there is no cross-infection. This implies adequate fencing, adequate feed in the paddocks or adequate hand feeding. This is all a drain on the resources of the land holder. As a result of this eradication program, there is some help extended to the primary producer for internal fencing. This help has been greatly welcomed by primary producers.

One of the advantages of the situation in the Northern Territory - it is a left-handed way of looking at it - is that stations can be dealt with separately because of the immense size and isolation of each station. This situation would not apply in more closely settled areas in other parts of Australia. At the moment, the disease status of each property varies. I understand the ideal is to take a sample number from a property every 3 years so that the program can be monitored. The minister said this morning that a large sum of money will be directed to this campaign. It is very important that the campaign can be monitored at short intervals because, if a particular eradication procedure is not effective, a change in direction of the procedure can be adopted.

It has been mentioned to me that, because of the extent and terrain of the properties, particularly in the Top End, we should not worry about tuberculosis in the inaccessible parts. We should leave the cattle there and disregard them. I do not believe this thinking can be given any consideration because we are concerned with forward-thinking for the whole industry.

In conclusion, I would like to stress that, not only is it important to eradicate brucellosis and tuberculosis from those properties on which they can be controlled to a reasonable degree but it is just as important to eradicate the disease from Crown land where there are feral animals. I will not call it victimisation because it would be to their benefit and the benefit of the Territory, but I would hate to see conditions imposed on the small farmer and the small producer as a result of his being easier to control. The same conditions must apply to the owners of large properties. The Northern Territory government must take responsibility for its untested cattle and everybody else that has untested cattle on large tracts of land must take responsibility for them. The member for Arnhem and I agreed in the past regarding a killing program - I think on the Murganella plains - when the buffalo were slaughtered and the carcases left to rot. I deprecate this most strongly. If there must be eradication which necessitates a shoot out of one sort of another, the carcases - the protein - must be used for something. If the meat is untested, it could not be used for human consumption, except a very small proportion of it. It must be used for animal consumption or in meatmeal production; it must be used for something. I would hate to see something which could be emotionally described as black clouds of death all around the Territory from the funeral pyres of these rotting carcases.

Mr STEELE (Primary Production and Tourism): Mr Speaker, as the honourable member for Arnhem indicated, legislation was introduced recently to provide for sterner measures in the conduct of the practical aspects of the eradication campaign. It is not the first campaign that this administration has been involved in. In fact, the national campaign to eradicate contagious pleuro-pneumonia commenced in 1962 and was called off in 1976. I was pretty involved with that campaign and the difficulties were in no way similar to those faced in mounting

the current brucellosis and tuberculosis campaign. Just by way of example, the pleuro-pneumonia inoculation process was a matter of inoculating small calves and, after a time, every beast in the herd was vaccinated. This is quite different. The vaccine used for brucellosis has a limited life and animals have to be revaccinated from time to time. The process of the tuberculosis tests is similar to the tuberculosis tests for humans and is a process of elimination to segregate infected animals and let the clean animals return to clean areas. The cleaning up of contagious pleuro-pneumonia in northern Australia, particularly in the Northern Territory, had an impact in that we were able to penetrate the American market around 1959 and cattlemen entering the 1960s saw themselves as fairly prosperous. I think the Katherine abattoir commenced about 1963.

At least, this campaign is supported by taxation concessions, stock turn-off, a deferment for 5 years for the purpose of restocking and tax concessions for fencing and facilities necessary for disease eradication programs. These concessions are only available if the pastoral lessee or the owner of the property has an approved eradication program. The Commissioner of Taxation will not act without seeing the signature of the Chief Veterinary Officer of the Northern Territory.

The complications of mounting a program and partial and total destocking were mentioned. These days, it costs about $2000 a week to mount a small stock camp and helicopters cost about $400 an hour. We must add to that the cost of fencing yards and other facilities needed to secure this particular program. Recent surveys on 38 properties in the Gulf region indicate that only 8 in 1978 and 21 in 1979 covered operating costs. This highlights the problem. I take into account the remarks made by the member for Arnhem. However, we would have to be careful about not being painted into the corner that he described of being separated from the Commonwealth in this aspect of a national disease control program. There may be between 70 and 100 unproductive properties in the northern regions of the Territory. We have estimated that the people directly affected are some 350 permanent workers and owners and 200 casual workers and there is a considerable multiplier effect on people dependent on related industries and services. The areas involved are the Katherine area, the Victoria River area and the Darwin and Gulf regions.

The member for Tiwi raised the question of funding rates for compensation. The government is seeking the retention of the existing funding rates for brucellosis diseased cattle but it wants compensation for tuberculosis reactors raised to 100%. That is not our decision. Our approach has been to have the Commonwealth fund the increase that is required through the Industries Assistance Commission. We are seeking for the tuberculosis compensation scheme to be extended to include buffalo carcases or quarters condemned at meatworks for a period of 3 years up until 1984. We are waiting for a federal decision on this.

Where does the finance come from for improvements to these unproductive properties? It seems to me that, if we were particularly gloomy and negative about the whole aspect of feral animals, vast areas of uncontrolled country and properties that are unproductive, we would roll up our swags and leave the Northern Territory. I think that we must take a more positive approach to this. I certainly do not have at my fingertips all the answers about what to do with unproductive properties. The speculators from the south have done nothing for the development of some of these places. I would be inclined to have a look at other avenues of financing to bring these properties up to standard.

I have as an example of properties that have been brought up to standard the properties that Mt Isa Mines has been involved with. Although I have not insepcted them recently, I believe that their standards have been raised considerably and are a credit to that company. I do not think there is a Woolworths or Coles

around every corner to support financially the upgrading of some of these properties. However, the task is to find that sort of finance to develop those sorts of places. I forget what it costs now just to put up a kilometre of fence but it is probably in the order of thousands of dollars.

The campaign that we must mount is to retain our market position overseas and also to develop alternative markets. There is no doubt in my mind that other markets have to be secured. You, Sir, are a great advocate of the need to find other markets and to secure them as a hedge against our investment in the United States beef industry. The recent submission to the IAC pointed out these things. Just what response we will receive from the Commonwealth to our pleas remains to be seen.

The Northern Territory government will get tough. It will not get tough to the detriment of the small property owners. If I had been the honourable member for Tiwi, I would have thought in a more positive way and suggested that having clean cattle on a small property might be better than having dirty cattle on a small property. Certainly, small properties are easier to handle than the vast untamed areas in some of these northern places.

I will give some examples of the tougher attitudes in the states. In New South Wales recently a cattle owner from Griffith moved 140 cattle off his quarantine property to a tested negative property without obtaining permission from an authorised person. The owner of the tested property was not told that the cattle should have been in quarantine and the gentleman who moved the cattle was fined. In another case, a dissident who refused to have testing done on his property ended up losing one-sixth of his herd when the department had to muster and test the herd under police protection. In another case, an owner whose property had been under public quarantine since May 1980 and had refused the brucellosis bleeding team access to his stock, found his herd tested against his will. The department in that case hired contract musterers and portable yards to test 703 head. A total of 131 reactors were found, seized and slaughtered but, before the proceeds of the sale for the carcases were paid to the owner, the cost of mustering, yard hire and labour were deducted.

Mr Speaker, we do not have all the answers. We certainly need tremendous support from the Commonwealth in our endeavours to increase the level of moneys that are available to this campaign. Our Northern Territory budget is being significantly increased. It is up by 28% as the Treasurer indicated this morning. There is $300,000 available for the feral animals committee. I think that we must examine the financing of unproductive properties. We must examine alternative land use and closer settlement on some of these places. We must consider the domestication of part of the buffalo herd. I do not believe that we should have an open-slaughter policy. It must be tied closely to domestication and there must be a proper evaluation of the development of that industry. Of course, we must have increased Commonwealth finance. I commend the statement.

Motion agreed to; statement noted.

STATEMENT

New Health Charges and Other Health Matters

Continued from 18 August 1981.

Mr BELL (MacDonnell): Mr Speaker, I would like to commence by making some comments on the nature of this health statement. Was it just a statement about a few administrative changes or was it something deeper than that? I would suggest that it is deeper than that. The statement reflects clearly the philosophy of conservative government towards health care. This is evidenced on page 9 where the minister said that the new arrangements for health care funding achieve

the highest degree of cost effectiveness in the Territory's health services while still maintaining the highest possible standard of health care. Let us just examine that statement for a minute. I think a couple of things become obvious. The attitude of the Country Liberal Party towards health care is one of saying: 'We have so much money available; we will provide the health care that that can pay for'. Our attitude is a different one. The attitude of the Australian Labor Party is that all Territorians, all Australians, have a right to a basic, dignified standard of health care. We decide what the basic dignified standard of health care is and then we work out how we are going to pay for it.

I suggest that the way the CLP is choosing to pay for the health care it decides that we can afford is by redistributing income from the poor to the rich. Health care that is paid for out of income tax is paid for according to the amount people earn. The increase in the use of insurance is an impost on the poor to the benefit of the rich. It costs more for people on lower incomes to provide satisfactory health care for themselves and their families than it does for those on upper incomes. I suggest to you, Mr Speaker, that the people who face me now are people who represent largely those people on upper incomes. We on this side represent those people who seek a dignified, basic standard of health care: people on lower and middle incomes and Aboriginal people in the Northern Territory. They are the people whom we represent. They are the people whom we believe the conservative forces in government in Australia today should be serving better.

Let us deal with more specific issues. We have already debated some of the nitty-gritty administrative details of the statement. I would like to comment on the way the Northern Territory Department of Health will be making arrangements for the collection of fees and payments for health services.

In his statement, the minister referred to a hotline and to an advertising campaign. In an answer to a question earlier this week he referred to his canvassing of health insurance on Aboriginal communities and he mentioned that a small number of people had responded to his letters. He mentioned the people who suggested that they might be able to fund health insurance out of mineral royalties. That is a little bit like the Women's Weekly. The Women's Weekly is one of those journals that tell us how that other 1% of the world lives. I would suggest that the minister was talking about how a very small percentage of Aboriginal people live. I think that it is very important for us to say that there is a small minority of people who will benefit from mineral royalties to the extent that the honourable minister suggested might be the case.

To get back to the hotline that the minister referred to, he made a mistake that reminds me very much of a mistake that was made in canvassing opinion during an election in the United States of America in which newspapers believed that the Republican Party would be victorious. It was in days when opinion polls were much less sophisticated than they are now. The opinion poll had been taken by telephone and the telephone poll indicated a resounding Republican Party victory. The telephone poll was quite wrong. The election resulted in a Democrat victory. I suggest that the telephone advice that the minister is suggesting his party is giving the people of the Northern Territory is a similar mistake. The people who can afford to have telephones are the people who are pretty well informed anyway about what health insurance requirements they might have.

Another point that the minister made is the role that medical staff will play in the new arrangements. Apparently they will act as clerks for the collection of fees and payments in hospitals. This is a matter of serious concern. Medical staff are highly trained people. Are we in the Northern Territory to be confronted with the prospect of doctors who have a minimum of 6 years formal training, and perhaps specialist training and nurses who have a minimum of 3 years training and perhaps further training on top of that - people whose

skills are of utmost importance in maintaining the basic dignified level of health care that I referred to - being forced to act as clerks? Clerical work of this nature is sufficiently specialised without our prejudicing either the clerical service that this absurd system is making necessary or the health care that Territorians deserve.

I would like to turn now to the question of people who default on payment for services in hospitals. Believe me, there will be plenty of them. The minister today asked me to put on notice a question in relation to debt collectors for whose services advertisements have been placed in newspapers in the Territory and elsewhere. The prospect of people being dunned to recover health care costs is a grim one. I look forward to hearing some explanation of the extent to which the minister intends pushing these claims. In his statement, he referred to the use of the full extent of the law. Are our jails then to be filled with people who do not pay for their health care in hospitals?

In the statement, the minister referred to the Jamison Report and seemed to suggest that the Jamison Inquiry has been followed both by this government and by the Commonwealth government. As the honourable member for Arnhem pointed out in a matter of public importance debate in this Assembly in the previous sittings, the Jamison Inquiry came to the conclusion that special purpose grants for hospitals, community health facilities and school dental services should be retained, and that there should be an identifiable form of funding. This is to go by the board. I am surprised that, in his statement, the minister suggested that he has in some way followed the recommendations of that particular inquiry.

I would like to make a few comments on the section on private hospitals. The minister referred to the possibility of setting up a private hospital in the Northern Territory and suggested that tenders for a private hospital would be re-called in the near future. We know that the government has quite a penchant for free market forces and anything that does not smack of the actual involvement of government. In many contexts, that really perhaps does not matter too much but, in this context, I would issue a word of warning and draw the attention of the Assembly to an article that came to my notice recently in the 'New Doctor', the journal of the Doctors Reform Society. The article detailed the increasing involvement of private companies in providing private hospital care. The article was entitled 'Give me your sick, your privately insured'. The article not only reflected the concern of the Doctors Reform Society but quoted the Minister for Social Security, Dame Margaret Guilfoyle, as being very concerned about this two-tiered system of hospital care. I raise that as perhaps a source of concern for the minister.

Turning to a more important point, I would like to draw the Assembly's attention to page 13 of the minister's statement where he proposes to reduce the staffing at Casuarina Hospital by 70. He suggested earlier in the statement that extra staff had been needed to commission the hospital and that, through a process of attrition, resignations and transfers, the staff at the hospital will be cut by 70. I would very much appreciate an answer from him in this regard. I believe there is a question on notice. I am sure we will all be interested to hear how this cut of 70 staff is to be effected. My information is that the people working at Casuarina Hospital are not of the opinion that there is room for a cut of 70 in the staff.

I turn to the section in the minister's statement on psychiatric care. Perhaps this is the saddest section of the whole statement. My colleague, the member for Fannie Bay, made some comments in regard to psychiatric care in the Northern Territory during the debate in the previous sittings that I referred to. The minister refers to an overall strategy to improve psychiatric services in

the Northern Territory. As part of this strategy, he cites the transfer of the psychiatric unit to Casuarina Hospital. I am sure the overall strategy that the minister refers to will be well received; there will be many people pleased to hear that we have an overall strategy for psychiatric care in the Northern Territory, but we would appreciate some details of what exactly that overall strategy is. We are particularly interested in that overall strategy in light of figures that were raised by my colleague in the previous sittings. The figures for psychiatric staff in the Northern Territory are demonstrably below those in the states. Psychiatric services were staffed at a rate of 25 per 100,000 in 1972 and even then they were well below what they ought to have been. I do not have the figures with me but my understanding is that the figures for staff in psychiatric units in the other states is somewhere in the vicinity of 90 or 100 per 100,000.

Perhaps the minister might care to outline his overall strategy along the lines that there is a need in the Northern Territory for facilities that allow for community follow-up for people in need of psychiatric care. Suitable accommodation is needed in the Northern Territory for either long-term care or halfway-house care. Finally, we need some sort of daily rehabilitative program. I understand that we are very short of such facilities in the Northern Territory now.

In conclusion, I would like to reiterate the point I made initially. The Australian Labor Party has a fundamental commitment to provide decent health care for all Australians. Our basic consideration is not to provide differential health care - one sort of health care for the rich and another sort of health care for the poor. I suggest it is considerations of that kind that the minister ought to bear in mind.

Mr HARRIS (Port Darwin): Mr Speaker, I welcome the statement made by the Minister for Health and in particular the reference he made to the establishment of a private hospital. I am very pleased to see that this issue is still very much to the fore. I have mentioned on previous occasions that the time would eventually come when the user would have to contribute or pay for medical and hospital care. That does not apply to the disadvantaged person provided he is registered with the Commonwealth Department of Social Security. I believe that one must be responsible in one's efforts and try to make ends meet. This is what this government is doing. I also feel that, on this side of the Assembly, we represent all the people of the Northern Territory in a responsible manner, and not just those people who are or seem to be better off. I believe that everyone at present is able to afford good medical care at a reasonable cost.

Initially, there will be problems associated with the change. I hope the situation does not arise where a person is bleeding to death on the floor whilst we argue how the bill is going to be met. The government is doing everything it can to make people aware of the changes in the medical system, and they are to be congratulated in this effort. Because of the current advertising campaign, most people are aware of the changes that are to be made.

I do not wish to comment any further on the actual pricing structure or what people will pay in that regard, Mr Speaker. My main reason for rising in this debate today is to comment on the proposed changes that are to be made to the old Darwin Hospital. I might say that it is about time that something was done with that wonderful site down there. Some time ago, the establishment of a private hospital in Darwin was mooted and I am very pleased that the minister has instructed his department to readvertise tenders for a private hospital. I do not wish to become involved in the question of whether or not a private hospital will be financially successful. I believe people who are experienced in

this area will make the decisions in that regard. The main thing is to have a facility so that people may choose whether they wish to attend a private hospital or a public hospital. I believe the service provided to the people will be upgraded and we will have many more specialists arriving in Darwin to treat people in the manner that they deserve. I only wish to comment that, if it is possible to have a private hospital established in the Northern Territory, in Darwin in particular, we should proceed as quickly as possible to that end. I am very pleased to hear that the possibility of a private hospital is still very much alive in the eyes of the government.

From what the minister said in his statement, there are still many questions unanswered in regard to the future of the old Darwin Hospital site and it will be some time before these matters are resolved. Whilst these changes are taking place, I ask that the minister give some assurance that the standard of service provided, particularly to the aged and the handicapped, at the old Darwin Hospital will be maintained at the high level that it is at present. It has been commented to me that there is a fear that, as a result of the proposals that are being talked about, the standard of service may fall somewhat. I ask the minister to given that his attention. It is very important to these people that they have confidence and a feeling of belonging. Before any proposals to change the existing system at the old Darwin Hospital are implemented, we must ensure that there is an assurance that the standard of service to those people will not drop.

I would like to see the old Darwin Hospital developed as a private hospital and a nursing home. I believe that, if the existing buildings were retained and the area landscaped, it would make a wonderful place for our aged people. We must remember that many of them do not like air-conditioned comfort but would prefer to let nature take its course. I feel that we should be trying to provide them with a facility such as I have suggested. I thank the minister for his statement and I hope that more definite proposals will be forthcoming as to the future use of the old Darwin Hospital site.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I would like to ask the Minister for Health what Queensland has that we do not have because it seems that Queensland, a place where I grew up a long time ago, will be able to continue with its free hospital system yet we will not be able to continue providing free service to uninsured people. I would ask the minister in what sense the Queensland government was able to negotiate a better deal with our colleagues in the federal parliament in Canberra than the Northern Territory government. There is no doubt that the free hospital system in Queensland is much appreciated by the citizens of Queensland. While the medical fraternity and others might feel that their facilities occasionally are not quite as grand as the facilities in other states, it is an excellent service - a service initiated by the Labor government in Queensland and continued by the subsequent conservative government which has fought and won the battle in Canberra to keep that system going in Queensland. That is what the people there want and obviously what the government in Queensland wants and has won. I want to know how it has done that if we cannot do it. What does Mr Bjelke-Petersen have, apart from a wife who is a senator, that our honourable Minister for Health does not have?

I find the changes proposed in the Northern Territory to be very sad indeed because, with the best will in the world of the people working in the system, it seems inevitable that the risk is that the health standards of the people in the Northern Territory might well fall. That is the problem. We are forcing people into a system of taking out insurance. The minister will say that we have no option and that the Department of Health is telephoning people who are fortunate enough to have telephones in order to advise them that it is in their best interests to take out insurance. I might add that, before I knew

that the Health Department was doing that, I was advised by one of my constituents that she had received such a phone call and she resented it bitterly. She felt that the Health Department should not be ringing her up and telling her to insure with an insurance company. She did not want to have to do that. Even if indeed she should decide to do that, she did not think that that was a proper action by the Health Department. That was her opinion.

Nevertheless, there will be people who will not insure and there will be people who will take out the minimum insurance because that is all they will be able to afford. The risk then is that people will delay seeking help when they need it. They will put off going to the doctor because they are frightened about the bill and they will put off going to the hospital for the same reason. That is what happens when people cannot afford health care. When they have a minor problem, they put off seeking help and the minor problem develops into a major problem. Their health will suffer, the health of the community will suffer and the long-term cost will be greater. That is what will be so disastrous about this system which is being introduced by the federal government and which we in the Northern Territory will have to cope with.

The ostensible reason given is to increase the efficiency of hospitals. I have spoken about the financial cost of health systems before and I am one of those people who believes that, in the past, health services have been sometimes financially extravagant in terms of return in the form of increased health standards enjoyed by the community. I certainly do not believe that it is right to say that the cost of health systems should not be examined. They should be examined because they can be made more efficient. Frequently, we have had extravagant use of equipment and specialist services which has not produced an improvement in the health standards enjoyed by our community. Nevertheless, I do not believe that this system will do that at all. It will put us in the risky situation of having a decrease in the standard of health of the people in the Northern Territory.

It will force people to insure with the health insurance funds. The fact of the matter is that they are not benevolent institutions. They were established by doctors in order to ensure the doctors' incomes. They were established by doctors and they are run by doctors. In that way, doctors have ensured that they are paid. Similarly, they have been strongly supported and are still strongly supported by private hospitals in other parts of Australia for the same reason: so that the bills are paid. They were not established as benevolent institutions. Nevertheless, our federal government is instituting this system after many years of lobbying by these very powerful organisations to ensure that they will continue to operate and that business will increase.

I am happy to say that the message is finally filtering through to people, despite some attempts at obstruction by some organisations, that they can take out the absolute minimum of insurance - that is, hospital insurance - and still be covered for their basic care if they go to a hospital for, say, Outpatients services when they need medical treatment. I think people will have to do that. From the point of view of health planning and efficient service to the community, I think that is a bad thing, and I have said that before. It is unfortunate if people are forced to go to Outpatients for medical treatment. That is what we should be using our community health systems for. Nevertheless, the minister should be aware that this system will force people back to Outpatients services at the hospitals because that is all they will be able to afford to insure for rather than go to community health service systems where they will require separate insurance. I think that is unfortunate because I am a believer in the community health system. Not only is it a better system, it is a more cost-effective system because it is cheaper to run.

I have looked at the levels of income that the federal government, in its wisdom, has decided make a person disadvantaged. I have discovered that they are very low indeed. A low-income couple is one that earns less that $160 and that is not very much. I fear that there will be groups of people in the community who will earn that little bit extra and still feel that they cannot afford health insurance. These are the people who will be caught in the trap that the member for MacDonnell outlined. These are the people who will feel that they cannot afford health insurance, will take the risk and, if they have an accident or illness befalls them, they will then find that the Health Department debt collector will be at their door. This is a tragic situation to find developing in Australia after so many years in which people have come to expect that a basic level of medical and hospital care is the right of all Australians. I believe that the people of Australia accepted that system when it was introduced despite the outcry against it. I know that they are very unhappy to see us revert to this 19th century system whereby only those who are able to afford it will receive the best possible health care.

The minister's statement had a little of something for everyone and I would like to speak briefly on other matters that members have raised. I was interested to see his reference to moving some services currently provided at the old Darwin Hospital out to the Casuarina Hospital. Obviously, the government has found it very difficult to make up its mind what it will do with those services.

In the annual report of the Northern Territory Department of Health for the year 1979-80 which we received quite recently, there were comments on hospital services in Darwin. It gave a history of what has happened in relation to the private hospital recommendations referred to by the honourable member for Port Darwin and susequent decisions. On pages 119 and 120 of that report, we see that consultants who were commissioned by the government in December 1979 made a range of recommendations: that the hospital services for Darwin for the next decade should be centred on the Casuarina site; that Darwin Hospital should cease to function as a hospital and the site be cleared of temporary and unsuitable buildings; that the northern part of Casuarina Hospital should be developed to include separate facilities for the aged, mentally handicapped and psychiatrically ill; that temporary facilities for these patients should be provided on the fifth floor of Casuarina Hospital; and that proposals to use certain facilities at Darwin Hospital as a private hospital were economically and organisationally unsound. The report says the Northern Territory government accepted these proposals in principle and an interdepartmental working party was established to consider further implications. The report by the working party states: Casuarina Hospital would only satisfy Darwin's total bed needs until 1985, that is, including psychiatric, geriatric and the handicapped children; the fifth floor of Casuarina Hospital could not accommodate all chronic beds needed as well as the highly-infectious-disease unit; and the psychiatric, geriatric and handicapped children's beds should remain temporarily at Darwin Hospital until these facilities on the Casuarina site were completed. The Northern Territory government agreed to those recommendations.

We find now in the minister's statement that the psychiatric unit is to be transferred to Casuarina Hospital before the new buildings are built. There is no sign in the budget of the next stage of the Casuarina Hospital plan - which has separate units for these facilities in its design - being built so the psychiatric unit presumably will go into the existing buildings at Casuarina Hospital. Obviously the government has found it necessary to reject the recommendations of its own working party on this matter.

Turning to nursing homes, Mr Speaker, I endorse some of the comments of the member for Port Darwin. The situation for old people requiring nursing home care in the Northern Territory is certainly not what it should be. I do not want to

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comment on the current standard available in Darwin but there is no doubt that there are not enough beds for older people who require some sort of care. The current area might well become suitable when it is cleared up. I do not find the old Darwin Hospital a particularly attractive place at the moment, crowded as it is with old buildings, but perhaps as the result of some changes it will become a more pleasant place for old people to stay. It is not at the moment and I certainly hope that some better arrangement can be entered into for people in the Top End with regard to nursing homes. I am attracted by an idea that is being presented by some people of facilities on the outskirts of Darwin where pleasant gardens and so forth could be more readily provided.

Mr Speaker, I thank the minister for his statement, but I regret what it has to say.

Mrs LAWRIE (Nightcliff): Mr Speaker, although it becomes repetitious, I must add my voice to those of members of the opposition who espouse the cause of basic health care for all Australians. I find it ridiculous that we have retreated from this excellent concept since the elevation of the conservative forces in federal government. Of course, because of decisions made in that place, the states suffer.

I had not spoken of the subject matter of this debate with the honourable member for Fannie Bay, but she has said almost precisely what I intended to say. As I am not a member of the Australian Labor Party, but elected independently, I think it bears repeating again. The honourable member for Alice Springs chortles away in dementia over there. I presume he finds something amusing in this debate on the provision of health care to Territorians in particular, and Australians in general. Perhaps, Mr Speaker, we will receive the benefit of this amusement and wisdom when I complete my remarks.

One of the fascinating things about the honourable minister's statement is that he says he was able to obtain Commonwealth recognition of the Territory's special circumstances, and he has received an undertaking to re-examine at a later date the Territory's revenue-raising capacity. That is fine, but how is it that Queensland, with similar problems to those of the Northern Territory - distance, extremes of temperature, scattered population, decentralisation and a group of people living in that state who could be termed disadvantaged - can continue its excellent free hospital service and the Territory cannot? Like the honourable member for Fannie Bay, I wait with bated breath for some elucidation on this subject.

I am also extremely worried about the decrease in the level of services to be offered by Casuarina Hospital. Beds are being closed, staff numbers are dropping and at the same time I see what I believe to be a deliberate attempt to dissuade people from attending the Community Health Centres. I base that statement on some of the strange advertising which has been put about regarding the new health system to start next week. I noted with some pleasure that the specialists trained in the delivery of this health care, the nurses themselves, have been moved to advise the public that they can still attend Community Health Centres and receive free advice as long as it is delivered by community health sisters and not by a medical practitioner where a charge of $15 will apply. I must say that the minister made that quite clear in his speech: delivery of health care at that level will continue to be free as long as a medical practitioner is not involved. But the information being disseminated is somewhat misleading. It is certainly put about in a way that tends to confuse rather than advise the public and that is most regrettable. I hope that certain publicity in some places tomorrow will assist the minister in his objective of informing people just what they can expect, where, and at what cost.

The minister also stated that he had written to all health funds operating in Australia and that there were over 300 of them. I assume that is not a misprint and that my ears did not deceive me and that there are, in fact, 300 separate health insurance companies. What a waste of resources! What a stupid duplication of facilities! With the member for Fannie Bay, I am well aware that the vast majority of these health funds are set up for profit and the profits are not ploughed back into the provision of health care, which is where they should be going. That was one of the beauties of Medibank.

I suppose the minister will get on his feet and say: 'There is no such thing as a free health scheme'. I have heard him say it before and I have always replied, as have other members on this side: 'We know that nothing is free, but we have paid for basic health care through our taxes'. Middle and lower income families will be hard hit by the new system which starts operating next week. They are being priced out of the market and cannot afford private medical insurance. Many of them would if they could, but they cannot. They will have to take the minimum cover as has been referred to earlier today, which is for hospital insurance, and they will have to attend Outpatients facilities available through public hospitals in the Northern Territory. I hope that the minister for once gives some credence to these statements that large segments of society will have to adopt that course because they can afford no other. I hope that we will upgrade Outpatients facilities accordingly because someone has to cope. We do not want to see people, who through failing health and sudden misfortune have to attend a Department of Health doctor, being chased for the money when it only adds to the trauma visited on that family - first physical injury and then mental stress.

This country can afford basic health care for its citizens. We seem to be paying ever-increasing taxes for less and less return to the normal wage earner. It would be a foolish waste of time in a debate on the minister's speech on the delivery of health care to go into the entire iniquitous taxation system in Australia, but citizens are starting to wonder where their tax dollars are going when they see less return for the normal citizen for an ever-increasing high rate of tax. I do not suggest that, for the delivery of basic health care and so-called free hospital service, we need to increase taxes. If Queensland can do it, Mr Speaker, why can't other states? What is it that Queensland has that is so special? I hope the honourable minister will inform us.

Mr DOOLAN (Victoria River): Mr Speaker, I will be very brief indeed. Perhaps I will not enlighten anybody in this Assembly because members are quite likely well aware that one of the main reasons why Queensland can carry out a free health scheme is that, many years ago, a long-time Labor Premier of Queensland, Ned Hanlon, started a state lottery which he called the Golden Casket. I would commend to the Minister for Health that perhaps he should consider this; it is not an impossibility.

Mr TUXWORTH (Health): Mr Speaker, I thank members on both sides of the Assembly for their comments. I will try to respond to most of the points that have been raised. If I miss out on any points, I will be happy to respond to them at some other time if I am prompted again.

Mr Speaker, the member for MacDonnell touched on several points and I guess the first one he raised was whether this was a statement of administrative convenience or a statement of philosophy. I guess it is both. It was the intent of the government to bring people up to date with where we are. The health scene is changing at such a rate that I believed it important that members understood where we are on health matters. Whether or not they like the position is another consideration, but I felt it would be helpful that at least they know.

The member for MacDonnell commented on the philosophy of this government

and the federal government. Indeed, the member for Nightcliff put it in a nutshell: 'There isn't any such thing as a free lunch'. As I have said before, we are entitled to whatever we can afford to pay for, no more and no less. What we have to do as a nation is decide how we will pay. I think it is patently obvious to most people, irrespective of their political commitment, that the concept of funding health services through taxation has been rejected on so many occasions during the last 10 years at the polls that it is pretty difficult to imagine that it is still a popular concept today. In fact, the whole exercise has taken place against the backdrop of the expenditure of some $13,000m in this country by federal, state and local governments on the provision of health services, a figure that is blowing out at 15% a year. Anybody can understand that the country cannot afford it. That is possibly a matter of philosophy too, Mr Speaker, but it seems to us that the country is not in a position to afford it. The recommendations of the Jamison Report came down to one thing: if you want to arrest the cost, you have to introduce a system whereby people start to appreciate the cost of delivering care. The only way you can make people appreciate it is when you hit their hip pockets at the time of use. I know that has some difficulties. I would be the last to say that it did not but, nevertheless, we have to face up to the realities of life.

The honourable member for MacDonnell also commented on the prospect of Aborigines who receive large royalty payments assisting their fellow Aborigines in the payment of health fund costs. I do not find that to be anathema; I think it is perfectly clear and reasonable. If they do not want to do it, that is a matter for themselves. If they do, then that is fine.

The member for MacDonnell also commented on the hotline. I would like to make the point that never, at any stage, was the hotline regarded as an opinion poll. It was something that the government established to try to impress upon people the need to have insurance with whoever they like. No one said, 'Do you think that you should have health insurance?' The question was: 'Do you have insurance or not?' If the answer was yes, that was the end of it. If the answer was no, there was an offer of assistance on how to go about obtaining health insurance. That is the role that the department has played in encouraging people. If that has been offensive to some, then that is regrettable. I am sure that no one in the department meant to cause any offence.

The honourable member also referred to the concept of nurses and doctors doing clerical work such as receiving money or processing paper work. I would make the point that most of our doctors and nurses do some form of clerical work now although it is not in the form of collecting money per se and writing a receipt. There is some clerical work done in assessing patients, filling out forms and channelling them off into various sections of the hospital. The matter of collecting the cash, writing a receipt or forwarding the account is one that is being worked out by the staff of the department.

The honourable member also asked whether we were going to hound and harass people who cannot pay. Surely there are many people in our community who cannot pay. Their accounts will become bad debts upon the state. There are many people who can afford to pay and who will resent having to pay because it goes against the grain. That is possibly the area where most effort will be made with regard to the collection of the debts.

In relation to the matter of retaining special grants for dental and school programs, the funds have not been withdrawn. In fact, it is an option for any government at any time to increase or decrease those grants as it sees fit. My feeling would be that, in the Northern Territory, those figures would be increased rather than decreased because they are mainly preventative programs.

The honourable member also said that private hospitals and free market forces were a matter of concern to him. I can appreciate his concern. However, I would put a point of view that is shared by 50% of Australians: they would like a choice. Whether or not there is a political party in the country that would like to organise peoples' lives and dictate to them how they should have medical services is to me irrelevant. It is a fine principle if somebody wants to espouse it but about half the population would like to avail themselves of a choice. On what basis do people opposite or I say: 'That choice is not for you because we do not think it is good for you; you might be supporting free market forces'. I have some difficulty with that thinking.

The honourable member also referred to the staffing of Casuarina Hospital and the moves by the management of the hospital to reduce staff numbers by 70 over a period through attrition. I do not have a political whim to dictate that staff levels be raised or lowered within departments because it suits me or it does not suit me. I take the view that we employed people to manage their operations efficiently and effectively. If it is their choice within their organisation to do without staff, I think that is prudent and responsible and it should be encouraged. I think they should receive a reasonable hearing if they want more staff from time to time.

The honourable member for MacDonnell also referred to the psychiatric services in the overall strategy of the government. He said that there were 25 staff per 100,000 people in 1972. I must say that I missed the logic there. I am unable to help the honourable member other than to say that it is important to note that we ship many of our psychiatric patients to South Australia by mutual agreement with that state. Until self-government, we did not have a separate or a major psychiatric unit within the hospital at Darwin. Since self-government, it has been sponsored out of its own resources because the Commonwealth would not acknowledge it in any form at all any more than it acknowledged the Harry Chan Ward improvements that were instigated by the department.

The honourable member for Port Darwin expressed concern about the standard of services for the aged. I can assure the honourable member that it is the intention of this government to improve the standard of accommodation and the number of beds available for the aged in the Northern Territory. We have a very young population but, as we go on, that population will require more and more aged accommodation and nursing home accommodation. He can be assured that we are trying to rise to the challenge and provide that.

The honourable member for Fannie Bay asked why Queensland can provide free health care yet we cannot. I make the point that Queensland has about half of its population covered by medical benefit funds and is serviced by private hospitals which take the load off the government to start with. The buildings are very old and the services are minimal compared to the services that we offer in our hospitals. I do not think many people involved in the medical profession would contest what I have just said.

I think it is also important to appreciate that a hospital bed in Queensland government hospitals can be organised from between $50 and $90 a day. $50 or $90 a day would not organise a bed anywhere in the Northern Territory. We vary between $78 and $254 for our bed costs. It is not reasonable to make that comparison. Members would be aware that the Queensland government has agreed to continue the free service at least for 18 months, which to me sounds terribly close to election time. I would be prepared to have a little bet with any member on the other side of the Assembly for a carton of Scotch that after the next election there will be no such a thing as a free health service in Queensland. Any starters can get on right now and I will be quite happy to take the chance.

The member for Fannie Bay was also concerned that people are forced to insure. It is not a matter of forcing people to insure. It is a matter of putting to people the importance of protecting themselves against enormous hospital costs. It is not the 5 days or a week in hospital that is of such importance but rather the possibility of members of a family being in hospital beds for months as a result of a car crash. That perspective needs to be placed before members, wage earners, parents and families so that that point is not lost.

The member for Fannie Bay raised the issue of shifting services from the Darwin annexe to Casuarina. Some 18 months ago, and again recently, decisions were taken relating to offering services in the old Darwin annexe and/or at Casuarina as a matter of practicality or medical convenience or whatever. Again, for the main part, I rely on the medical advice I receive from the department in these matters. I do not have a particular penchant for doing one thing or another. If the department says what it initiated 12 or 18 months ago is not working out the way it should and it wishes to review its approach, then I am happy to support the department in what it is trying to do. I believe it is working for the well-being of all those who are sick in the Northern Territory.

The member for Nightcliff also raised the issue of the free health service in Queensland. If the member for Nightcliff is so sure that Queensland will have a free health service even after the next election, I would like her to have a couple of cartons of Scotch with me on it because I am ...

Mrs Lawrie: You are desperate for your Scotch, aren't you?

Mr TUXWORTH: I do not like to let it go by when it is there for the taking. Obviously members feel very strongly about it, Mr Speaker, and I would be quite happy to relieve them of it.

The member raised also the issue of the 300 health funds in Australia. I must confess that I was astounded when I found out there were 300 health funds; we get to a stage of trying to stop the world so we can all get off. I appreciate that probably resources are wasted by having 300 funds. Nevertheless, it is a fact of life. As members of this Assembly, we are not going to change it. None of them is in the Northern Territory although many of them will service people in the Northern Territory because our population comes from other states. I think a responsibility lies with us to see that the services provided by the funds are available to people in the Northern Territory if that is their choice.

I thank the honourable members for their comments. While we may disagree on some matters of philosophy, I can assure members opposite that I too have the interests of the people at heart and will be working to see that very few people suffer any disadvantage or trauma as a result of the change.

Motion agreed to.

REPORT
National Trust of Australia (Northern Territory) Annual Report 1979-80

Continued from 3 June 1981.

Motion agreed to.

STATEMENT

Aboriginal Infant Mortality Rate

Continued from 9 June 1981.

Mr BELL (MacDonnell): Mr Speaker, in addressing myself to the minister's statement on infant mortality, I appreciate very much his concern in this matter. I cannot help wondering, however, given the vast array of health matters that impinge on the Territory community and Aboriginal people in general, why the matter of Aboriginal infant mortality should be necessarily the subject of a statement from him. I find the tone of the statement, if not somewhat self-congratulatory, certainly takes a somewhat unwarranted pride in the figures. He mentioned further on in the paper that the rate of infant mortality is still 3 times higher than the national average. That of course is not something to be happy about, as the minister points out.

I wonder why the statement was made. In the statement itself, the minister points out the rate at which the rate has been decreasing. He said that this is something that has not been equalled in other parts of the world. It depends a little bit on the way you look at these figures. In the opening couple of paragraphs, the figures state that, in 1971, 134 Aboriginal infants aged less than 1 year died, making a rate of 143 per 1,000 live births. This had decreased, in 1975, to a mortality rate of 50 per 1,000 live births which between 1975 and now has decreased to 36. In fact, the most significant decrease in the rate of infant mortality amongst Aboriginal children occurred in the years 1971 to 1975. Therefore, I am a little bit puzzled as to why there was a need on the minister's part to make this sort of statement. However, I welcome it and I welcome the concern. To flesh out some of the human details, the matter of the mortality rate of Aboriginal children is not just a matter of statistics. It is something that became very obvious to me during the time that I spent and continue to spend in Aboriginal communities. At Areyonga, in families where mum and dad were about 35, 45 or 50 and there may have been 4 or 5 children alive, there was always at least 1 or perhaps 2 or 3 children who had died in their first 12 months.

The statement that the minister made in reference to environmental causes of health deficiencies in Aboriginal communities is probably a reasonably accurate one. However, I believe that we need to know more about what is important in deciding what is healthy. As white Territorians, we do not really understand what Aboriginal people regard as healthy. Albeit it is limited, I have some understanding of the work, for example, of what are called in Pitjantjatjara, nunkari, witch doctors or whatever you like to call them. It is not a secret business at all; it is a medical service in terms of the relationship between doctor and patient in no way different from our own. Certainly, the patterns of belief that are involved in that particular system are markedly different from the patterns of belief that pertain to our understanding of what it means to be healthy.

Therefore, I at least raised a query. I do not want to make any strong criticism. I raise it only for the purpose of enlightenment and, for that reason, I query the statement that the minister has made in his report that the figures indicate a substantial improvement in the health of Aboriginal infants. The health of Aboriginal infants in that sense is not a human universal. What I decide as being healthy is probably not what you regard as being healthy, Mr Speaker. Although you and I might achieve a degree of unanimity in deciding what it is to be healthy, I think that the Aboriginal people have a considerably different idea of what it means to be healthy. I suggest that the minister's statement is deserving of more consideration. I repeat, for his benefit and for the benefit of the Assembly, that the figures indicate a substantial improvement to the health of Aboriginal infants. I suggest that this idea of health is a much more complicated one than we used to imagine. I endorse the remedies the minister has suggested

in this regard where he talks of the need for good housing, good water supplies and sanitation on Aboriginal communities. Again I would say that, in regard to housing and water - particularly housing - there are cultural differences in what one perceives as being adequate. I believe we have to come to some understanding, some meeting point, about what Aboriginal housing needs are and what will provide an adequate healthy environment for them to live in. It might not be a 3-bedroom house on a quarter-acre block which is a solution in western society for healthy living. I might add that that is a very recent innovation in our society. Our understanding about what adequate public health measures are is not something that we have always known. That sort of understanding has only grown, in our own society, perhaps since the industrial revolution, probably some time in the 18th century. I would not like to put a date on it, but when we came to live in cities, we had a lot of learning to do, and it did not come easily. Many people died.

I raise those matters to impress on the minister and on the Assembly that these problems are not simple. If there are solutions to them, the solutions might be in terms of the understanding of the people who are working face-to-face with the Aboriginal people and in terms of the understanding that Aboriginal people develop. I just received an invitation from the Aboriginal Health Worker Training Centre. I think I have mentioned it in this Assembly before. I believe that the sort of understanding that Aboriginal people are gaining is from courses like that and I venture to say that the views white professionals are gaining of Aboriginal understanding are potential sources of solutions for problems like these.

I mention that adequate housing and adequate sanitation, as the statement suggests, are some of the potential solutions to the problem of Aboriginal infant mortality. The statement also mentions water supplies. I would suggest that this is a crucial example. During these sittings, I have already raised the matter of water supplies. I trust the minister will take to heart the comments I made in relation to people resident in his own electorate in this regard when I raised the matter of camps just west of Tennant Creek. I also informed the Assembly then that an infant under 12 months was living with a far-from-adequate water supply. Those 3 things - housing, adequate water supplies and adequate sanitary arrangements - are certainly prerequisites for bringing down the Aboriginal infant mortality rate further.

I would like to add one more to those 3. It is related to the matter I raised in relation to Tennant Creek: the issue of land rights. I said that health is a culture specific idea - people feel healthy and believe they are healthy according to a pattern of cultural understanding. I will not fulminate on the matter here. There has been enough said about Aboriginal land rights but it is important to Aboriginal people and to their developing a lifestyle that they find satisfying. I would suggest to the minister and to the Assembly that recognition of Aboriginal land rights and Aboriginal patterns of space - the distance that they choose to put between themselves, whether it is in the environs of Tennant Creek or whether it is in Arnhem Land - are very crucial for their being healthy, for the lowering of the Aboriginal mortality rates.

In closing, I would like to thank the minister for his statement and I commend him for his obvious interest in Aboriginal infant mortality. I think I can certainly speak for many of the people of my electorate when I say that the future of their infants is something that we hope the minister will continue to take very seriously in relation to all the matters that I pointed out.

Mr TUXWORTH (Health): Mr Speaker, I thank the member for his contribution. I would like to touch on a couple of aspects that he raised. The first one is

why I introduced the statement in the first place. I gather he was having a gentle jibe at whether it was a political exercise or not. I would like to say that one of the things that concerns me is that every year we present and publish our figures on Aboriginal mortality and morbidity for the rest of the country to see. It is interesting that no other state is able to do it because they do not have the statistics and they have not collected the information to do it. Any claims they make do not really stand up to a test. In the Northern Territory, because we have figures and because we print them, a great number of people join the political bandwagon, raise hell down south about what terrible people we are and how we do not care and how the Aboriginals are oppressed because of our lack of interest etc. People should appreciate that that is a lot of rhubarb because they see how much effort goes into it even from what we do here at budget time. I feel particularly for the staff in the field of whom there would be probably 200 who incessantly try to reduce the mortality figures, in many cases in very unpleasant conditions. Over the years, as the honourable member has acknowledged, there have been great strides. The mortality rate has come down from 74 per 1,000 to 17 per 1,000 in 8 years - not a bad effort by any world comparison. When our staff pick up the paper and read the rhubarbing and harassment they get from other Australians for their good efforts, their general attitude is: 'Why should we bloomin' bother?'

Mr B. Collins: Because they are paid, for a start.

Mr TUXWORTH: Mr Speaker, the honourable member for Arnhem says: 'Because they are paid'. Maybe they would get more money somewhere else, but maybe they have a commitment to and a satisfaction in what they are doing and they do not like to be canned for it by mindless, unthinking people. That is why I think it is important that we reflect on these figures ourselves from time to time so that the rest of the Northern Territory at least can be mindful that some success has been achieved.

It was pointed out to me recently, Mr Speaker, that if one looks at the figures for Aboriginal mortality through malnutrition up till 1969 or 1970, no Aboriginal children died of malnutrition in the Northern Territory until that time and then the figures escalated. The truth was that, at that stage, the Minister for the Northern Territory decided, by way of policy, that it was now possible for Aboriginal children to die of malnutrition and figures on it should be kept. It is only that far back that the premiss that Aboriginal children died from malnutrition was not accepted. Today we have the figures and we have a plan of attack to work to reduce the figures for malnutrition and chest diseases and a whole range of other things that were not recognised before that time. I think a great deal of credit goes to the people within the department who conceived the program and who work at it daily. I do not believe they should be rubbished the way they are. I took the trouble this year to write to every parliamentarian in the state and federal legislatures in this country to say that we notice that in their parliaments this matter comes up from time to time and we are providing figures showing the improvement in the Northern Territory over the last X number of years. We would be grateful if a mental note could be made of these so when all the nonsense starts about what terrible things are happening in the Northern Territory, 30 seconds reflection may be given to the progress that the people working in the field believe they have made. I thank honourable members for their contributions.

Motion agreed to.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10am.

REPORT

Northern Territory Ombudsman - Annual Report 1980-81

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I table the third Annual Report of the Northern Territory Ombudsman for the period 1 July 1980 to 30 June 1981. I move that the report be noted and I seek leave to continue my remarks at a later time.

Leave granted.

Debate adjourned.

STATEMENT

Housing Commission Rents and Home Loans Scheme

Mr ROBERTSON (Lands and Housing) (by leave): Mr Speaker, my colleague, the Treasurer, has outlined a budget most significant for housing needs in the Territory and it gives me great pleasure to be associated with it. His speech stresses the importance we as a government place on the provision of homes for Territorians. The budget draws attention to that most weighty problem of housing in the Northern Territory.

Since self-government, we have continued to underline in all of our dealings with the Commonwealth the problems we face in this field. Last week's federal budget session did not take those problems into account as much as we would have liked. It also foreshadowed even further rises in interest rates, and of course housing and building finance is one of the areas hardest hit when money becomes more expensive and tighter.

Mr Speaker, the Territory finds itself again faced with having to stretch finances in an effort to overcome restraints placed on Territory residents. 22% of the total budget of $782m will go towards lands and housing this financial year. $33.1m has been allocated to general public housing, a 76% increase. The Treasurer has already told the Assembly that, in terms of relative spending effort, the Territory spends 16 times the national average on housing. Honourable members can imagine the ratio to which we would be committed if the government chose still to be the major land and housing developer in the Northern Territory.

In comparison, the increased contribution by the federal government through the Commonwealth-state housing agreement is small this year. A total of $14.9m fails to even match inflation. Being a party to the 5-year agreement means that the Territory is being subjected to some constraints. We are obliged along with the states in order to receive advances and grants from the Commonwealth to review Housing Commission rents at least annually and to charge market rent. The Territory tried to gain some recognition of its particular problems in moving towards market rents as a result of the current high levels. But the states were unsympathetic. In any event, federal Cabinet had made up its mind and that was that. Either we agreed to the terms of the so-called agreement or we could not expect to receive federal funding under it.

Mr Speaker, I have said that, whilst I have pleasure in being associated with the general housing budget, I have no pleasure in announcing any Housing Commission rental increases. However, we are left with no option other than to raise Housing Commission rents in line with the Commonwealth act. The first rise, an average of $7.50 per week, will take place now with a further review to follow later. It is expected to be about a month before the increases are actually levied.

Honourable members will be aware that I mentioned it as an average increase. Increases will range from just under $3 a week for general public bedsitters to just over $18 for a 4-bedroom home. The discrepancies in the rent rises is designed to give better relativity between different types of accommodation. It is also necessary under the provisions of the Commonwealth act to achieve ultimately a position of market relativity.

The government acknowledges the absurdity of demanding market rents in the Territory for some time to come. In other words, this could only be possible at such a time as supply matches demand. This is a target we have clearly set ourselves and are determined to achieve.

The Housing Commission has long been recognised - through necessity, I might add - as the major provider of rental accommodation in the Territory. Its role as a source of welfare housing is often overlooked. The commission controls 52% of our housing compared with 5%-10% controlled by other state housing authorities. The Commonwealth-states agreement will allow us to better realise our commitment to welfare housing. That is one of the good things to come out of it. Rents will have to rise to a point where they bear relevance to the market situation, but the lower earners will not be put to any hardship. Rebates will be available to the financially disadvantaged.

A large percentage of commission home residents are able to afford the increases in rents. The disadvantaged who cannot will be catered for. That is what welfare housing is all about.

As the Treasurer announced earlier, the government has decided to alter parts of the Home Loans Scheme. The scheme is now nearly 2 years old and still there is no other government in Australia which has tried to emulate it. We anticipated that, in the early days, it would be a proving ground and the revisions which I will announce shortly are being made in the light of our experiences. We found the delineation between established and new dwellings in the scheme had a tendency to disqualify many would-be Home Loans Scheme participants. They had to be first home buyers and, traditionally, these people were in the market for an established home. It was not at first apparent that the majority of new homes were built for second or third home buyers. The reality, then, is to facilitate the sale to the first home buyer of homes left vacant by others moving up market. We believe that the delineation should be removed and that greater market stability would arise from this and other changes which will be made. Deposits will be levelled across the board at $5000.

The Homes Loans Scheme will no longer discriminate. It will apply equilaterally to buyers of new and used homes and will again be open to single people without dependants. It will, in its revised form, have extra benefits across the board, thereby widening its impact to include those who, in the initial 22 months of operation, received less consideration.

A home buyer grossing an average weekly male earning in the Territory - about $340 - will qualify for a loan of $30,000 or 60% of market value. That is an improvement of $1500 in funds on the old scale which also provided for only 52% of the property value. Not everyone makes that kind of money. I will quote from the lesser income bracket. A gross weekly earning of $271 is the figure for a loan of $44,000 or 88% of property value. That compares with figures under the old scheme of $40,000 or 72.5% of property value. The increased loan levels will range from $50,000 or 95% of property value for lower income earners to $25,000 or 40% of property value for the top money earner. A new detailed explanatory pamphlet will be produced as a matter of urgency.

I prefaced this statement with a reference to the federal government's stand on interest rates. The public has been hard hit by 2% rises in lending rates in recent times and there is strong pressure for further increases. Members will be pleased to note that the rates offered by the Home Loans Scheme remain unchanged. The government will attempt to peg those rates as long as possible but any further rise would necessitate a review of that situation. As it is, the scheme places a high drain on the government's coffers. However, we are prepared to stand by it as a further reflection of this government's commitment to housing Territorians. I move that the statement be noted.

Debate adjourned.

LAND AND BUSINESS AGENTS AMENDMENT BILL
(Serial 125)

Bill presented and read a first time.

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

The Land and Business Agents Act was commenced on 9 November 1979 and, as you would know Sir, the purpose of the act was to provide a system of regulation and registration of real estate and business agents. The act also sets down minimum educational qualifications for agents. During the 18 months the act has been in force, several administrative problems and drafting defects have come to light. The purpose of the Land and Business Agents Amendment Bill is to remedy these problems.

Clause 4 repeals section 4(1)(b) of the principal act. This section in the principal act exempted the land selling activities of licensed auctioneers. This section is to be repealed, thus making the land selling activities of auctioneers subject to the trust account provisions of the act. Clause 5 inserts a new section 23A in the principal act to provide the Agents Licensing Board with the additional power to grant provisional licences when a person acquires a business from a licensed agent, provided that person meets the requirements of the act.

Clauses 6, 7 and 8 of the bill contain amendments to facilitate smoother administration of the act. The effect of the amendment is that any application by an agent or firm must be accompanied by the prescribed licence fee. Problems have been caused by licensed agents whose principal places of business are outside the Territory not having an office in the Territory. Clause 10 inserts a new section 32A which requires that a licensed agent have a registered office in the Territory. Clause 12 amends section 67 of the act by making the lack of a local office the ground for revocation of the licence.

Clause 11 amends section 49 of the principal act by providing that any moneys received by an agent as a stakeholder are held on behalf of both the vendor and the purchaser. Clause 13 inserts a new section 69A in the principal act. This section provides that, where the board has found an agent in breach of the rules of conduct, the agent concerned must repay any secret profit he has obtained from the client as a result of his unethical conduct.

Clause 14 omits subsection (2) of section 71. The new subsection (2) gives the Agents Licensing Board the power to apply to the Supreme Court for the appointment of a registered company auditor over the affairs of persons who have been acting as agents when they are not licensed under the act so to do.

This provision is to protect members of the public who have paid money to an unlicensed agent. Similarly, Mr Speaker, clause 15 further protects the public by inserting a new section 73A in the principal act which gives a receiver appointed under section 71 wider powers of access to books of account and documents of the agent whose affairs he has been appointed to conduct.

Clause 16 amends section 75 of the principal act by inserting subsection (1A) which allows the board to pay the remuneration of a receiver and recover the moneys from the agent or his estate. Because of the large increase in real estate value, it has become necessary to increase the value of the fidelity bond or security lodged by an agent. Clause 17 amends section 86 by increasing the amount of the security or fidelity bond from $10,000 to $50,000 as it was considered that the amount of $10,000 was insufficient.

Clause 18 amends section 96(1) of the principal act to make clear that only persons who suffer loss from the defalcation of a licensed agent may claim that loss from the Land and Business Agents Fidelity Fund.

Clause 19 of the bill inserts a new section 125A in the principal act. This amendment is necessary to clarify the situation concerning offences under the act. Apparently, some doubt has arisen because of provisions in the Criminal Law and Procedure Act and the Justices Act as to whether offences under section 17 of the principal act are summary or indictable. The new section provides that all offences under the act shall be punishable on summary conviction unless they are expressed to be indictable.

I commend the bill to honourable members.

Debate adjourned.

MOTOR VEHICLES AMENDMENT BILL
(Serial 135)

Bill presented and read a first time.

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

This bill presents amendments to the Motor Vehicles Act which are aimed at improving road safety as I foreshadowed in a press statement in March this year. At a later stage today, I will introduce amendments to the Traffic Act dealing with the use of seat belts and child restraints. This bill requires that vehicles comply with Australia Design Rule requirements for seat belts and anchorage points. This will bring us into line with the rest of Australia. The requirement is not onerous as the belts will be fitted when the car is originally sold and details will be encoded on the vehicle compliance plate. The main effect will be to stop people removing belts from vehicles and will make it easier for us to keep pace with future design rule development. The registrar will have discretion to exempt any vehicle or class of vehicle where a particular problem can be shown and to allow extra time for people who have had them removed from vehicles to replace them.

An important potential fuel-saving measure is included in this bill. The legal impediment to car pooling is removed and motorists engaged in the practice will be able to recover up to the direct operating cost of their journeys from other passengers without the need for special licences. Undoubtedly, the practice already occurs, but government authorities cannot promote car pooling while it is technically illegal. Car pooling has not been a major success elsewhere to date but I invite honourable members and the public to think of

the fuel, traffic and parking implications for Darwin where most employment is concentrated on a narrow peninsula and the majority of people live in the northern suburbs. If the average vehicle occupancy on Bagot Road during peak commuting times could be doubled, there would still be less than 3 persons per vehicle. I urge everyone to give constructive support to achieving this goal. I commend the bill.

Debate adjourned.

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL
(Serial 129)

Bill presented and read a first time.

Mr EVERINGHAM (Chief Minister): I move that the bill be now read a second time. The Territory Parks and Wildlife Conservation Act addresses itself in some detail to the matter of preparation of plans of management in respect of parks and reserves under the care and control of the Conservation Commission. Part of the process through which these plans must pass involves consideration by this Assembly. By section 19, the act now requires that the plans be laid before the Assembly for a period of 15 sitting days. Because the act requires 15 sitting days, a minimum of 3 meetings of the Assembly elapses before the plans of management can become effective. In the normal course, this would mean that a period of some 6 months between tabling and clearance would elapse. The bill which I am presenting to honourable members seeks to reduce the 15-day period to 7 sitting days and I believe that this is more realistic. The reduction to 7 sitting days will ensure that the period between tabling and clearance will be effectively reduced to about 3 months; that is, during the course of 2 meetings only unless the Assembly moves to disallow the plan of management.

I further believe that such a change will not seriously reduce the time which honourable members have for consideration of the content of the plan. In this regard, I point out that, before plans are submitted to this Assembly, the Conservation Commission would have already made them available for public comment for a minimum statutory period of 1 month. Honourable members have the opportunity for input to plans during that period. I am of the opinion, therefore, that a further tabling period of about 3 months provides members with ample time for full consideration.

Draft plans of management have already been prepared and released for public comment for the Keep River National Park and the Berry and Howard Springs nature parks. Others are in the final stages of preparation. The proposed reduction will mean that these plans can become effective more quickly. I commend the bill.

Debate adjourned.

ENERGY PIPELINES BILL
(Serial 142)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

All the states and the Commonwealth have legislation governing the ownership, construction and operations of pipelines used for conveying hydrocarbon.

It remains, therefore, for the Territory to pass legislation in this sphere of energy exploitation. The Palm Valley and Mereenie fields are present examples of Territory energy resources which require pipelines for exploitation. The legislation is designed to cover future energy resources of this nature as well as the known resources.

Part I deals with definitions and the application of the act. Energy pipelines will be subject to the provisions of the Dangerous Goods Act because of the general nature of the substances conveyed and stored.

Part II relates to permits and is designed to allow bona fide intending applicants for a licence the right of entry upon lands in order to carry out the necessary surveys required to make a proper application for a licence.

Part III covers the area of licence. No person may construct or operate an energy pipeline without a valid licence issued by the minister. An application for a licence requires detailed information from the applicant and may be granted subject to such conditions as the minister deems fit. Amongst the matters which the minister is required to take into consideration are the environmental measures proposed. The minister has the power to vary conditions as circumstances require and has the ultimate power of cancellation of the licence in the event of breach of previous conditions or the provisions of the act. The licence and permit fees are to be related to the administrative costs incurred.

Provision is made for the grant to a licensee of easements or other rights necessary for the construction of the pipeline upon such terms and conditions as the Administrator sees fit. The government thus has the ability to ensure the construction of a pipeline and the power to exercise proper control over its construction, operation and maintenance.

Part IV deals with the construction and operation of pipelines. Provision is made to ensure that proper methods of construction are used and safety standards complied with. The government retains control of operation of the pipeline by its power to commence, resume or continue operation. Substantial penalties are provided for in the event of non-compliance.

Provision is made to prevent the development of a monopoly position by the requirement that the licensee transport energy producing hydrocarbons owned by other persons. Normal business practices are to operate but in the event of a deadlock the minister may give directions. In the event of cancellation of a licence, opportunity is so given to interested parties to apply for a licence to operate the pipeline. In special circumstances the minister may make all necessary arrangements to continue operation if he deems fit.

Part V covers the area of administration of the permit and licence systems and is consistent with other acts in this field. Part VI provides for miscellaneous matters including regulations, inspection and safety measures, and theft or damage. The bill envisages private ownership and operation of energy pipelines in accordance with the government's policy, but provides for adequate government control in all areas relevant to the issue. I commend the bill to honourable members.

Debate adjourned.

PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL
(Serial 150)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

The amendment to the Petroleum (Prospecting and Mining) Act is necessary because of the introduction in this session of the proposed energy pipeline legislation. On the commencement of the Energy Pipelines Act, section 80 of the Petroleum (Prospecting and Mining) Act, which covers the question of easements for petroleum pipelines, will come into conflict with the equivalent provisions of the Energy Pipelines Act. Accordingly, it is proposed that section 80 of the Petroleum (Prospecting and Mining) Act be repealed and that such repeal come into operation at the commencement of the Energy Pipelines Act.

I commend the bill to honourable members.

Debate adjourned.

MESSAGE FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I have received message No 7 from His Honour the Administrator:

I, Eric Eugene Johnston, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill entitled the Essential Goods and Services Bill to control and manage prescribed goods and services during periods of shortage and for related purposes.

Dated this 17th day of August 1981.

E.E. JOHNSTON
Administrator

ESSENTIAL GOODS AND SERVICES BILL
(Serial 137)

Bill presented and read a first time.

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

As all honourable members know and as honourable members who represent our country electorates experience every day, the Territory comprises a number of isolated communities. The Territory and especially the isolated communities are particularly vulnerable during periods of shortage of the basic essentials of life. The purpose of this bill is to ensure that, whenever there is a period of shortage, whether of goods or services, the government will be able to take such steps as are necessary to maintain the supply of the most basic essentials for living to communities throughout the Territory and indeed to the Territory as a whole.

956.829—16

A period of shortage may be caused by natural disaster - by cyclone or drought - or by war. For example, if fuel supplies are cut off by another Middle-East confrontation - or indeed, and I make no bones about it, by industrial disputation. This legislation I emphasise is not intended to be what so often has been called strike-breaking legislation at all. The prime purpose is, as I have said, a humanitarian one to ensure that communities can receive the most basic essentials simply to live. For example, a fuel supply could be maintained so that ambulances and other emergency services vehicles could operate. The supply and distribution of foodstuffs, such as milk, could be maintained to prevent distress to, say, children and mothers. I do not think any right-thinking member of society could deny this prime responsibility rests upon any government of whatever shade of opinion.

Turning to the bill itself, clause 2 defines 'community'. The definition applies to isolated communities such as Maningrida as well as to the Territory as a whole, and also communities having a common interest. 'Goods and services' include energies such as fuel, gas, oil and, of course, food, electricity supplies, sewerage and even transport.

Clauses 5 and 7 are the important clauses. Clause 5 empowers the Administrator to declare a period of shortage where he is satisfied that the provision, supply or distribution of goods and services is, or is likely to become, less than sufficient for the reasonable needs of the community. This declaration must be laid before the Assembly within 3 sitting days of the Assembly after the declaration is made and the Assembly may revoke the declaration by resolution in accordance with clause 6.

Clause 7 provides for the powers of the minister during a period of shortage and includes a power to requisition which is, however, subject to the entitlement to compensation in clause 11.

Clause 9 provides that the Crown or another person acting in good faith in the execution of the act shall not be liable to any civil or criminal action or proceeding. Rights of employees who are complying with the directions, prohibitions and requisitions are protected in clause 8 which is based on section 29 of the Northern Territory Disasters Act, and the intimidation or threatening of these workers is also prohibited by clause 15.

Clause 13 provides that it is an offence to contravene or fail to comply with a provision, order, direction, prohibition or requisition under the act. Clause 13(2) provides for the penalty for an offence and clause 13(3) relates to penalties for continuing offences.

Clause 16 provides that a person cannot be convicted for an offence under clause 12 unless the appropriate notice was served and notified in accordance with clause 16. I might add that the consolidated fund is appropriated by virtue of clause 17 in respect of any sums of money required for the purpose of this act. That, of course, is the reason for the message from His Honour.

Finally, clause 18 contains the regulation-making power. This bill takes a positive step, Mr Speaker, towards safeguarding the interests of all members of the community and I therefore commend it to all honourable members.

Debate adjourned.

TERRITORY INSURANCE OFFICE AMENDMENT BILL
(Serial 115)

Bill presented and read a first time.

Mr PERRON (Treasurer and Industrial Development): I move the bill be now read a second time.

Members will be aware that the Territory Insurance Office was established to operate as a commercial enterprise. However, it is normal practice for government insurance offices to be exempt from all Commonwealth taxes and charges. This bill, by making the money of the Territory Insurance Office money of the Territory, achieves that objective. Similar provisions have been made in the legislation governing government insurance offices in other states, such as Tasmania, where the insurance office has been established as an autonomous authority. In some states, the government insurance office has been established as an arm of government and similar provisions are not necessary.

The bill also ensures that the TIO must pay the equivalent of Commonwealth sales tax to the Territory government in much the same way as the equivalent of any Commonwealth income tax is payable to the Territory. Thus, the TIO is not placed in a position of commercial advantage. Mr Speaker, I commend the bill to members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister): Mr Speaker, I wish to move that so much of Standing Orders be suspended as would prevent the Assembly dealing with 2 bills relating to the amendment of the Local Courts Act and the Justices Act. I move that so much of Standing Orders be suspended as would prevent 2 bills relating to Assistant Clerks of Courts - (a) being presented and read a first time together and 1 motion being put in regard to, respectively, the second readings, the committee report stages and the third readings of the bills together, and (b) the consideration of the bills separately in the committee of the whole.

Motion agreed to.

LOCAL COURTS AMENDMENT BILL
(Serial 139)

JUSTICES AMENDMENT BILL
(Serial 140)

Bills presented and read a first time.

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

The Casuarina court-house was officially opened on 12 August last. It is not operating at this time as a separate court but operates merely as another courtroom of the Darwin court. Sittings of the Local Court, Court of Summary Jurisdiction and the Children's Court are at present being held at Casuarina. Temporary arrangements have been made in relation to staffing but an assistant Clerk of Courts will be appointed officer-in-charge of Casuarina court-house and will be in daily attendance. He will perform all of the functions of a Clerk of Courts under the Local Courts Act, Justices Act and

Child Welfare Act but will remain subject to the direction of the Clerk of Courts in Darwin. The assistant Clerk of Courts who will perform duties at Casuarina will be appointed by the Attorney-General in due course.

The present section 5, relating to the definition of 'clerk', section 13 of the Local Courts Act and section 42(4) of the Justices Act do not make it clear whether an assistant clerk will be able to perform all of the functions of the Clerk of the local court of Darwin in respect of 3 courts which will operate at Casuarina. It is also doubtful whether the Attorney-General has the power to appoint an assistant clerk under those sections. Subsections (1) and (2) of proposed new section 13A of the Local Courts Act Amendment Bill give the Attorney-General the power to appoint an assistant clerk of any local court. The assistant clerk appointed may exercise any power or perform any function of the Clerk of that particular local court in relation to the Local Courts Act or any other act. He remains, however, subject to the direction of the Clerk of that local court. These amendments will enable the appointment of an assistant clerk at Casuarina and will also enable the person so appointed to exercise any necessary powers or functions in respect of the 3 courts.

It is thought that amendments should also be made to section 42 of the Justices Act. At present, subsection (4) confers upon the minister the power to appoint a deputy clerk of court. As the minister will be given powers to appoint assistant clerks under proposed section 13A of the Local Courts Amendment Bill, it is considered that the powers conferred upon the minister to appoint deputy clerks under subsection (4) are unnecessary. The Justices Act Amendment Bill therefore seeks to repeal that subsection and it also provides that the deputy of the Clerk of the local court is deemed to be an assistant clerk within the meaning of the Local Courts Act. This will ensure that any person who presently holds the office of deputy clerk automatically becomes an assistant clerk of the local court where he or she held his other previous appointment.

These amendments will ensure the validity of any action taken by the assistant clerk in respect of the 3 courts operating at Casuarina and will prevent any challenge to his status especially in matters where he has allowed bail.

Mr Speaker, I commend the bills to honourable members.

Debate adjourned.

TRAFFIC AMENDMENT BILL
(Serial 136)

Bill presented and read a first time.

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

A few moments ago, I introduced an amendment to the Motor Vehicles Act which intends to make the adherence to Australian Design Rules in respect of seat belts compulsory in the Territory. This bill complements the Motor Vehicles Amendment Bill in so far as it deals with all facets of use of seat belts in motor cars. There is an increasing awareness that the Northern Territory motor vehicle fatality and injury rates are well above those elsewhere in Australia. The safety measures proposed here are intended to help redress this.

Seat belt usage surveys by the NT Road Safety Council have shown that only 72% of drivers wear seat belts in the Territory compared to the national rate of almost 84%. 57% of front seat passengers wear belts against the national rate of 84%. Further, they have shown that an incredible 73% of children under 10 travel unrestrained. In other words, not only do we show up poorly against other parts of Australia in seat belt usage generally but many parents are belting themselves in while failing to ensure their children are safely restrained.

The Traffic Act at present requires that, if a person in a motor vehicle sits in a seat fitted with a seat belt, the belt must be worn. However, children under 8 cannot be prosecuted for failure to do so and nor can the driver who allows children to ride without being belted in. There is a legal grey area between the age of 8 and 14 where the child has to be shown as being responsible before he can be prosecuted. This bill will make it an offence for the driver to drive while any young person between 12 months and 14 years old is sitting in a seat with belt or approved child restraints unless they are properly fastened. Exceptions are made for taxis and private hire cars where a parent or responsible adult is present. The bill makes it compulsory for any person to sit in an available seat which has a belt fitted in preference to one without. Where there are front and back seats and seat belts are required in the front, it will be an offence to have more persons in the front than belts.

Seat belts have proven themselves as a major saver of lives and we just cannot afford to lag in this vital area. The whole community has to pay the price for unsafe practices. In conjunction with the passage of this bill, the Road Safety Council will be giving special attention to publicising the requirements and need for seat belts to all Territory communities.

With regard to protective helmets for motor cyclists, the Traffic Act already requires that they be of an approved standard when purchased. However, after years of being dropped and general wear and tear, they may no longer function as a protective helmet. This amendment will require that helmets used continue to be of a suitable standard. Most motor cyclists recognise this, but the change will encourage less aware motor cyclists to recognise the extra danger to which they may have been unwittingly exposed.

The amendment to widen the powers to make regulations on footwear for motor cyclists will affect many more motor cycle users. While those who take motor cycling seriously recognise that it is dangerous to ride without essential footwear, it is common to see people riding with thongs or bare feet because of our climate and way of life. This raises the likelihood and extent of extra injury. While the government has shown, by removal of registration fees on motor cycles, that it is prepared to encourage use of motor cycles as a fuel-saving measure, the benefits will be quickly eroded if safe practices are not observed.

This bill represents yet another step towards road safety and the reduction of the road toll in the Territory. I commend it to honourable members.

Debate adjourned.

FOOD AND DRUGS AMENDMENT BILL
(Serial 127)

Bill presented and read a first time.

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

It has always been the understanding of the Department of Health that section 21(1)(a) of the Food and Drugs Act empowered health inspectors to enter and search premises if they had reasonable grounds for suspecting that an offence against the act had been committed. Recent legal opinion has been that this section gives no such power. It is only common sense that, if a health inspector receives a complaint against a particular establishment, he should have the authority to be able to inspect that establishment to ensure that the food sold is not adulterated and is of the nature and quality demanded by the act. The bill before us replaces section 21(1)(a) with a redrafted version which clearly empowers an inspector to enter and inspect premises when he has reasonable grounds for believing that an offence has or is likely to be committed. This bill also increases penalties for offences against the act. Honourable members will agree with me that such increases are long overdue. I commend the bill to honourable members.

Debate adjourned.

PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL
(Serial 146)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be read a second time.

The proposed amendments to the Petroleum (Prospecting and Mining) Act are designed to give the act greater flexibility to meet operational requirements for the production of hydrocarbons. The principal amendments are to the provisions governing the grant of a lease and the duties of the lessee. It is proposed that the minister be given the direct power to set terms and conditions for each individual situation. This will allow, for example, an approved work program to be set as a condition of the lease and the applicant will be served with notice of the conditions prior to the issue of the lease.

It is further proposed to tighten the provisions governing a default by the lessee in complying with the conditions and the time in which a lessee is required to remedy default which is accordingly reduced from 60 to 30 days.

The remaining amendments are technical in nature and consequent upon the above amendments. I commend the bill to honourable members.

Debate adjourned.

MARINE BILL
(Serial 105)

Continued from 18 August 1981.

Motion agreed to; bill read a second time.

In committee:

Mr CHAIRMAN: Members, in the interests of consistency of expression throughout this bill, I accept as formal the following amendments: all references to a vessel expressed as 'her' or 'she' shall be amended by omitting 'her' or 'she'

and substituting 'its' or 'it'; and references to the owner or master of a vessel shall be amended by inserting 'the' before 'master'. Members will also note the word 'ship' in clauses 61 and 203 will be amended to read 'vessel' and the word 'seafarers' in clause 194(2)(e) will be amended to read 'seamen'.

Mrs LAWRIE: Mr Chairman, I would ask for some indication as to why these formal amendments have been put for your acceptance. I would ask the minister who has charge of this bill if this is not inconsistent with maritime legislation in other states. I do not accept that it is good enough for you to simply ready out a statement saying you accept formal amendments of which we have had no prior advice. From the expression on the minister's face, he has not had advice either.

Mr DONDAS: Mr Chairman, I was under the impression that we would be moving through the whole schedule from 57.1 to completion. As some of the amendments are only machinery amendments, I thought we could put the question and deal with them quite quickly.

Mrs LAWRIE: Mr Chairman, the minister clearly did not understand my question so I will repeat it for him. Why are they necessary? We have had no indication other than the blanket statement that they are in the interests of consistency. Consistency with what? Is it legislation in the states, which I doubt? Is it other legislation existing in the Territory? I just feel that the committee is entitled to a little more courtesy than a blanket statement that they will be accepted.

Mr DONDAS: Mr Chairman, I was unaware that there would be a blanket statement by yourself regarding these amendments. The amendments duly relate to the terminology and are to simplify the bill. In some instances where the word 'ship' has been used, it has been replaced by vessel. I would have thought that the amendment schedule as circulated early yesterday would have given the member for Nightcliff an indication of what these machinery amendments were for.

Clauses 1 and 2 agreed to.

Clause 3:

Mr DONDAS: I move amendment 57.1.

The whole of the Marine Board and Navigation Act 1891 of South Australia has now been placed in part I of the schedule for repeal. The Marine Board and Navigation Act 1897 of South Australia has also been placed in part I of the schedule. Both acts are no longer required in the Northern Territory as they are to be replaced by the provisions in this bill.

Amendment agreed to.

Mr DONDAS: I move amendment 57.2.

This is a drafting amendment to maintain consistency in style and wording.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr DONDAS: I move amendment 57.3.

Sections of the Marine Board and Navigation Act 1881 of South Australia covering wrecks and salvage have been amended to update penalties to present day monetary levels as set out in schedule 2. Several old South Australian provisions have been brought into line with Territory requirements.

Amendment agreed to.

Mr DONDAS: I move amendment 57.4.

A point of clarification is made here that a pilotage certificate is in fact a pilotage certificate issued under the Ports Act.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7:

Mr DONDAS: I move amendment 57.5.

The definition of 'a certified person' has been redrafted to provide a clearer meaning in relation to a certificate issued under this act. It is also intended to cover the case of certificates issued under this act in recognition of an equivalent certificate issued by a state or the Commonwealth or an overseas country.

Mrs LAWRIE: Mr Chairman, I do not quite see how this proposed amendment assists in the interpretation of that section. Why remove 'or other document'? Is the minister now saying the interpretation will mean that 'any document' is a certificate issued under this act?

Mr DONDAS: I am.

Amendment agreed to.

Mr DONDAS: I move amendment 57.6.

It is necessary to delete the definition of 'coastal waters' at this stage as the Coastal Waters Northern Territory Powers Act 1980 of the Commonwealth has not yet come into force. Deletion of 'coastal waters' does not affect the operation of the Marine Act provided a change is also made to the definition of 'Northern Territory waters' which will be made in an amendment later.

Amendment agreed to.

Mr DONDAS: I move amendment 57.7.

The definition of 'interstate voyage' has been amended to conform precisely with the definition of 'interstate voyage' appearing in section 6 of the Commonwealth Navigation Act as the terms must have a consistent meaning in all states and the Northern Territory for uniform application.

Amendment agreed to.

Mr DONDAS: I move amendment 57.8.

The 'Northern Territory waters' definition has been widened to take into account the fact that it has been necessary to delete reference to a definition of 'coastal waters', which we just did.

Amendment agreed to.

Mr DONDAS: I move amendment 57.9.

The 'shipping service' definition has been deleted from this clause as the meaning of the term is covered fully by clause 130(2).

Amendment agreed to.

Mr DONDAS: I move amendment 57.10.

Subclause (3)(a) has been amended to widen the meaning. Many of the provisions of this bill are tied to whether or not a vessel is under way or about to proceed on a voyage.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr DONDAS: I move amendment 57.11.

It is a drafting amendment only to maintain consistency in style.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 24 agreed to.

Clause 25:

Mr DONDAS: I move amendment 57.12.

It is a drafting amendment only to maintain consistency in style.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clauses 26 to 48 agreed to.

Clause 49:

Mr DONDAS: I move amendment 57.13.

Clause 49 offers protection of seamen's rights and remedies this section providing a seaman's lien on his ship for his wages has priority over all other liens and is not capable of being renounced by any agreement. Similarly, any rights he may have, including rights to salvage, are not capable of being renounced. However, the ability to renounce his rights to salvage is retained by a seaman employed on a vessel engaged in salvage work.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51:

Mr DONDAS: I move amendment 57.14.

A redraft in reference to a vessel's length is required here to provide consistency of wording throughout the bill and is in line with wording contained in the uniform shipping laws code.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clause 52:

Ms D'ROZARIO: The minister will recall that I asked for some explanation of the classes of vessels described in this clause and indeed in another one. I am pleased that an officer in the minister's department took the courteous action of ringing me to explain what this was about but I rather thought that the committee should also be told what these classes of vessels mean and where their definitions are to be found. I am informed by an officer of the Department of Transport and Works that the classes of vessels would be the classes of vessels classified by the regulations. We see later in this particular bill that the regulations will include the uniform shipping code, more particularly, the vessels will be found described in clauses 5 and 6 of that code.

Clause 52 agreed to.

Clauses 53 and 54 agreed to.

Clause 55:

Mr DONDAS: I move amendment 57.15.

The heading of this clause has been amended to conform to traditional maritime meaning in relation to a seaman being left behind at a port or a place other than his proper return port or his home port. Subclause (1)(b) has been amended to clarify the point that a seaman may not be left behind at sea. He may be left at a port or a place onshore other than his proper return port only in certain circumstances.

Amendment agreed to.

Mr DONDAS: I move amendment 57.16.

Subclause (2) has been amended in keeping with traditional maritime meaning of seamen 'left behind'.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clause 56 agreed to.

Clause 57:

Mrs LAWRIE: Can the minister make some comment in reply to questions I raised about the abandonment of seamen employed on fishing vessels?

Mr DONDAS: As a result of discussions with officers of the department, my understanding is that this clause does not apply to seamen on fishing vessels.

Mrs LAWRIE: I know. That is what I commented on.

Clause 57 agreed to.

Clauses 58 to 60 agreed to.

Clause 61:

Mr DONDAS: I move amendment 57.17.

This is a drafting amendment only to maintain consistency in wording.

Amendment agreed to.

Clauses 62 to 67 agreed to.

Clause 68:

Mr DONDAS: I move amendment 57.18.

This is a drafting amendment to clarify the point that, in certain cases, a seaman's action may be deemed a disciplinary offence.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clause 69 agreed to.

Clause 70:

Mr DONDAS: I move amendment 57.19.

This is a drafting correction only.

Amendment agreed to.

Clause 70, as amended, agreed to.

Clauses 71 and 72 agreed to.

Clause 73:

Mr DONDAS: I move amendment 57.20.

This is a drafting amendment to maintain consistency in style.

Amendment agreed to.

Clause 73, as amended, agreed to.

Clause 74 agreed to.

Clause 75:

Mr DONDAS: I move amendment 57.21.

This is a safety provision of the bill which does not apply to hire and drive vessels as those provisions are to be taken up in small craft regulations.

Amendment agreed to.

Clause 75, as amended, agreed to.

Clause 76 agreed to.

Clause 77:

Mr DONDAS: I move amendment 57.22.

This is a drafting amendment only. The words 'any reasonable time' are able to stand alone. A surveyor is expected to give a ship owner reasonable notice of his intention to go on board a vessel.

Amendment agreed to.

Clause 77, as amended, agreed to.

Clauses 78 to 83 agreed to.

Clause 84:

Mr DONDAS: I move amendment 57.23.

This is a drafting amendment only.

Amendment agreed to.

Clause 84, as amended, agreed to.

Clauses 85 to 88 agreed to.

Clause 89:

Mr DONDAS: I move amendments 57.24 to 57.27.

These are drafting amendments to maintain consistency of style.

Mrs LAWRIE: Mr Chairman, I agree to all of the proposed amendments, but they are not simply drafting amendments. We are omitting certain subclauses and incorporating others. I have no objection at all to the amendments being taken together but I ask the minister, if he intends to move a group of amendments which pertain to one clause, to give a slightly better idea of the intention than simply saying they are drafting amendments. They are more than that.

Mr DONDAS: Mr Chairman, under certain circumstances, such as in the case of fraud or error, the director shall suspend or cancel a certificate of survey and the owner of the vessel is required to surrender the certificate to the shipping officer. This relates to both clauses 88 and 89.

Amendments agreed to.

Clause 89, as amended, agreed to.

Clauses 90 and 91 agreed to.

Clause 92:

Mr DONDAS: I move amendment 57.28.

This is a drafting amendment.

Mrs LAWRIE: I am not sure that the amendment does all that the minister hopes. If we omit from subclause (2) 'under division 2', it will then read: 'The vessel which goes to sea or attempts to go to sea without having been surveyed and marked under this division may be detained until it has been so surveyed and marked'. Is the minister quite sure that the proposed amendment carries into effect what he is attempting to do?

Mr DONDAS: Mr Chairman, it is my understanding of compliance with the line requirements that it is an offence against the act for an owner or master of a vessel to take that vessel to sea unless it has a current load-line certificate or load-line exemption certificate in force.

Ms D'ROZARIO: The minister has given us an explanation of subclause (1). The question which I think the member for Nightcliff is asking is whether it is better to retain the words 'under division 2' because, in fact, certificates of survey are only issued under division 2. If you remove those words, the subsection then reads: 'a vessel which goes to sea or attempts to go to sea without having been surveyed and marked under this division'. This division is division 3 which does not provide for certificates of survey to be issued. We are suggesting that perhaps 'under division 2' ought to remain.

Mr DONDAS: This is a separate division for load-lines. It is an application of the division which relates to the vessel being less than 16 metres in length. If it were left in, that particular clause would have 2 divisions.

Ms D'ROZARIO: Mr Chairman, I am aware that division 2 relates to the survey of the vessel. Division 3 relates to a completely different certificate which is for load-lines. The intention of subclause (2) is that the vessel have a certificate of survey as well as comply with the load-lines. Those 2 conditions must exist simultaneously. Surely that is the intention?

Mr DONDAS: If it is taken out, it will do exactly what the member for Sanderson says and that is the reason. It is a tidying-up exercise more than anything else.

Clause 92, as amended, agreed to.

Clauses 93 and 94 agreed to.

Clause 95:

Mr DONDAS: I move amendment 57.29.

This ensures that application of the division relating to unsafe ships applies to all Territory trading vessels, fishing vessels and pleasure craft. It is a drafting amendment to maintain consistency and style.

Amendment agreed to.

Clause 95, as amended, agreed to.

Clause 96 agreed to.

Clause 97:

Mr DONDAS: I move amendment 57.30.

It is an offence to take an unsafe vessel to sea. It could also relate back to the smaller pleasure craft as well.

Ms D'ROZARIO: I thought that we had agreed, under some resistance from the member for Nightcliff, that we will be standardising some of the terms. Now the minister is proposing the word 'ship' in place of the word 'vessel'. I am just wondering whether your former ruling of the acceptance of certain formal amendments is to stand. Certainly the inconsistencies persist in later parts of the amendment schedule.

Mrs LAWRIE: I am not trying to be an obstructionist but I cannot see how 'that master of a vessel shall not take it to sea knowing it to be an unsafe ship' is vastly improved by amending it to mean 'the master of an unsafe ship shall not take it to sea knowing it to be an unsafe ship'. I thought we were using 'vessel'. It just does not seem logical.

Mr DONDAS: I am quite happy to withdraw that amendment.

Mr CHAIRMAN: Do you wish to postpone that particular clause?

Mrs LAWRIE: Mr Chairman, perhaps the minister should look at the whole clause. Subclause 97(1) states: 'A person shall not send an unsafe ship to sea knowing it to be an unsafe ship'. Subclause 97(2) states: 'The master of a vessel shall not take it to sea knowing it to be an unsafe ship'.

If he is proposing in his amendment to keep those 2 clauses consistent, that is fine. But he did not say so which is why I suggest that, when proposing amendments to the committee, the minister be careful to explain to the committee the purpose of the amendments. If the purpose of the amendment is to keep 97(1) and 97(2) consistent, then it may have some merit.

Further consideration of clause 97 postponed.

Clause 98:

Mr DONDAS: I move amendment 57.31.

This is a drafting amendment only. Clause 98 relates to safety practices to apply to Territory fishing vessels. All sections apply to Territory trading vessels. Safety practices covered by this division follow the standard pattern of safety provisions that apply to all Australian and British ships in legislation of this type.

Amendment agreed to.

Clause 98, as amended, agreed to.

Clauses 99 to 101 agreed to.

Clause 102:

Mr DONDAS: I move amendment 57.32.

This is a drafting amendment which relates to directions in relation to hazardous goods. The director may give certain directions to masters of vessels in relation to loading, unloading or carriage of hazardous goods where such goods may be a danger to human life.

Amendment agreed to.

Clause 102, as amended, agreed to.

Clauses 103 to 107 agreed to.

Clause 108:

Mr DONDAS: I invite defeat of clause 108.

The clause has been redrafted to exclude 'vessels under Commonwealth control' entirely from the application of division 6.

Clause 108 negatived.

New clause 108:

Mr DONDAS: I move amendment 57.33.

The new clause is inserted for reasons related to collisions and distress signals. Clauses 109 to 115 cover the standard of patterns and provisions applying in Australian vessels, both state and Commonwealth, in respect of collisions and distress signals. This division applies to all Territory vessels and sets out duties and responsibilities required of a master in the event of a collision or on receiving notice of another vessel in distress.

Mrs LAWRIE: The original clause 108 said: 'Section 75, notwithstanding this division, applies to all vessels in Northern Territory waters which are navigable by sea-going vessels'. We are altering it to include 'except for vessels to which division 11 of part IV of the Navigation Act applies'. What are those vessels?

Mr DONDAS: There was some concern that, in the original clause 108, 'Commonwealth vessels' was not really spelt out clearly enough and it means 'vessels under Commonwealth control'.

New clause agreed to.

Clauses 109 to 119 agreed to.

Clause 120:

Mr DONDAS: I move amendment 57.34.

It is a drafting amendment to maintain consistency and style.

Amendment agreed to.

Clause 120, as amended, agreed to.

Clauses 121 to 128 agreed to.

Clause 129:

Mr DONDAS: I move amendment 57.35.

This relates to reference to an air-cushioned vehicle which has been deleted from the vessel exemption provision of this clause so that at any future date, where necessary, commercial licensing may be applied to air-cushioned vehicles.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clause 130:

Mr DONDAS: I move amendment 57.36.

The definition of a 'Territory shipping service' in subclause (b) has been expanded to include various types of commercial marine operations carried out in Northern Territory waters.

Amendment agreed to.

Mr DONDAS: I move amendment 57.37.

Subclause (2)(c) has been redrafted to maintain consistency and style.

Amendment agreed to.

Clause 130, as amended, agreed to.

Clauses 131 to 137 agreed to.

Clause 138:

Mr DONDAS: I move amendment 57.38.

The minister may give 6 months notice to an existing general licence holder where, in his opinion, it is necessary in the public interest to cancel a general licence or where a condition to a general licence is to be varied. Six months notice is considered to be fair and reasonable on a shipowner as a general licence may be issued for a period of up to 5 years.

Mrs LAWRIE: Mr Chairman, I ask the minister if, within that 6 months, the cancellation or variation or imposition comes into effect; is that clause simply saying that there is a limit of 6 months during which time the minister may cancel, vary or do various other things?

Mr DONDAS: The minister may only take this action if, in his opinion, it is necessary or desirable in the public interest to do so. This is why he has to set out in the notice his reasons for taking the action.

Mrs LAWRIE: Mr Chairman, I can read as well as the minister and I appreciate that. He is deleting 'by notice served on the holder of the licence' and substituting 'by 6 months notice served on the holder of a general licence'. It will read: 'The minister may, if in his opinion it is necessary or desirable in the public interest to do so, by 6 months notice served on the holder of a general licence, cancel the licence, vary ...'. To what does the 6 months apply? Is it a statutory period during which time the minister may do that thing or is it the time of the variation or cancellation of the order? If he gives notice that in 6 months he may do certain things, does the order apply within that 6 months or does one wait for the end of the 6 months before its application? To which portion of this clause 138 does the 6 months refer?

Further consideration of clause 138 postponed.

Clauses 139 to 146 agreed to.

Clause 147:

Mr DONDAS: I move amendment 57.39.

This is a drafting amendment to maintain consistency in style. It refers to clauses 145 to 150 and the acquisition, establishment and control of navigational aids.

Amendment agreed to.

Clause 147, as amended, agreed to.

Clauses 148 to 152 agreed to.

Clause 153:

Mr DONDAS: I move amendment 57.40.

This is a drafting amendment only.

Amendment agreed to.

Clause 153, as amended, agreed to.

Clauses 154 to 160 agreed to.

Clause 161:

Mr DONDAS: I move amendment 57.41.

This is a drafting amendment.

Amendment agreed to.

Clause 161, as amended, agreed to.

Clauses 162 to 168 agreed to.

Clause 169:

Mr DONDAS: I move amendment 57.42.

This omits the word 'vessel' and substitutes the word 'ship'.

Ms D'ROZARIO: Mr Chairman, I thought that we were changing all references to 'ships' to 'vessels'. Perhaps what the minister's amendment ought to be is that the word 'ship' be omitted and the word 'vessel' substituted.

Mr DONDAS: Mr Chairman, I accept that advice. I believe that it is a formal amendment.

Mrs LAWRIE: What we will say if we change it back is that craft propelled by oars within a piloted area must have a pilot on board or else they may be guilty of these offences. Given that the Vikings are long gone, I find it difficult to accept that we will apply the need for a pilot for vessels propelled by oars. The minister had better look at his definitions before he accepts the amendment of the mischievous member for Sanderson.

Mr DONDAS: The Clerk has brought to my attention that there is a definition of 'ship' which clearly relates to the pilotage. I must ask that the amendment stand.

Amendment agreed to.

Clause 169, as amended, agreed to.

Clauses 170 to 174 agreed to.

Clause 175:

Mr DONDAS: I move amendment 57.43.

This is a drafting amendment only.

Amendment agreed to.

Clause 175, as amended, agreed to.

Clause 176 agreed to.

Clause 177:

Mr DONDAS: I move amendment 57.44.

This is a drafting amendment to allow for the fact that a pilot may be held to be negligent if he is under the influence of alcohol or a drug in the event of an accident or damage to a ship in his charge.

Mrs LAWRIE: Mr Chairman, I have a query on this. We went through this in some detail in another piece of legislation. Whilst I understand the intention, this is a fairly severe clause: 'A licensed pilot shall not whilst having a ship in pilotage charge wilfully or negligently . . . '. We are going to insert 'or while under the influence of alcohol or a drug'. I thought we went into this in some detail. It could be deemed that, if you had a headache and took an aspirin, you were under the influence of a drug. I appreciate that it means: under the influence of a drug to an extent which would impair the performance of one's duty. As it is drafted, it is a very wide definition indeed. I appreciate that we can put a blanket prohibition on the taking of alcohol whilst engaged in the performance of duty but 'drug' has a very wide definition. It includes simple analgesics.

I ask the sponsor if he and his draftsman have considered this aspect because the penalties are severe. I am not suggesting that people who are hallucinating or under undue influence of drugs should not be penalised but I am worried by the wide application of the simple expression 'under the influence of a drug'.

Mr DONDAS: Clause 177 related to misconduct by a licensed pilot. However, a licensed pilot may defend himself against an allegation of misconduct if, at the time of the offence, he was under the influence of a drug taken for medicinal purposes.

Amendment agreed to.

Mr DONDAS: I move amendment 57.45.

This relates to subclause (2). It provides for a defence to a prosecution for a licensed pilot under the influence of a drug taken for medicinal purposes at the time of the incident.

Amendment agreed to.

Clause 177, as amended, agreed to.

Clauses 178 and 179 agreed to.

Clause 180:

Mr DONDAS: I move amendment 57.46.

This omits 'a person appointed to hold an inquiry under section 178' and substitutes 'a person appointed under section 179'.

Amendment agreed to.

Mr DONDAS: I move amendment 57.47.

This substitutes 'section 178'.

Anendment agreed to.

Clause 180, as amended, agreed to.

Clauses 181 to 183 agreed to.

Clause 184:

Mr DONDAS: I move amendment 57.48.

It is a self-explanatory amendment.

Amendment agreed to.

Clause 184, as amended, agreed to.

Clause 185 agreed to.

Clause 186:

Mr DONDAS: I move amendment 57.49.

This is a drafting amendment only

Amendment agreed to.

Clause 186, as amended, agreed to.

Clauses 187 to 193 agreed to.

Clause 194:

Mr DONDAS: I move amendment 57.50.

It is necessary as a safety provision to allow for a regulation-making power in relation to the number of passengers who may be carried in the vessel.

Amendment agreed to.

Clause 194, as amended, agreed to.

Clause 195:

Mr DONDAS: I move amendment 57.51.

It is just a machinery amendment.

Amendment agreed to.

Clause 195, as amended, agreed to.

Clause 196 agreed to.

Clause 197:

Mr DONDAS: I move amendment 57.52.

This is a drafting amendment only.

Amendment agreed to.

Mr DONDAS: I move amendments 57.53 and 57.54.

Paragraph (d) is not required.

Amendments agreed to.

Clause 197, as amended, agreed to.

Clauses 198 to 200 agreed to.

Clause 201:

Mr DONDAS: I move amendment 57.55.

It is a drafting amendment only.

Amendment agreed to.

Clause 201, as amended, agreed to.

Clause 202:

Mr DONDAS: I invite defeat of clause 202.

It is a redraft of clause 202 to provide clarity of meaning to regulation-making powers for the selection of assessors and procedures to be adopted for a formal investigation.

Clause 202 negatived.

New clause 202:

Mr DONDAS: I move amendment 57.56.

As explained for the defeat of clause 202, this is to clarify the meaning of the regulation-making powers.

New clause agreed to.

Clause 203:

Mr DONDAS: I move amendment 57.57.

It is a drafting amendment.

Amendment agreed to.

Clause 203, as amended, agreed to.

Clause 204 agreed to.

Clause 205:

Mr DONDAS: I move amendment 57.58.

It is a drafting amendment to paragraph (b) for consistency of style and wording.

Amendment agreed to.

Mr DONDAS: I move amendment 57.59.

This is a drafting amendment.

Amendment agreed to.

Clause 205, as amended, agreed to.

Clause 206:

Mr DONDAS: I move amendment 57.60.

This amendment provides for a clearer reference to the International Collision Regulations of 1972 set out in schedule 3 of the Navigation Act as they apply to vessels in Northern Territory waters.

Amendment agreed to.

Clause 206, as amended, agreed to.

Clauses 207 to 209 agreed to.

Clause 210:

Mr DONDAS: I move amendment 57.61.

This is a drafting amendment.

Amendment agreed to.

Mrs LAWRIE: I point out to the committee that we are now giving power to the Administrator, under section 194, to make regulations prescribing for the survey and inspection of small craft. The definition of 'small craft' includes pleasure craft of all types. I think that it would have been better for the minister to have stated to the committee just what the ramifications of this amendment are. I am not opposing it but it is not simply a drafting amendment. People who have an interest in this legislation, particularly pleasure craft owners, would have liked to have had that acknowledged.

Mr DONDAS: The member for Nightcliff is quite right. This amendment gives the power to make necessary the subsidiary legislation in regard to those matters which are not covered in the code in the manner indicated in the respective sections.

Amendment agreed to.

Clause 210, as amended, agreed to.

Schedule:

Mr DONDAS: I move amendment 57.62.

This substitutes a new schedule.

Parts I and II of the new schedule have been redrafted to pick up the repeals of the Marine Board and Navigation Acts No 541 of 1891 and No 681 of 1897 of South Australia which are no longer required to apply in the Northern Territory.

Mrs LAWRIE: The amendment, as I read it, also brings in schedule 2. There are a number of specific changes in schedule 2 to which we have had no reference, unless I am on the wrong track completely. We are now talking about application to the Territory as a law of the Territory. For example, where we are omitting certain things like 'province' and substituting 'Territory', which is obvious, we are also omitting $100 and substituting $1000, $200 to $2000 in 245 and $200 to $2000 in 246. In 248, 'any Collector or principal officer of Customs, Special Magistrate, Justice' is changed to 'any Magistrate, Justice of the Peace'. We go on to clause 250: $200 has been omitted and we are substituting $2000. Indeed, when we get down to clause 263, we are omitting wherever occurring, $600 and inserting $6000. That is 10 times the amount. I would like the honourable minister to tell us what we are doing.

Mr DONDAS: Mr Chairman, the amendments to the Marine Board and Navigation Act 1881 of South Australia relate to wreck and salvage. It is necessary to retain the old wreck and salvage legislation for the time being pending an Australia-wide review of this law by the marine and port councils of Australia.

New wreck and salvage legislation is expected to be available in about 2 years to be applied on a uniform basis throughout Australia. To allow for ease of administration, the existing provisions have been updated for application within the Northern Territory. At the same time, various penalty provisions have been increased in line with today's monetary values.

Mrs LAWRIE: Mr Chairman, I find it totally unacceptable to put to the committee simply that penalties are to be increased tenfold 'in line with today's monetary values'. One would think that the minister would have provided the committee with a great deal of information as to which particular parts of the Marine Board and Navigation Act of South Australia we are referring. There is intense interest in this Marine Bill. I have certainly referred the principal legislation to a variety of interested parties. But we did not receive amendments to the principal bill early enough to consider them properly. Twenty-four hours is pretty unrealistic for this committee to consider these amendments without any information at all as to which provisions of the South Australian act these penalties are referring. We are asked to increase them tenfold and to simply accept the statement of the minister that it is in line with present monetary values and he is a good fellow so vote for it. I am not saying that we would not vote for it if we knew what we were doing but it is impossible within 24 hours to trace back all this legislation. I deplore the paucity of information put forward to the committee by the minister.

Amendment agreed to.

Schedule, as amended, agreed to.

Postponed clause 97 and amendment 57.30:

Mr DONDAS: Mr Chairman, I seek leave to withdraw amendment 57.30 and then move amendment 58.1 relating to that clause.

Leave granted.

Mr DONDAS: I move amendment 58.1.

This picks up the point that the members for Sanderson and Nightcliff made. It will now read: 'omit from subclause (1) an unsafe ship and substitute a vessel'.

Mrs LAWRIE: I think the minister means 'omit from subclause (1) "an unsafe ship" and substitute "a vessel" where occurring'. It occurs twice. Clause 97 (1) reads: 'A person shall not send an unsafe ship to sea knowing it to be an unsafe ship'. Subclause (2) reads: 'The master of a vessel shall not take it to sea knowing it to be an unsafe ship'. We are now amending subclause (1) by omitting 'unsafe ship' and substituting 'vessel'. What we are trying to do is to say a person shall not send to sea and a master shall not take to sea something which is unsafe. I want to be quite sure that the minister is well aware that, when he amends one of these subclauses either way, he will obtain a result which is in accord with other legislation and will not bring this legislation into disrepute. The problem has been that we have considered (1) and (2) separately. I am quite happy to accept the amendment to subclause (1) which substitutes 'a vessel' for 'an unsafe ship'. I point out that it occurs twice. In his amendment, he should make it quite clear whether it is first occurring, second occurring or both instances.

Mr DONDAS: The amendment refers to the first occurrence.

Mrs LAWRIE: It does not say so. I ask the Chair to accept a formal amendment to insert at the end of his amendment the words 'first occurring'.

Mr CHAIRMAN: I will accept that as a formal amendment. The amendment will now read: 'Omit from subclause (1) "an unsafe ship" (first occurring) and substitute "a vessel".

Mr DOOLAN: I would like to point out that there is only one type of vessel which is entitled to be called a ship. I refer you to Kings Rules and Admiralty Regulations. It is a four-masted barque, square-rigged on all 4 masts. I ask you to ask the Clerk who is an ex-member of the Navy.

Amendment agreed to.

Clause 97, as amended, agreed to.

Postponed clause 138 and amendment 57.38:

Mr DONDAS: In relation to amendment 57.38, the honourable member for Nightcliff raised a question about the 6 months. The amendment provides 6 months notice only and action will be taken after 6 months. That is so that the person on whom the notice is served has adequate time to take cognizance of the minister's action.

Mrs LAWRIE: Mr Chairman, when it comes to a condition specified in the notice, I presume that the minister is now saying that the licence holder has 6 months in which to comply with that condition and 6 months to vary in the manner specified in the notice the conditions to which the licence is subject. However, the cancellation should have nothing to do with the 6 months period of grace. The amendment inserts: 'by 6 months notice served on the holder of a general licence'. That will then relate to paragraphs (a), (b) and (c). Paragraph (a) refers to cancellation of the licence and therefore I felt it somewhat difficult to comprehend. If a licensee is in such breach of conditions that his licence should be cancelled, why should there be 6 months grace. I accept that the period of grace should refer to paragraphs (b) and (c) but I cannot see the logic in applying it to (a). That is the specific question that I would like to see answered by the minister.

Mr DONDAS: I would have thought it would be reasonable to give a person, who had held a licence for 5 years, 6 months notice to get his effects in order to avoid cancellation of his licence. Normally, the member for Nightcliff is bashing this side of the Assembly for not taking into consideration the various terms and conditions that are imposed on people, especially in regulations. In this case, because a licence can be fixed for a long term, it was thought this amendment in giving a person 6 months notice to get his house in order was sufficient.

Mrs LAWRIE: Mr Chairman, I will just read out to the committee how this clause will read if the amendment is carried: 'The minister may, if in his opinion it is necessary or desirable in the public interest to do so, by 6 months notice served on the holder of a general licence, cancel the licence, vary in the manner specified in the notice any conditions to which the licence is subject, or impose in respect of the licence the conditions specified in the notice. The notice in subsection (1) shall set out the reasons for the actions specified and, if it has been cancelled, require the surrender of the licence'. I am not quarrelling with the intent of this amendment other than the fact it would seem to limit the power of the minister if the licence required cancellation because of gross breach of its conditions. It appears

to limit him in that it cannot be cancelled until the expiration of 6 months because the 6 months period relates to the entire clause and not just to (b) and (c).

Mr DONDAS: Mr Chairman, I take the member for Nightcliff's point. It says that the minister may give 6 months notice. If there is a definite breach to the act, I may not give 6 months notice.

Amendment agreed to.

Clause 138, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Mr DONDAS (Transport and Works): Mr Speaker, I rise in the third reading to apologise to the Assembly for not responding to members queries in my reply closing the debate. I do not usually make too many errors regarding the Notice Paper but today I did miss it. I was well prepared to advise members. I will take the opportunity to provide them with the information that I have in relation to the queries as outlined in their second-reading speeches.

Motion agreed to; bill read a third time.

NORTHERN TERRITORY DISASTERS AMENDMENT BILL
(Serial 122)

Continued from 10 June 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the amendments to the Northern Territory Disasters Act and support is made easier by the amendments circulated by the Chief Minister. A number of features of the bill which I considered inappropriate have now been sorted out.

In his address to the Assembly, the Chief Minister said that, as a result of Cyclone Max, certain problems arose and some deficiencies were detected and this bill is to ameliorate those difficulties. Frankly, I do not think that is really correct. I think perhaps it is a reasonable excuse to introduce this legislation. However, having made that comment, I believe that the amendments introduced will make the Disasters Council a more effective organisation.

This legislation will reduce the number of specific appointments under the Northern Territory Diasasters Act, but it will also give the minister the power to appoint an unlimited number of additional members to the council. Although it is true, as the Chief Minister said, that it will reduce the composition of the council to a core of 5, if members care to look at subclause (4)(f) they will notice that the minister is given the power to appoint such other members as he desires. I suggest to the Chief Minister that, in pursuance of subclause (4)(f), he give consideration to ensuring that one of those appointed is a representative of local government. Perhaps he could be an appointee of the Northern Territory Local Government Association. I believe it was useful when the Chief Minister was making public announcements at the time of Cyclone Max that the Lord Mayor of Darwin was also able to give useful advice and add the authority of that position. I think it was helpful to members of the community. So I suggest, though not necessarily by specific amendment, that the Chief Minister ensure that one of the people that he appoints under subclause (4)(f) be a representative of the Northern Territory Local Government Association.

One matter which did concern me was the proposed new part VIA which sought to insert 2 new clauses, 23A and 23B, which allow the declaration of a state of emergency and give the Territory Co-ordinator certain powers during a state of emergency. A state of emergency could continue for 7 days unless earlier revoked by the minister. In terms of the rights and powers which the Territory Co-ordinator may have, it seemed to me that, if people's goods were seized because they were causing a problem, there were no provisions for those people to achieve or obtain compensation. The Chief Minister has circulated an amendment schedule which in fact deals with those 2 points. One is to reduce the period of force that the state of emergency has from 7 days to 2 days and the other to insert what I regard as quite reasonable compensation provisions. It would seem that the amendments proposed by the Chief Minister ameliorate both the criticisms I made.

I make this final observation. In terms of the people involved in Cyclone Max and in terms of disasters generally in the Territory, there is a great need to marry local knowledge and expertise. I am confident, for example, that the officers of the defence forces played a very useful role in the aftermath of natural disasters which have occurred in my time in the Territory - after Tracy, Max and in other times of emergency. I hope that that assistance and that expertise will be available to the Northern Territory Disasters Council.

With those comments, Mr Speaker, the opposition supports the bill.

Mr HARRIS (Port Darwin): Mr Speaker, I would like to speak in support of the bill. We must have an effective emergency system. I believe that this is one type of operation that from time to time we will need. So much depends on the actual circumstances, what type of disaster it is, where and when it takes place and the nature of it. It was quite clear after Cyclone Max that, because of the circumstances, there were a number of problems, particularly with communications. At the beginning of Cyclone Max I think everyone in Darwin was on the telephone. Whether parents were trying to contact schools or whether people were trying to contact one another in their offices I do not know, but there was an overload on the telephone system which caused much distress. This was complicated somewhat by people from south trying to get in touch with relatives and friends in Darwin. Of course, when communications break down people tend to panic. I understand that it was an internal problem with Telecom and that this matter has been straightened out but it is one area where improvements to the system could be effected.

During a time of pending disaster, the media has a very important part to play. The media, specifically the television and radio stations, should be congratulated on its effort during the cyclone. People received a lot of comfort from the stations being on the air all the time.

There were problems associated with reports being played over the radio. Sometimes reports were not forthcoming. The only way that people could find out what was going on was to listen to the radio continuously. I think this is another area which can be improved on. Often first-hand experience of a disaster draws attention to areas that can be improved. That is one of the reasons for these amendments.

One point I would like to raise is in relation to the standard of houses in Darwin. We require our people to pay considerable sums of money to build houses to a very strict code that will stand winds that are likely to be experienced in cyclones. I believe that we should try, wherever possible, to encourage people to stay in those houses. I am aware that anyone who experienced Cyclone Tracy would perhaps doubt that any building could withstand a similar force. I am not saying that we should force people to leave their houses and

go to shelters or that we force them to stay in the houses. What I am saying is that we should try to encourage people, wherever possible, to remain in their houses if they are built to the required standard. Again, I am stressing that we do not force people to stay in them if they do not wish to.

These amendments are the result of recommendations made following Cyclone Max. The recommendations were made by people who have had experience in the emergency services area. The whole exercise is aimed at improving the existing system. Any move that will improve the operation of our emergency services and improve the safety of our people should be supported.

Mrs LAWRIE (Nightcliff): Mr Speaker, while appreciating that this legislation is likely to pass in its proposed amended form, I must still say that, having been through a couple of cyclones, the vast majority of people have a most reasonable outlook on what precautions to take given an impending cyclone. We talk about cyclones because, at least in the Top End, they are the more predictable of the various natural disasters which could befall us.

I agree with the comments of the Chief Minister that, the smaller the counter disaster council is, the more likelihood of its being able to act with decision and with promptitude. Indeed, a core of 5 persons seems reasonable. I just put forward the thought which I hold very strongly on behalf of my constituents that people by and large do not need to be shepherded like sheep or told what to do. With reasonable pre-cyclone season publicity as to what is necessary, desirable and expected, given a certain set of circumstances, the people of Darwin have demonstrated quite clearly that they can behave logically and with a minimum of distress to their fellow citizens.

The member for Port Darwin spoke of the broadcasts during Cyclone Max. Seeing as he has mentioned a small criticism that he had, may I also say that I thought that the continuation of radio and television broadcasts was of solace to a number of people. But they only continued while the power supply remained operative. Continued exhortations to find a place of shelter were put across in such a way that people who were living in strong shelters thought it was a direction to leave them and go to one of the designated shelters, which in my electorate included Nightcliff High School which very rapidly became overcrowded.

Cyclone Max took quite a while to develop to any great intensity. I was standing in the street during the heavy rain, watching traffic flash along Nightcliff Road to the school. A couple of cars saw me and pulled up and asked if that was the direction for Nightcliff High School as the radio broadcasts were telling them to leave their homes. It was a misunderstanding because of the way in which the news was presented.

I agree with the member for Port Darwin that, if one's structure has been built to the cyclone standard or there is a cyclone shelter in the house, one is better to remain at home rather than go to one of the designated shelters which have to cater for the less fortunate person whose dwelling is less robust. There are lessons to be learnt from every disaster but to me that was the outstanding lesson from Cyclone Max. My feelings about the common sense of the majority of the populace were reinforced at that time.

I notice that we are giving power to people to ask others to vacate premises. I think all members will agree that, when it comes to telling people to leave their private premises, they very well may object and, in some cases, no amount of legislation will get people out of their own homes because of their feelings of ownership and the debacle which occurred after Cyclone Tracy where we had people replanning entire subdivisions and telling some that their houses

were now in the middle of a green belt. These feelings take a long while to dissipate. People in Darwin who went through Cyclone Tracy and its aftermath are more inclined to stay put because they feel possession is 9 parts of the law.

I hope that, in consideration of the planning for any future disaster, the Chief Minister and the Director of Emergency Services will bear in mind the comments made in this Assembly. People are not likely to obey orders, no matter how well meant, unless they are seen to be reasonable.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, like most members, I have learnt much as a result of the 2 cyclones that I have experienced: Cylone Tracy and Cyclone Max. Cylone Tracy impressed itself on the thinking and feeling of everybody who was here at the time. The main thing that I have learnt from that was that there was one thing greatly neglected in the aftermath of the cyclone. Financial resources were unlimited to help people rehabilitate but one thing that was completely neglected was the use of the resources of people who were going to remain here regardless of everything and those who perhaps had nowhere to go. If people are called upon in an emergency, it has been my experience that the best always come forward. This was greatly neglected in the first serious cyclone that Darwin had experienced. If people's resources had been called on to a much greater extent than they were, there would have been a much greater rehabilitation of Darwin people, especially the families and small children.

I did not have any unfortunate experience myself but I was in fear and trembling every day with regard to the forces of law and order that were visited upon us from other places in Australia. After the cyclone, I had the care of many dogs and cats belonging to people and I was in fear and trembling every day that those animals would be destroyed by the forces of law and order that had come from other places. I could not have done anything myself; I had no firearms and it would have been very unwise of me to use them if I had. I could have probably saved one or two by holding them.

In any future emergency, my recommendation would be that people's resources should not be neglected and all measures be taken to ensure that the forces of law and order are Northern Territory people. If they have to be recruited from other places, they should definitely be under the control of Northern Territory forces of law and order.

I think that there was an over-reaction after Cyclone Tracy. I suppose it was understandable at the time because nothing like that had happened since about 1937 and people's memories dim over the years. I think that, with legislation like this before us, we will always be prepared.

Cyclone Max had nowhere near the intensity of the previous cyclone. However, I think a clear order of command has to be established. Cyclone shelters are usually schools so whether it is somebody associated with the school or whether it is a member of the Norther Territory police force, it must be clearly understood that those people are in control of the situation for the good of everybody.

There is a certain group of people in an emergency like this who have to be protected for their own good and probably for the good of the community. But in protecting them, certain difficulties may arise. I am talking about the people who have taken their own measures to ride out the cyclone, and may be a little inebriated, to put it politely. These people must be protected but I think special consideration must be given to where they are placed in a community cyclone shelter, should they decide to seek shelter there. Not only

their feelings have to be considered but also the convenience of all the people in that particular shelter.

I think this legislation is desirable in that, when it is in operation, we will always have a skeleton organisation prepared but no so over-organised with equipment, resources and manpower that it needs an army to maintain it.

Before Cyclone Tracy, when the civil defence organisation started, everybody was very keen and went to lectures and certain community manoeuvres that were held. Everybody was very keen. But when no emergency occurred, the public lost interest and became a little blase about the whole concept. This may have contributed a little to the slightly blase attitude that people adopted at the onset of Cyclone Tracy.

I think it is far better to have a skeletal organisation like this Northern Territory disasters council ready to swing into action at the right time with knowledge and experience of other places and other times behind it.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 56.1.

As the proposed section 23A now stands, it would seem that the minister would have to have some foreknoweldge that existing governmental statutory or municipal services in the area would not be able to cope with the impending emergency prior to declaring a state of emergency. The amendment will permit the minister to declare a state of emergency when he believes that, where there is a pending disaster, extraordinary measures are necessary or advisable to protect life or property without having to isolate which particular services would be unable to cope.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 56.2.

This amendment affects the proposed section 23A(2)(b) by reducing the period within which a declaration of a state of emergency stays in force from 7 days to 2 days. It is felt that a state of emergency should only be declared in the most threatening of situations and it is anticipated that the impending disaster will either have dissipated or struck within the 2-day period. I suppose it could be renewed if need be.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 56.3.

This amendment, for uniformity and certainty, conforms as far as is appropriate the powers contained in the proposed clause 23B to those found in section 22(1) of the Northern Territory Disasters Act relating to the special powers available during a state of disaster.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 56.4.

This amendment adds a new subsection to the proposed section 23B to comply with the provisions in section 50 of the Northern Territory (Self-Government) Act which does not permit this Assembly to make laws with respect to acquisition of property otherwise than upon just terms.

Amendment agreed to.

Clause 8, as amended, agreed to.

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

Bill passed remaining stages without debate.

STATEMENT
Draft Criminal Code

Continued from 4 March 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the Draft Criminal Code and the attached statements by the Chief Minister are welcomed by this side of the Assembly. The amount of time the Chief Minister has given is a recognition that a document of such magnitude and of such importance to the community ought to be given as much consideration as possible.

Before I go to the question of whether or not we should have a criminal code and delve into some of the clauses contained in the draft, perhaps it is worth while for me to put again to the Chief Minister a number of proposals which I believe would assist in the general understanding and make for a better criminal code for the Northern Territory.

I have already put it to the government during the last week that an appropriate exercise would be for this Assembly to revert to a committee of the whole and set aside at least 2 days to go through the code part by part and section by section. I put that proposal to the government on the grounds that I stated earlier.

Secondly, I think it would assist members of this Assembly and other interested people in the community if a document such as a green paper were prepared which explained each of the sections of the Draft Criminal Code, their origin, whether or not they restate existing common law or statute law, whether they are innovations and what their derivations may be. I went through the Draft Criminal Code with a group of legal practitioners in this area. I found that it became difficult determining where the new proposals fitted in with the existing law. I believe that a green paper setting out the details would assist very greatly in understanding and offering constructive criticism of the Draft Criminal Code.

The purpose of a criminal code is to replace the existing common law and statute law offences. It is not the purpose of a criminal code simply to be a consolidation of existing statute law. We already have a Criminal Law Consolidation Act. The purpose of establishing a criminal code is to replace all existing law-based statutes and common law by a single document. I refer honourable members to the Western Australian Criminal Code for an example. Section 4 of that criminal code is quite explicit that the Western Australian Criminal Code replaces any unstated law. To be convicted of an offence in Western Australia, one has to have committed an offence either against an existing law of the state or the criminal code itself. It replaces the unstated common law.

Perhaps it may be of use if I read the section to the Assembly:

> *No person shall be liable to be tried or punished in Western Australia for an indictable offence except under the express provisions of the code, or some other statute law of Western Australia, or under the express provision of some statute of the Commonwealth of Australia or of the United Kingdom which is expressly applied to Western Australia or which is in force in all parts of His Majesty's dominions and not expressly excepted from this operation or which authorises the trial and punishment in Western Australia of offenders who have at places not in Western Australia committed offences against the laws of the Commonwealth of Australia or the United Kingdom.*

That spells out my understanding of what criminal codes do. They remove any of the vagaries which may exist in the common law and state all law with regard to criminal offences. As I read this Draft Criminal Code, such a section does not exist and that raises the first question which I put to the Attorney-General. Is the Draft Criminal Code expected to replace the common law, as occurs in other code states, or is it merely a consolidation of existing law? I believe the intention is to replace the common law. If that is the case, it ought to state it.

The opposition believes that the codification of criminal law is a useful and appropriate thing to have in the Northern Territory. Having said that, one then has to grapple with the code as presented to us. There are a number of problems raised by the code as presented. The first problem is that, in many cases, the code introduces new concepts and terminologies which have not been judicially tested and which know no judicial precedent. Because of the vastness of the code - I think it now has 386 sections - it means that very often members will not know what the existing state of law is. In some cases, just a few words have been omitted but, where those omissions have occurred, it seems to affect the concepts involved. In some cases, the government has embarked upon innovations and, I believe, they ought to be pointed out, flagged if you like, so that people are aware of those innovations. In other cases, innovations have been instituted which, I am afraid, stand the common law on its head. Where that occurs, those ought to be flagged and made clear to the public as well. One ought not to simply say that, because the common law has been there for years, it ought to remain but, where it is turned on its head, burdens of proof, for example, are reversed. Those matters ought to be debated fully and we ought not to make those about-turns without a good deal of consideration and also judicial consideration. In addition, there is the matter of phrases and concepts which are old-fashioned and out of date. It is a question of whether or not they ought to be continued in this exercise of updating the criminal law.

Although I have not given examples of those matters that I have been enumerating to date - and I will be going through certain sections and highlighting some of those matters - in respect of this question of concepts that may be out of date, I simply refer the minister to the term 'hard labour'. I do not know that 'hard labour' exists in any Northern Territory prisons. If it is related to anything, it is certainly not related to breaking rocks. It seems to be related more to diet. I suggest to the Chief Minister that perhaps the term 'hard labour' may well be omitted.

I would like to refer to the level of penalty. For some things, the government has retained penalties but, for other things, the penalties have been dramatically changed. It is not always easy to compare line by line existing legislation with proposals contained in the Draft Criminal Code. I give one example for members to ponder: the question of serious assault.

Clause 70 of the code says: 'A person who resists or obstructs a member of the Police Force acting in the execution of his duty . . . is guilty of an offence. Penalty - imprisonment for 5 years with hard labour'. Members may think that that is an appropriate maximum penalty. It is just that the current provision in the Police Administration Act - section 158 I think it is - has the same offence. The penalty under the existing legislation, which is not old-fashioned legislation - it was passed in 1979 I think - is $1,000 or 6 months imprisonment. That is another complexity which members will have to grapple with.

Given those sorts of genuine problems, it seems to me it would be useful if the government were to publish an explanatory memorandum which went through the provisions of the Draft Criminal Code, set out the areas where innovations are being made and set out the origins of the proposals being put so that people would be able to understand what the new code is about and how it will affect people.

Mr Speaker, I would like to now go through some of the particular provisions of the Draft Criminal Code. Other members of the opposition will be applying their minds to individual sections which interest them. I would like to turn to clause 49 which relates to intoxication. This is one clause where the common law as it exists in Australia has been turned on its head. The Chief Minister referred to this particular clause in his speech to the Assembly in March of this year. He referred to O'Connor's case which was decided in the High Court of Australia in 1980 by a bare majority of 4 to 3. By a bare majority of 4 to 3, the current provisions of the common law were retained, and those provisions have been in existence in Australia for many years.

The Chief Minister said in his speech that his government preferred the attitude of the House of Lords in Majewski's case of 1976. I suppose it is a case of which way you want to go on that. But it seems to me that, given the state of law in Australia and the provisions in other criminal codes in Australia, we ought not overturn the criminal law by this most important clause just at the stroke of a pen. I also do not think that we ought to do it by simply saying, as the Chief Minister said, 'Given the current drink and drugs problem in the Territory, the dangers of the High Court decision are self-evident'. I do not think that I would have referred to a High Court decision as posing dangers anywhere. They certainly have not posed too many dangers to the Northern Territory or Australia in the past.

Clause 49 says: '(1) Subject to subsection (2) and section 48(1) intoxication or stupefaction resulting from the use of intoxicating liquor, a drug or any other thing is not a defence to a prosecution for an offence against a law in force in the Territory, and shall not be taken into account in determining whether an intention to cause a result existed or a thing or circumstance was known'. It seems to me that, in the Northern Territory, this clause is particularly relevant. Where the question of intention is important, as indeed it is with regard to the crime of murder - members might care to look at clause 80 - it seems to me that one ought not remove the provision relating to intoxication lightly. I can think of many occasions in the Territory where the involvement of alcohol has been critical in the prosecution lessening its charge from murder to manslaughter. That has certainly been the case for many Aboriginal people.

I believe that the common law as it stands, whereby the involvement of alcohol can be taken into account with regard to whether or not the intention of a person was to kill someone, is important and especially relevant in the Territory. This is quite contrary to what the Chief Minister says.

If one looks at the other codes, and in particular I have referred to that of Western Australia, there is a provision that upholds the point that I am making. It is in section 22 of the Western Australia Criminal Code. I believe it is a matter of law which has been recently determined in Australia at the level of the High Court in O'Connor's case. It ought to be retained in Northern Territory law.

It occurs to me that, if the government is concerned that, since 1968 or 1969, there have not been any convictions for murder in the Territory and considers that somehow or other the law has stood in the way of that, then the government might apply its mind to the concept of having degrees of murder rather than the simple crime of murder followed by the lesser offence of manslaughter. There is some merit in examining whether or not degrees of murder should be considered. From a person who single-mindedly and cold-bloodedly sets out to kill somebody, there are degrees down. I am sure all members can apply their mind to that.

If it irks the government and certainly the Department of Law, it may be that consideration ought to be given to degrees of murder rather than the removal of the provision dealing with the impact of intoxication on a person's intentions. I do not believe clause 49 as it stands ought to be the law of the Northern Territory. I think that the law of Western Australia, the common law as established by the recent High Court decision, ought to prevail in the Northern Territory.

Lest it be thought that clause 83 - diminished responsibility - overcomes the problem of clause 49, upon reading clause 83 it appears that diminished responsibility may well provide another escape. It seems quite clear from what the Chief Minister said in his speech that he does not intend it to do so. It is also quite clear from the origin of the proposed clause 83 in the criminal code - it comes from Western Australia - that a state of abnormality of mind, which may affect a person's capacity to understand what he was doing, his capacity to control his actions, his capacity to know that he ought not to perform the act or make the omission, refers more to a diseased mind or a mind affected by an impairment or whatever. It does not relate to stupefaction or intoxication.

Another clause which appears to turn the common law on its head is clause 82, relating to provocation. That is a clause which has particular current interest given a recent case in Adelaide where a woman was found guilty of murder. She struck her husband with an axe as a result of his actions involving their children over a long period of time. Provocation is a most important matter; it is a matter which is on many people's minds as a result of that particular incident.

When provocation is raised as a defence in a murder trial, the onus rests with the prosecution to negate that provocation existed. Under clause 54(2) of the Draft Criminal Code proposed by the government, where provocation is concerned or is raised, the onus of proof is on the accused to show that provocation exists on the balance of probability. As I understand the law as it stands, the burden of proof, once raised, rests with the prosecution to negate provocation to enable a conviction for murder.

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

Mr B. COLLINS (Arnhem): Mr Speaker, I move that an extension of time be granted to the Leader of the Opposition.

Motion agreed to.

956.829—18

Mr ISAACS: Again, as I see it, the common law has been turned on its head for no apparent reason and with no explanation.

I raise also with the Attorney-General the question of whether or not provocation extends to the racial characteristics of a person in mitigation. I refer members to clause 82(3) which states that a person is provoked if he first acts in accordance with certain characteristics which demonstrate self-control but is then deprived of the power of self-control. Recently there was a case in the High Court - I think it is referred to as Moffa's case - where racial characteristics were included as a defence of provocation. Clause 82(3) says: 'Anything done or said may be provocation if - (a) in the circumstances of the case it was sufficient to deprive a person having the power of self-control of an ordinary person, but otherwise having the characteristics of the offender, of the power of self-control; and (b) it did in fact deprive the offender of the power of self-control and thereby induced him to commit the act or make the omission that caused the death or constituted the attempt'. If that includes racial characteristics and that is an accepted judicial determination, then I would be happy, but it seems to me that the simple insertion of 'racial characteristics' may well overcome my difficulty.

Clause 297 relates to medical examinations. I am very pleased to see what the government has done here. This occurs already in the Police Administration Act. The government has taken up the recommendations of the Law Reform Commission. It is important that, where a medical or dental examination of a person held in custody has to be conducted, a dentist or a medical practitioner of the accused's choice is able to be present when the examination takes place. I think that is a most worthwhile inclusion. Having recognised that, it is also worth while to recognise that a person ought to have access to his lawyer. It is true that, in the Police Standing Orders, there is a requirement to ask a person held in custody if he wishes to have his lawyer present. I believe that that kind of right, as it applies to medical practitioners and dentists, ought similiarly to be applied to a person's lawyer as well. The Draft Criminal Code ought to enable a person to have his lawyer present any time he is being questioned by police.

Clause 297(11)(b) enables the court to exclude evidence obtained through force or inhumane treatment. It seems to me that it would be better worded if it read: 'Nothing in this section shall be taken to affect the power of the court to exclude evidence unfairly obtained'. It seems to me that there are other means of obtaining evidence unfairly other than through force or inhumane treatment.

I am very pleased to see, in clause 294(3), the innovation by the government that a policeman must give his name and address when so requested by a person whom he is questioning. We have been saying for some time that police should wear numbers or name tags to identify themselves. It is a very pleasing innovation: 'Where a member of the police force who makes a request under subsection (1) is requested by the person to furnish to the person the member's name, or the address of his place of duty, or both, the member - (a) shall not refuse or fail to comply with the request; (b) shall not furnish to the person a name that is false in a material particular; and (c) shall not furnish to the person as the address of his place of duty an address other than the correct address of his ordinary place of duty'. That is an important innovation and certainly I welcome it.

I note that, by clause 299, the police must destroy any prints or photographs taken after 12 months when action is not pursued. I note the difference between that provision of automatic destruction by the police and the provision which the government introduced some time ago in relation to public drunkenness

whereby the person who had had his fingerprints taken had to apply to the police to have them destroyed. I believe that the provisions of the Draft Criminal Code ought to be applied in that case if the government is to pursue that.

There are a number of strange definitions such as those for 'riot' and 'affray'. As I understand it, riot refers to demolition of property where there is alarm involved. Watson and Parnell, the accepted text on the New South Wales criminal law, refers to riot as meaning 'demolition of property and alarm'. The Western Australian code talks about 'tumultuous concern'. The definition of 'riot' in the Draft Criminal Code seems to be very much wider than that and I do not think it is an appropriate definition of 'riot' at all. I think the same could be said of the definition of 'affray' in clause 232. Again, I would refer the Chief Minister to the Western Australian Criminal Code for what I believe is a more acceptable definition.

Clause 93 relates to carnal knowledge. I note that the offence of carnal knowledge draws the same penalty as the offence of sexual assault. I am not sure that is a normal thing in any jurisdiction around Australia. As hideous as the offence of carnal knowledge is, in terms of gradations of offences, rape tends to have a higher penalty than carnal knowledge. Secondly, there is no qualification in the carnal knowledge provisions relating to where the person committing the offence believed, on reasonable grounds, that the victim was over the age of 16. That is a provision both at common law and in the Western Australian code. Thirdly, it does not refer to any age differential about which members on this side have spoken and which is referred to in the Western Australian code. I believe that the provisions relating to carnal knowledge are deficient.

Clause 140 relates to advertising rewards for return of goods stolen or lost. It reads: 'A person who, by public advertisement, advertises a reward for return of stolen goods or goods which have been lost, using any words to the effect that no questions will be asked, or that the person producing the goods will be safe from apprehension or inquiry, or that money paid for the purchase of the goods or advanced by way of loan on them will be repaid, or a person who prints or publishes such an advertisement, is guilty of an offence. Penalty: $200'.

I raised it because of 2 such advertisements in the NT News of 6 August 1981. When you read them, you realise how silly this particular provision is: 'Removed outboard 15 hp Suzuki Ludmilla Saturday - Reward Ring John . . . no questions asked for recovery'. That is quite a major theft. Cop this one: 'Lost lady's brown crocodile skin wallet containing money and gold DuPont biro. Please keep the money as reward return biro to PO Box . . . Darwin. No questions asked, sentimental value'. A fine of $200 will really make a mockery of the law if that kind of thing is retained.

Finally, I refer members to clause 221 of the Draft Criminal Code which relates to offences for disturbing the Legislative Assembly: 'A person who knowingly - (a) disturbs the Legislative Assembly while it is in session; or (b) engages in conduct in the immediate view and presence of the Legislative Assembly while it is in session which tends to interrupt its proceedings, or to impair the respect due to its authority, is guilty of an offence. Penalty: Imprisonment for 3 years, with hard labour'. That is the particular clause to which I wish to refer.

I am not quite certain what is meant by 'a person who knowingly engages in conduct in the immediate view and presence of the Legislative Assembly while it is in session which tends to impair the respect due to its authority'. I

recall a pretty famous demonstration outside this place some 3 years ago where members of the community had some placards which did not exactly hold this Assembly in the greatest of respect. It seems to me that members of the public are entitled to make comments about the Chief Minister, the Leader of the Opposition or whoever. It may well be that this particular provision could be used in an intimidatory way to stop that kind of free expression. It may be that the words 'impair the respect due to its authority' have a specific meaning. I know that that is the phraseology in the Western Australian Criminal Code. It seems to me that that clause ought to be looked at because it probably goes beyond what is acceptable.

Mr Speaker, I touched on just a few of the matters that I wanted to speak about. There are many more that I would want to speak about but, due to the limitation of time, I am unable to do so. I repeat the proposal I put earlier that there should be an explanatory memorandum published by the government on the Draft Criminal Code explaining the origin of the provisions and the deviations from current law. This Assembly should then be given an opportunity, after studying that memorandum, to come back and examine clause by clause the provisions of the Draft Criminal Code to ensure that it does reflect the sorts of values that we want and that it is in accord with accepted legal practice around Australia so that it is in fact a criminal code replacing common law provisions. In that way, we will have one document containing the criminal offences which apply in the Northern Territory.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, it goes without saying that this is a very important document. I am grateful for the opportunity to say a few words on it. I am afraid that I have more questions than suggestions, which is due to my lack of experience. But I am willing to learn and hopefully the contribution that I make will be of some value.

On page 4, the term 'intention' interests me. I hope that, in the process of interpreting this, at least some action to demonstrate there was an intention does take place. But, I am reminded of the latin phrase: 'cogitationis poenam nemo patitur'. It translates: 'The thoughts and intentions of men are not punishable'. Somebody has added: 'For the Devil himself knoweth not the mind of man'. I think that is important in the interpretation of 'intention'. At least some action should be there to help demonstrate that there was indeed an intention.

Clause 22 states that an accessory to a crime will be treated in the same way as the person who actually committed the crime. That may seem a little harsh but it will act as a deterrent. I remember instances where children stole pushbikes, painted them and swapped wheels and bits and pieces around. The parents knew that those bikes were stolen by their kids but the parents deliberately denied any knowledge. That is just one simple case. This provision will be a deterrent to people who act as accessories after the fact.

I was very interested in the way in which the term 'penalty' was put; for example, 'Penalty: 10 years with hard labour'. It made me think twice when I saw that penalty for stealing and I decided to be very careful about pirating drawing pins from my colleague, the member for Stuart. It is not until you read clause 370 that you realise that that is a maximum penalty and that the courts have considerable freedom to alter the penalty depending on the particular case.

This prompts me to suggest the possibility of minimum sentences. Apparently, parliaments do not like to put that upon the judiciary. They like to give as much freedom as the judiciary wants. Quite a few people whom I have discussed this matter with have suggested that there should be some minimum penalty. I

might just toss into the ring that, when someone is guilty of a serious crime such as murder - and of course manslaughter is the next in that grade - then the minimum that he can receive should be the maximum for the lesser charge, namely, manslaughter. I agree with the Leader of the Opposition that at least some thought should be given to the possibility of having various degrees of murder. I believe there are situations which could be taken on board in the same vein; that is, the minimum sentence for a serious crime should be no less than the maximum for the one below it.

I turn to clause 48. I suppose it is very difficult to define the terms 'mental disease', 'natural mental infirmity' and 'automatism'. I think it is important that, if it is possible to define terms, the members of this Assembly should know what they mean as clearly as possible. We are making the laws and we should have a clear idea of how they are likely to be interpreted by the courts.

Clause 48(3) raises a question. It is probably just a question of law. How can a judge or jury determine that a delusion actually occurred? The term 'balance of probability' is used in the draft and I suppose that is the only way a judgment can be made. But I do have some difficulty with it.

Clause 49 states that drunkenness is not a defence. That seems to be totally nullified by clause 48(1). I do have considerable difficulty in interpreting clauses 48(1) and 49(1). I feel fairly strongly that drunkenness should be an offence. To me it is a form of insanity even though it is being done by the individual of his own free will. In looking at these 2 clauses and pondering over them, it would seem to me that, if you get properly drunk, you have some sort of defence, but if you are just half drunk, you are in a dangerous situation and your drunkenness may not be considered a defence. It seems to me to be vague. I am willing to learn. I would be delighted for someone to explain the difficulties there.

Clause 50 deals with the age that children are deemed to be not responsible unless it is proven that they are aware of their action or their omission. What is acceptable proof? No doubt it is a question of law.

I commend the spelling out of the duty of parents in clause 62. I question the 16-years age limit. I suppose any thinking parents continue to care and look after their children for quite a longer time than that. It seems to me that you could put a corollary to that: once a child is 16, then there is no further legal duty on parents. I dislike that particular corollary. Along with responsibility, I believe a certain degree of authority is necessary. I would like to have taken on board some thoughts of ways in which the parental authority, which seems to be attacked in many ways these days, can be supported. If you have the responsibility, you also need the authority. The same applies to teachers in their position. They must have a certain degree of authority.

I question the penalties in clauses 73 and 74. The offence in clause 73 seems worse than the offence in clause 74 and yet the penalties are the other way round. I would ask that that be examined.

In clause 78(2), a 'human being' is defined to be a human being once it has been born. I must confess that I have considerable difficulty with that particular point and I would be very interested to hear what other members have to say about it. In clause 79(d) that very difficult problem raises its head. There have been programs on TV and much literature on this particular issue. The question I would like to ask concerns withdrawal of a life support system;

that is a difficult one. Maybe a minimum time period, the opinion of 2 doctors that there is absolutely no chance of recovery and permission from the next of kin could be taken into consideration. This decision becomes really thorny where there is only one life support system and a second person needs that life support system. If the first person has been on it for a long time, shows no sign of recovery and his condition seems hopeless, what should be done: let the one who could go on it, who may have a chance to recover, have the benefit of that life support system or keep the life support system going for the one who is already on it? That is a difficult question.

I am interested to see at the end of clause 80 that, for murder, the sentence shall be life imprisonment and that sentence cannot be remitted by the court. That is certainly a change from the tendency of the last few years in murder sentences; it is certainly very strong medicine. I believe that it will have a strong deterrent effect. It was reported in the paper a few months ago that, in summing up, an honourable member of the judiciary barely disguised his concern that the jury had found a case to be manslaughter. That concerns me too. It is possibly one of the weaknesses of our system. We live in a day and age where people are not prepared to take the hard decision. They like to take the easy way out. It happens all over and it takes a fair bit of courage to take the harder decision. This is one that could occur. The Leader of the Opposition raised a good point. He said that we should consider the possibility of classifying varying degrees of murder.

In clause 83 I see some problems similar to those raised by clauses 48(1) and 49, the insanity-intoxication conflict I mentioned earlier. I would like that to be considered.

I do not think that we have too many eskimos in the community, Mr Speaker. Clause 88(1)(b) is about a sexual assault by kissing. I do not know whether or not we should consider the possibility of rubbing noses. Clause 94 has been deleted at this stage. It is quite clear to me that there are some people who feel very strongly that there should be a clause relating to sexual assault within marriage. There are also quite a number of people who recoil very strongly indeed from this proposition. I believe these points of view should be considered and respected, even if not agreed with.

To get some perspective, Victoria and South Australia have had rape in marriage legislation for some time now. I believe that there has only been one case of rape in marriage which has led to a conviction so it may not be a thundering great issue to get too wound up about. Although, of course, people do hold strong views about it. There has always been protection for spouses in marriage, Mr Speaker, as you no doubt well know. When I say spouses, I do not just mean wives but husbands as well. Many assault charges have been laid over the years against husbands and wives, but there has always been the alternative of the restraining order. I argued at one stage that a rape in marriage clause would be another tool for breaking up marriage, which I hold to be pretty important. Other members have said to me: 'Look, if someone is going to lay a charge of rape against a husband then there is not much of the marriage left'. I cannot argue very strongly against that. I would like the Assembly to consider the fact that, in marriage, love can turn to hate. No doubt there are instances where the degree of hate is very strong indeed. As the thing stands I can imagine, though maybe I should not suggest it, that someone who is feeling very vindictive might set up a situation and lay a rape charge on her husband. But that can be looked at from both sides. Of course, that would be a way of getting back at that husband and it would make obtaining custody of the children considerably easier. I suggest that protective clauses such as those in South Australia and Victoria might be looked at and incorporated in this bill. I believe that will reduce aggravation by this particular problem.

Throughout the text there is mention of a number of schedules. A greater understanding could be gained by having these schedules. Also, being a person not trained in the law, I find the legal terminology fairly difficult to comprehend. People will not sit down with the Draft Criminal Code and go through it as we have to. Maybe some examples can be given which will help clarify the legislation for them.

Clause 30 is one that comes to mind because I found it rather difficult to understand. I had in my notes that clauses 115(b) and 97(1) tend to contradict one another. Clause 115(b) refers to 'not being a common prostitute' whereas in clause 97 the reputation of a person is not to be taken into account. I notice that that has been deleted in the latest draft.

In clauses 117 and 118, it appears to me to be a little difficult to attempt to procure a miscarriage from a woman or girl 'whether she is pregnant or not'. Words such as 'or attempting to cause' might make the clause a little more sensible.

Clause 119(1)(a) uses the term 'greater risk'. It states that, if 2 doctors are of the opinion that there may be 'greater risk' to the mental health or physical health of the woman, then an abortion may be performed. This is an extremely subjective area. How can you measure the mental anguish or whatever that may occur to a person as a result of an abortion. I certainly would not like to be in a position of trying to make that judgment. I would like the words 'much greater risk' to be considered. I would also like them to be considered in relation to subclauses 119(3) and 119(5).

I have some difficulty with clause 120(4)(a). I find it difficult to comprehend what right a person has to deprive an owner of his property. I thought that perhaps I had not interpreted the definitions clearly. It may be quite simple but I would like it clarified.

I am also concerned about juvenile offenders. House-breaking is a very common offence these days. A tremendous amount of damage can be done to a house. In fact, it is possibly better to leave your house door open so they can walk in. The amount of damage done in breaking doors and windows is rather considerable and often they only take a small amount of money. The police tell me often that after they have spent time capturing these offenders and proving to the court that they have the culprits, they are let off with a warning, and often 2 or 3 warnings, before they are even placed on a bond. I have had enough dealings with teenage children at school to know what sort of things they really have a good laugh about. It makes a mockery of the law. If you can make a mockery of the law at a young age, the temptation to go on to crime in later days must indeed be stronger.

The final clause that concerns me is clause 128. Why is there no clause on the stealing of a motor car without the rider 'with intent to use in the commission of an offence'. This is one of the major crimes which occupy so much of the constabulary's time and which greatly annoy the public. Offenders so often get off scot-free with no recompense to the owner and the courts certainly do not seem to deter the illegal users. I believe that a clause could well be added on the stealing of a motor car.

It is not just a matter of some kids grabbing a motor car and leaving it over the other side of town; in that case, it is easily recovered. If a vehicle is taken out bush, it may not be recovered for days. It could be damaged or even stripped down by people other than those who took it. Often, the people who steal vehicles damage the vehicle or totally destroy it in order to cover their tracks. Possibly, the only recourse the owner has is insurance.

I believe that the penalty should relate to the damage done to the vehicle, the number of days it was missing, the number of man-hours spent, the cost incurred in searching for the vehicle and the distance the vehicle was discovered away from where it was stolen. If any further damage was done by somebody else, the blame should still be laid at the feet of the person who stole it in the first place. We would stop much of this vehicle theft if the law was clear, well known and firm on this matter.

Mr BELL (MacDonnell): Mr Speaker, when I was doing my homework for today's debate, it occurred to me that the Assembly has not really been provided with sufficient information to consider this Draft Criminal Code. If more information were made available, we would be in a position to make more informed comments on it. As the member for Alice Springs said, I too approach this particular code very much as a layman. I have sought comments from a number of people and I have developed some views, but none more strongly than that, if we are taking the step of codifying criminal law in the Northern Territory, we should do so with a full debate on where the code itself has come from. I understand that sections of the code have been taken from a variety of different places. I understand criminal codes operate in Western Australia, Queensland and Tasmania and that the draft we are discussing today owes something to those 3 codes and also the criminal law in other countries.

During the last sittings, the Chief Minister expressed a degree of dissatisfaction at the limited comment that, up to that point, had been expressed about the Draft Criminal Code. I suggest that is just a result of the sheer size of the document and also the technical nature of criminal law in itself. It is a very specialist field of course. The net result has been that the chief discussion seems to have centred on the age of consent provisions, the rape in marriage provisions and the terrorism provisions. It is fairly easy to see why that is the case: they are the subjects that newspapers, radio and television pick up and that people are interested to read about because they have news value. The more technical aspects are not raised but I venture to say that, in years to come, they may be the ones that have the most impact on the lives of people in the Territory. It seems to me that we would be guilty of neglect as parliamentarians if we were not fully informed of the pros and cons of each section of this code. If, in 10 or 20 years time, somebody were to appear before the court and either be convicted or freed on some technicality relating to this, that could be traced back to an inadequate debate in this Assembly. That is something we all ought take very seriously.

The Leader of the Opposition today made a point which I would like to underline: the Draft Criminal Code apparently overturns some common law concepts. I am quite prepared to be corrected on this and learn more about the way criminal law operates, but my understanding is that a criminal code nullifies the operation of common law. In the states where a criminal code does not operate, there are criminal law statutes that operate in conjunction with common law as it has been handed down over centuries. The idea of codifying criminal law is, in fact, a very radical step. I believe that it is something that we should take with a very full debate carried out in possession of as much information as possible, including where clauses of the code come from.

More specifically, I would like to come back to the idea of intention that was mentioned by the Leader of the Oppostion and also by the member for Alice Springs. The member for Alice Springs pointed out an apparent contradication between clauses 48(1) and 49(1) where the insanity provision allows for mental infirmity possibly induced by intoxicating liquor. When he mentioned that, it reminded me of a friend, a barrister in Melbourne, who was acting for a man who was an alcoholic - alcoholic dementia, I think, is the medical term for

his condition. I mention it to satisfy the member for Alice Springs and other people in the Assembly that I do not believe that there is any conflict here. The case itself was quite interesting and not without humour. My friend told me that the offender had killed one of his drinking mates by sitting on his head in order to get some money for some more booze. The defence was pleading alcoholic dementia and, in cross-examination, the defendant was asked: 'You are, in fact, an alcoholic and you in fact have been drinking since 7 o'clock this morning'. The defendant said: 'No, no, no - I have been drinking since 6 o'clock'. When it was time for the jury to depart to consider its verdict, the chap insisted on getting up and making a statement. He said: 'No, I deliberately killed Bert. I meant to sit on his head and I meant to kill him'. In fact, he was found not guilty. The jury came to the conclusion that there could not be intention on the part of somebody who was prepared, in a court of law, to go to that extent to incriminate himself. I hope that is some contribution towards an understanding of the difference between clauses 48(1) and 49(1).

On the matter of intention, the Leader of the Opposition went through the difficulty that, in the case of murder, it is important to prove intention. The intention of the person committing homicide has to be demonstrated. In common law, the position is that a charge of murder can be decreased to a charge of manslaughter if the offender is intoxicated. Clause 49 says that intoxication or stupefaction is not a defence to a prosecution for an offence against the law in force in the Territory and shall not be taken into account in determining whether an intention to cause a result existed. This seriously concerns me, Mr Speaker.

In Alice Springs Gaol, the percentage of Aboriginal people is 85%. Of those 85%, I am told that nearly 100% are in gaol for alcohol-related offences. I think that this question of intention and the effect of alcohol is something that needs to be talked out at much greater length than we have time to do today. Amongst the Pitjantjatjara people and many other Aboriginal groups one of the serious punishments is ritual cuts, often on the thigh. It is possible that, in circumstances involving alcohol and the much more efficient western-type weapons, what was intended as a ritual cut, and by no means intended to cause death, may have resulted in death. I suggest that this Assembly needs to consider that question much more carefully than we are likely to be able to do today.

Another example where common law concepts appear to have been turned on their head is in the matter which I understand criminal lawyers refer to as embarkation. Where 2 or more people embark on a criminal purpose but 1 of them withdraws, I understand that the common law notion is that, if 1 person withdraws, he is not guilty of an offence. The reason for that concept is that it encourages people not to proceed with a criminal purpose. For example, A and B decide one morning that they will rob a bank in Smith Street at midnight. If A decides that he will not go through with it but B goes ahead with it, A is not guilty of an offence whereas B is.

I am quite prepared to be corrected if there is some particular technicality that I have overlooked. However, my general point stands that we need more debate if points like the following can be raised. Clause 21 says that 'where 2 or more persons form a common intention to prosecute an unlawful purpose in conjunction with each other and, in the prosecution of the purpose, an offence is committed of such a nature that its commission was a probable consequence of the prosecution of the purpose, each of them is guilty of the offence'. In the particular example I cited, both A and B go for a row. I think we need more chance to consider that.

Another area that impinges on my constituents fairly strongly is the much discussed clause 93 which relates to the age of consent. It is not the age of consent aspect that I am particularly interested in. The expression 'legally married' is of some concern. In my electorate, there are relatively few families where mum and dad might be deemed to be legally married. It is a source of some embarrassment to Aboriginal people when they receive letters from government agencies asking in whose name a child should be registered when the parents of the child are not married. In many cases, I can imagine circumstances in which a girl could be under 16 and a man might regard her as his wife and she may regard him as her husband. This would be clearly inconsistent with this clause. They would be breaking the law.

I think that I have clearly demonstrated that there is a great deal of discussion and debate which needs to be carried out in this Assembly before we can really be deemed to have done our job in relation to the criminal law. I do not particularly see need for any violent disagreement between the government and the opposition. I see it as a job that we have to do. Because we are paid by the people of the Northern Territory to do the job, we ought to do it well. I suggest that, before the code reaches the stage of being a bill, a more thorough debate needs to be held. Perhaps a special sitting of at least 2 days could be arranged.

Mr LEO (Nhulunbuy): Mr Speaker, when I read this document, I was quite amazed at the number of things one can be penalised for these days. It is incredible; there are laws covering everything. It took quite some wading for me to get through the whole thing. I do not have any particular bent on any particular part of the law. I read through it and chose bits and pieces on which to ask questions.

Clause 4(10)(d) relates to exemptions from assault. I can understand 2 of the exemptions there. I imagine a parent would not like to be charged for biffing a kid. Corporal punishment still exists in schools and teachers do not like to be had up for assault if they swipe at a kid. However, we are in the 1980s and I would have thought that exemption from assault on apprentices is perhaps a little bit archaic.

Clause 84 relates to people who 'omit to prevent a suicide'. The Chief Minister made much of the British legislation in his spiel on terrorism the other day. I would suggest that he reads British legislation on this very important subject. It is perhaps the most extreme form of contempt. There is some very enlightened legislation around the world today dealing with this subject of suicide. Nobody is suggesting euthanasia - perhaps that is going a little too far - but it is a question of whether or not a person has the right to take his own life. It is a very important decision that he takes and whether or not another person or the law should have an obligation to prevent him from taking it is a very important question. I would ask the Chief Minister to look at that and at the British legislation.

I read through the penalties involved for various crimes. The relative penalties for offences against a person and for offences against property do not seem to be just when one considers the crimes involved. I imagine these are only maximum penalties: manslaughter 14 years, theft 10 years and robbery 20 years. There does not seem to be much parity between the offence and the crime committed.

Clause 295 relates to disclosure of information. I was very pleased when I read those words: 'disclosure of information'. I wondered what the rest of the clause meant. It is not a freedom of information bill or anything as enlightened as that. Really it just says that the police have to tell your

wife that you are locked up. I think it would be worth while considering a freedom of information bill. Some people might want to know why they were not on last year's honours list or never made the grade as justice of the peace or something. I think it is reasonable that people can view their police records so that they know that they are not being accused falsely.

In closing, I would like to repeat what the Leader of the Opposition said: to debate this in one afternoon is ludicrous. It cannot be done in any meaningful way. Unless there is more debate on the subject, we will have a bill that will result in amendment schedules twice as thick as the bill itself. We will go through the exercise that we had with the leave bills and the Marine Bill today. This does not do the legislation justice.

Mrs PADGHAM-PURICH (Tiwi): I support this legislation. Its magnitude demands that any remarks must be brief.

The first comment I would like to make is on the definition of 'imitation firearm'. It says: 'an imitation firearm means anything other than a firearm that has the appearance of being a firearm, whether or not it is capable of being discharged'. I would like to point out that an item may not be a firearm or an imitation firearm but it could purport to have the appearance of a firearm and be used as such. We have all seen cops and robbers pictures where the baddie puts his hand in his pocket and sticks his finger through his pocket and the goodie thinks it is a gun. That situation may be regarded facetiously now. It is not a gun or an imitation firearm but, if you were being threatened, you would think it was a gun. That comes up also in the definition of 'offensive weapon' and in other places. I would like consideration to be given to that. Perhaps I am wrong; perhaps it is included as an imitation firearm. I would like it looked at.

The next thing is the interpretation of 'attempt' in clause 30. Other members have spoken of this. In clause 30(2) the word 'may' is used which implies that, if the person voluntarily desists, he 'may' be committed. It seems to me that he should not be charged with the attempt if he has desisted voluntarily. Clause 30(2) seems to indicate that he is liable.

I find some confusion in parts of this legislation which may follow from my earlier training in another discipline. I find clause 33 - attempts to instigate commission of criminal acts - confusing and difficult to understand. It seems that a person in the Northern Territory can be found guilty of something committed in another place. Whether this is justifiable or not, I would like some more thought given to it or to see it expressed more clearly. If a person commits an offence in Victoria, surely he should be indicted in Victoria for it?

Again, in clause 34, dealing with conspiracy, I found some confusion. It is not exactly a chicken-and-egg situation, but something verging on a double take. Clause 34(1)(b) suggests a situation which could be likened to a person being found guilty of conspiring to murder his wife even though he happens to be a widower. I could not quite understand it.

Clause 47, dealing with the presumption of sanity, and clause 49, relating to intoxication, do not seem to be consistent. My view is that the voluntary intake of certain drugs, including alcohol, should not be an excuse for any act that follows. I realise that, while persons are intoxicated, they may not be responsible at that particular time, but they were certainly responsible for drinking before and while they were drinking.

Under clause 52, a person is not responsible for an act or omission committed in obedience to the order of a competent authority. I have no argument with that. I do not think that anybody else would. The only query I have concerns the competent authority. Is there criminal responsibility for an act or omission or does the responsibility end with the person who gave the order?

I agree that, in the community in which we live, one should be careful and generally watch out for the welfare of other people. But I think clause 64 - duty of a person in charge of dangerous things - comes too close to the concept of being one's brother's keeper. It is a good thing to think of other people's well-being but one should also look after one's own welfare and be responsible for it to the best of one's capability. I found a rather odd inclusion in clause 69 - aggravated assault. It really is not anything to do with the assault itself. Clause 69(c) says: '... lawful trade, business or occupation or from buying, selling or otherwise dealing with property intended for sale ...'. I found that rather odd because buying and selling or otherwise dealing with property for sale could also be included in lawful trade or business.

I found the clauses relating to assault-related offences interesting. Although the provisions may appear rather severe to some people, I fully support them because, when one is enclosed in a vehicle or a ship or a plane, one does not have the normal means of protecting oneself. It is a little different to what I said earlier about being one's brother's keeper. In the normal course of events and with modern technology, it is the accepted thing to travel in vehicles and enclosed spaces. A person who does anything to endanger the safety of defenceless people in that situation deserves the full penalty of the law.

Clause 78 deals with homicide. 'Culpable homicide' is defined as meaning killing. Paragraph 78(1)(b) uses the words 'although there may be no intention of causing death or bodily harm'. To me, there seems to be some inconsistency there.

Paragraph 78(1)(d) mentions children under the age of 16. I find the ages of children mentioned throughout the Draft Criminal Code rather confusing. In one case it is 17. In another case it is 16 and in another case it is 14. Whilst realising that there could be valid reasons for these different ages and definitions of 'children', I do not think that it will do anything for the streamlined running of the legislation.

I found a contradication between clause 78(2) and clause 78(2)(a). It says: '(2) For the purposes of this division, a child becomes a human being when it has completely proceeded in a living state from the body of its mother whether or not - (a) it has breathed ...'. I find that rather hard to understand because, if it has proceeded from its mother and it has not breathed, to my scientific way of thinking, it is not living. Perhaps the lawyers think differently.

Clause 79(a) seems to be contradictory. By subclause (b), if a person does not observe reasonable precautions, another person is accused. That does not seem to be quite fair.

Clause 80(1)(d) refers to accidental death. If it is accidental, it seems hard that the person can be accused of murder. Perhaps a lesser crime than murder could be considered here.

Clause 84 relates to suicide. I disagree with the thinking of some other members. I feel that, when a person suicides, it is his decision. What has to be considered here is a very popular form of suicide: the hunger strike. I heard on the news that there is a person in Sydney on a hunger strike. It is a form of emotional blackmail. If somebody decides to commit suicide, it seems to me that he is determined to take his own life whether he does it by jumping off Sydney Harbour Bridge or over 50 or 60-odd days. It is still suicide and some thought should be given to that in this code.

Clause 86 relates to the unlawful destruction of the remains of human beings. Whilst the law must take into account any situation that might occur in human behaviour if it possibly can, I feel that any accidental destruction of human remains should not carry any legal penalty.

In relation to clause 93, dealing with sexual intercourse with a young person, I think consideration should be given, if it has not been already, to the age differences between the 2 people involved in the particular act at the time. I am pleased to see the deletion of the original clause 94 because it seemed to me that the production of marriage lines should not be a legal defence for rape in marriage. I have been assured that it is in similar legislation in other states, but I found the inclusion of clause 95 rather unusual. It relates to a person having sexual intercourse with an animal. It would have been more fitting, if necessary, to include it in legislation on cruelty to animals.

In clause 98(1)(h), the subject of age comes up again. A complainant or defendant under the age of 17 is mentioned. In clause 98, the age mentioned is less than 17: clause 93 mentions an age of less than 16; clause 69 mentions an age of less than 14; and clause 108A mentions an age of less than 16. Clause 112 mentions the age of a young person, and again it is under 16. I would like to see more consistency. Perhaps the definition of age of a young person cannot be completely rigid but I would like rather more consistency.

I feel that it is very important to have legislation relating to the subject of clause 109 - indecency with a young person and child pornography. Child pornography is on the increase despite all efforts to stop it. There are different reasons why children engage in it. Often it is for financial gain. Often it results from coercion. It is a different matter altogether for adults to engage in this. Adults have a developed sense of psychological balance which children do not have. Adults have attained the age of reason and can make a decision on what to read, what to look at and what to do. While the mind of a child is in an undeveloped state, the child should be protected from what may be undesirable and could lead to an undesirable way of life later on if certain conditions prevail. Again, clause 112 mentions age in relation to allowing a young person to resort to a brothel. The age of 16 is mentioned here.

In clause 119 - medical termination of a pregnancy - the consent provisions should be stated more clearly as they relate to women and girls who perhaps are unable to make the decisions easily for themselves.

Clause 128 relates to stealing motor vehicles. This is another crime that is on the increase. I agree with the member for Alice Springs who said that it does not seem to be considered in a very effective way by the judiciary these days. If penalties handed down are not tightened up, stealing of motor vehicles will not be brought under control. I am very much in favour of strong legislation provisions dealing with the stealing of vehicles.

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, I know that we have had many months but I still feel unprepared and somewhat inadequate in dealing with the code before us and I have the impression that other honourable members feel likewise. It is not only a matter of looking at the document and what it contains. It requires a knowledge of the existing criminal law in the Northern Territory, preferably a knowledge of the criminal law in other places and, if one is to do it justice, a knowledge not only of what is contained in this document, but the existing law that is not contained in this document. That is very difficult for some of us to appreciate. The honourable Chief Minister mentioned a simple example: suicide.

Nevertheless, there are many other matters that are not here that perhaps are covered in the existing law. I certainly found it very difficult to come to grips with some clauses. If my comments seem disjointed, that is my excuse. I must say that I applaud the concept of codifying the criminal law. I noted the point made by the Leader of the Opposition and I agree with it because I observed myself that this document does not in fact say that this code replaces the common law as well as existing legislation. I think that should be looked at. Nevertheless, I presume that is what codes do, and I think it is very valuable. I know I have difficulty from time to time determining exactly what the common law is. On occasions, I have been in the unfortunate situation of trying to explain to a constituent what it is, and that has been hard to do. Citizens have a duty to know what the law is and that fact is reflected in this law. There is a section in the law that says that ignorance is no excuse. Thus, to have it codified in one document for the benefit of all to read is very valuable indeed. Of course, it has happened before.

The Queensland Criminal Code is frequently quoted and this code is based, at least in part, on the Queensland code. I was interested to read that the gentleman who was responsible for that, a most eminent Queenslander, Sir Samuel Griffiths, about whom I remember learning in my school days, was influenced by the Italian Criminal Code of 1888 - the post-unification code of Italy - and also by the Criminal Code of New York when he initiated the establishment of Queensland's Criminal Code. I believe also some states of the United States have codified sections of the civil law. However, I do not think it works very well. At least, that is my understanding.

I turn now to the parts of the Draft Criminal Code which caught my attention. I will start with page 2 and the point raised by the member for Nhulunbuy. I thought it was incredible that we could still read in the interpretation section of this bill that apprentices may be beaten by their masters in the normal course of events. I think that has slipped in possibly from the Queensland code which we know is some years old. That could well come out for a start. After having listened to the debate this afternoon, it appears that criminal responsibility has caused all members some problems. I confess that it has caused me problems too. When I first read clause 49 relating to intoxication, my initial impression was that it was good. Quite frequently in the Northern Territory one reads reports of quite serious offences from which death sometimes results. One finds that the offender is convicted but only a slight penalty is imposed because he was drunk at the time. As an ordinary citizen, that has annoyed me in the past. I am one of those people who take the simplistic view that, when the average person drinks, he knows that his level of responsibility will diminish and therefore he is more likely to commit a criminal act and should be responsible for that. Be that as it may, that is clearly not the opinion of the Leader of the Opposition. But it was my impression when I read it. In practice, the mitigating factor is taken into

account in the penalty, rather than determining whether an offence has been committed at all. Perhaps it is less significant than some of us might think, but it is obviously a matter that has engaged the minds of several members and we can look at it in greater depth before we actually pass any bill that results from this draft. There is a clause relating to diminished responsibility and I am advised that that does not affect the clauses relating to intoxication at all.

Another clause which has occupied the minds of the Assembly members is that relating to provocation. I felt that that clause is, in some ways, an improvement on the existing law. The Leader of the Opposition referred to a South Australian case and the requirement that provocation must be immediate and physical. This has caused the rejection of the provocation defence in a number of cases. Nevertheless, I appreciate the point that he made: the way it is put in this draft, it reverses the onus. There is no doubt that, under the existing system, there is a requirement for the prosecution to rebut the provocation claim and that is certainly not so in this draft. Nevertheless, what it does attempt to do is certainly an improvement on the more archaic provisions that, in some places, demand immediacy and a physical element to the provocation.

I was pleased to see the question of duties included. The member for Alice Springs and I agree that we are pleased to see that included, but perhaps for different reasons. I am one of those people who think that frequently many parents think that their children have duties to them rather than they to their children. As a person who believes in the rights of children, I was pleased to see that included although it includes not only the relationship between parents and children.

In respect of later clauses relating to Legislative Assembly members, we must remind ourselves that, in a codification, we are trying to put in things which are currently included elsewhere. When I read these clauses, I said to myself: 'My goodness, we are taking ourselves far too seriously'. For example, a person who creates or joins in a disturbance at a residence of a member of the Legislative Assembly is guilty of an offence and subject to a $500 fine. There are other clauses dealing with trespass and assault. Why cannot members of the Legislative Assembly be protected by those clauses the same as other people rather than having that particular provision. In the Northern Territory (Self-Government) Act, there are a number of sections relating to the powers and privileges of members of the Legislative Assembly. I wonder why it was necessary to include these sections in this particular draft. We are in danger of taking ourselves just a little too seriously.

We know that the schedule to the legislation will outline current legislation which is to be repealed, but we do not quite know what that is. It makes it very difficult to relate this to existing legislation. In some cases, it is fairly obvious, such as when we are talking about conditional release of offenders, but in other cases it is not. That is a slight defect which does not encourage a good understanding of quite what we are doing with this particular Draft Criminal Code. I support the elimination of the archaic distinction between felonies and misdemeanours.

Clause 274 is one that I was rather taken aback by. It is amazing that there has not been more public comment about it, bearing in mind the number of citizens of the Northern Territory who are public servants. Clause 274 says: 'Without derogating from the provisions of any other law of the Territory relating to the disciplining of a public servant or a member of the police force,

a public servant or member of the police force who wilfully and without lawful excuse omits to do an act that it is his duty to do as a public servant or member of the police force is guilty of an offence. Penalty: $4,000 or imprisonment for 2 years with hard labour'.

Mr Speaker, that seems pretty rough indeed. I am absolutely flabbergasted that various public service unions and others have made no comment on that. The unions have not reacted to it so perhaps it is not significant. Perhaps it is something that is already included in existing law. I have the current Northern Territory Public Service Act in front of me. It has very lengthy provisions relating to dismissals and punishment and there are provisions relating to suspensions, appeals, disciplinary appeal boards and reviews. It has a lengthy defence of the rights of those employees. Certainly, as far as I know. there is no intention to repeal those sections and have this in lieu of them. Presumably, this clause 274 will be an addition to those things. I find it quite terrifying and entirely unnecessary. We have a Public Service Act which is designed to lay down the conditions of employment of those people. It has provisions dealing with offences that they might commit. To have this broad sweeping statement that a person who, without lawful excuse, omits to do an act - and it might be quite trivial - is guilty of an offence is unnecessary even though there is an additional clause that proceedings cannot be instituted in such a case except with the consent of the Attorney-General. Nevertheless, I do think that it very seriously requires much greater attention from members of the public and public servants than it has thus far received.

Clause 287 relates to what we generally refer to as a citizen's arrest. This is something which has caused me some concern in the past. It is only used with any regularity by people who operate large supermarkets. If they believe somebody has taken something without paying, I presume they hold that person by a citizen's arrest. It causes some people some concern, and I certainly do not particularly like the way it is done. I do not like those provisions, Mr Speaker. In view of the fact that they are so very rarely used, I cannot understand why there is thought to be a need to include such provisions in modern legislation. I do not think most people understand them. How can one expect them to? I believe that these things are the responsibility of the police force who are well trained to know when to arrest and when not to arrest persons. People who are not members of the police force and who do not know what they are doing should not be encouraged or allowed to enter into this fairly ticklish area. Arresting a person is a serious business. Indeed, if you do it unjustifiably, you yourself are committing an offence, and quite rightly so. I doubt very much whether that clause is necessary in the way it is presently worded. There might be some justification in emergency circumstances. Subclause (1), which allows a person who is called upon by a member of the police force to assist in an arrest, should be included but the general provisions for a citizen's arrest are very dangerous indeed.

Clause 349(2) relates to conditional release without proceeding to conviction. It says that, where a person has been discharged, in pursuance of an order made under subsection (1), upon the condition that he will be of good behaviour for a period specified in the order, and information is laid before a justice of the peace alleging during that period that he has not behaved himself, then he must appear once again before a justice. Mr Speaker, what disturbs me about that clause is that I understand it allows the information to be laid for a period of up to 12 months after the person has completed his period of good behaviour. I think that is a very lengthy time. Twelve months after a person has finished his period of good behaviour, somebody can then go

and lay information against him. I think that is far too long. I think that that period should be reduced significantly to say 2 or 3 months. Certainly, 12 months seems unreasonable.

Clause 295 has been brought to my attention by people who deal in these matters. It relates to the disclosure of information to family members and legal representatives by a member of the police force when a person is being held in custody. It has been put to me that that could well be tightened up, perhaps by the simple inclusion of the word 'forthwith' so as to ensure that a member of the police force, when requested to do so by a spouse or a legal practitioner representing a person whom he or she believes to be held in custody under law enforcement in the Territory, disclose forthwith to the person so requesting whether that person is being held in custody to eliminate unnecessary delays in what is a fairly distressing period for people.

Subclause (2) says: 'A disclosure under subsection (1) that a person is being held in custody shall only be with the consent of the person being so held'. Once again, one wonders why that is there. A spouse might well need to know whether her husband, for example, was in jail or not whether or not he wants the spouse to know. It is certainly a fairly ticklish question.

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

Mrs LAWRIE (Nightcliff): Mr Speaker, I will try and confine my remarks to clauses of the Draft Criminal Code which have not already been covered either today or in previous debates. The Chief Minister will be well aware that we have had a couple of previous debates, one on clause 94 which I see to my pleasure no longer exists and the other on terrorism on which the Leader of the Opposition gave an excellent speech calling in question certain applications of that provision.

Having just said I am going to talk about something untouched, I must touch on what has commonly been called 'the age of consent'. Clause 93 states: 'A person who has sexual intercourse with, or performs a sexual act on, another person who is under the age of 16 years and to whom that person is not married is guilty of an offence. Penalty: Imprisonment for 10 years with hard labour'. That seems to be a very harsh penalty if the age difference between the 2 parties is no more than 2 or 3 years and it was with the full willing consent of both parties, notwithstanding the fact that one of them was below the age of 16. I would ask the Chief Minister to consider that point with a view to some form of amendment so that young, consenting people, notwithstanding the statutory limit of 16, shall not attract the same penalty as a person who uses the benefit of years, age and experience to have sexual intercourse with a young person.

Mr Everingham: The judge will take that into consideration.

Mrs LAWRIE: I appreciate the aside of the Chief Minister that the judge shall take that into consideration but perhaps a side note or some amendment could be put in to clearly indicate to the judiciary that that is our intent.

I noted also the remarks of the member for MacDonnell when he was talking about the problems which may face some of the members of his electorate because of the application of this part, but I do not particularly agree with him. I have questioned for many years an Aboriginal custom which in some places in the Northern Territory still exists: promised child brides. Young full-blood Aboriginal girls - often though they do not want to - are promised to men who in some circumstances are many years their senior. In this tribal form of marriage, a promised girl has no choice. That is custom and that is what is expected of her.

Mr Speaker, I have no hesitation in saying that that is slavery. I extend to young black women the same protection of the law as is extended to young white women or young women of any colour. They are citizens of this country, notwithstanding any ethnic group or skin colour, and they have to receive that protection. The member for Arnhem is shaking his head and interjecting that they have that protection. Well, Mr Speaker, some years ago I was in the position of having a full-blood girl come to me for help, succour, hiding because she could not face her marriage to her tribal uncle. If members think that these customs are not still current, then they are deluding themselves.

I want to talk now about clause 222 on page 74. The member for Fannie Bay alluded briefly to it. I cannot quite understand why disturbances at the residences of members of the Legislative Assembly should attract the particular attention of the Draft Criminal Code with a penalty of $500. I think that all people are entitled to a degree of privacy and protection from insult in their own homes. They are entitled to be protected from nuisance, riot or other behaviour which disturbs their peace in their homes. I do not think that we are any different from the rest of the population. Indeed, I have had many representations from people who are tired of the assumption of many classes of inspectors and groups of people that they can walk into their premises and ask about a variety of things. Indeed, I get pretty cranky with people coming to my home, soliciting my custom or offering to sell me goods, or pedlars of religion who seem to think that they have some special kind of dispensation and can disturb my peace all day Sunday. The third group of people who tried that last Sunday got what is colloquially known as a flea in their ear.

Mr Speaker, the parts of this code to which I want to direct my particular attention are those relating to bail. I have read this section several times because I have been in the position of being called as a Justice of the Peace to determine the terms and conditions of bail if it is to be granted. I have acted from time to time as a surety. I am well aware of the provisions of the present Justices Act relating to bail. I am one of those persons in line with several eminent jurists in this country and several people who have prepared learned papers for the Institute of Criminology who feel that bail, as it exists today, in many cases discriminates against the poor. When it comes down to whether one can afford bail or not, it is inequitable.

I agree with the more modern concept that bail shall be granted unless certain things are deemed likely to happen: the failure to appear of the person seeking bail, the likelihood of intimidation of witnesses or the continuation of the offence. Those 3 grounds are mentioned elsewhere in the Draft Criminal Code. But the way in which bail is presented in the Draft Criminal Code would defy an army of people to interpret it. If we look at clause 312, power of the court as to bail, honourable members must realise that the definition of 'court' includes the Full Court, a judge, or justice, whether sitting in court or chambers or acting in any other matter, the court exercising appellant jurisdiction and a justice or justices conducting an examination of witnesses in relation to an indictable offence. Therefore, subject to the act, a court may grant bail to a person if - and remember that any justice may do this - he is awaiting a criminal proceeding to be held by that court in relation to the offence, the court has adjourned the criminal proceedings or the court has committed or remanded him etc.

I ask the Chief Minister to consider changing subparagraph 312(1)(a)(i) to read: 'he is awaiting a criminal proceeding to be held by a court in relation to the offence'. That 'court' seems to be too self-limiting. Normally, the procedure is that, if a person does not obtain bail from the station sergeant, that person asks for a justice to attend, and the justice, if inclined to do so after examination of the person and witnesses, will normally remand that person

to a court - not to his court. That may be just a small drafting error which needs attention.

The Draft Criminal Code deals firstly, as it should, with the power of the members of the police force to grant bail, then the power of the court as to bail and then the duty of the court to grant bail in certain cases. That duty of the court looked good on first reading but the next clause seems to limit that duty. I am not sure when clause 313 takes precedence. If I am not sure - and I have been involved in it often enough - I would think that many justices throughout the Northern Territory will be similarly confused or more confused.

Clause 315(2) mentions the 3 grounds for release on bail which I previously mentioned: 'Where a court or authorised police officer considers that the imposition of special conditions is necessary to ensure a person - (a) appears in accordance with his bail and surrenders himself into custody; or (b) while released on bail does not - (i) commit an offence; (ii) endanger the safety or welfare of members of the public; or (iii) interfere with witnesses or otherwise obstruct the course of justice whether in relation to himself or another person, that court or authorised police officer shall impose such conditions ...'. Well, that is perfectly logical and straightforward. But I would ask the Chief Minister to consider the concept that bail should be granted in all circumstances other than when those grounds appear to exist. Bail should be almost a right. It should be the normal application of the law rather than something specially to be sought unless those 3 conditions exist, in which case bail would either not be granted or would attract special conditions.

Other clauses deal with the restriction of the publication of information, evidence etc given in bail applications. That is logical. Clause 317 deals with bail in cases of charges of serious offences. It says that treason and offences against certain sections shall be granted bail only by order of the Supreme Court or a judge thereof and not otherwise. It is my understanding - and I would ask the Chief Minister to reply if I am wrong - that, when bail has been granted by the Supreme Court, the estreatment of any surety can only be dealt with by the Supreme Court. If the Supreme Court sets bail, other conditions relating must be dealt with by that court. At the present moment, a doubt exists as to whether, when bail is granted in the Supreme Court and the person absconds or fails to appear, the estreatment of the surety can be heard in the Supreme Court. I would assume that that problem is taken care of in this Draft Criminal Code.

Clause 320 deals with the grounds for refusal of bail. Notwithstanding the act, they are the same as before: unacceptable risks that the person would fail to appear, continue the offence, commit an offence, endanger safety etc. Bail can also be refused if it is felt that the defendant should remain in custody for his own protection or, if he is a child within the meaning of the Child Welfare Act, for his own welfare. Mr Speaker, I accept that last ground relating to children.

So we see that the conditions relating to the application for bail, the possible granting of bail, and the conditions attaching to that bail are quite complex. If the Draft Criminal Code is to be codified in this way, I think that a handbook setting it out a little more clearly for those who may be called upon to act in a judicial manner may be very handy because it seems to be more difficult to follow than the old Justices Act.

Clause 325 deals with sureties: 'Every surety to an undertaking shall be a person who has attained the age of 18 years ...'. I agree with that. Clause 325(2) states: 'A person who enters into an undertaking as a surety is bound, upon its forfeiture, to pay to the Territory the sum of money set out in the undertaking in respect of that surety'.

Further on we see where a magistrate or a Supreme Court judge, depending on where bail was set, may estreat bail. I ask the Chief Minister to indicate to me if clause 325 really means that a surety shall be estreated or that, because of other clauses, it may be estreated. If it is 'may' and not 'shall', could he indicate the grounds on which the court - whichever court - may exercise a discretion not to estreat all the surety. That is not clear at the moment.

Mr Speaker, some members have said that it would be helpful to have a list of present laws which do not appear in the Draft Criminal Code. I have one in mind and almost decided not to mention it because I am glad it is omitted. I am a bit worried that, if I do mention it, the Chief Minister will consider it an oversight and add it in. However, I want to know if I have simply missed it or if it is a fact that the old misdemeanour of consorting no longer exists. I hope that it does not as it seems to me to be so wide in its application as to cause distress. That an innocent person who is in the company of a known or reputed thief or vagabond is guilty of an offence is a concept I have never accepted.

Likewise, may I express my concern with clause 374 which relates to habitual criminals:

> *Where a person convicted of an indictable offence has been previously convicted in the Territory or a state or another territory of the Commonwealth on at least 2 occasions of indictable offences, the court before which he is convicted may declare that he is an habitual criminal and may direct, as part of his sentence, that, on the expiration of the term of imprisonment then imposed upon him, he be detained in prison during the pleasure of the Administrator.*

I find that totally unacceptable. A person may have been convicted of indictable offences in other places at different times. A court imposes a term of imprisonment, or a fine, during the appearance before the court when the facts are presented to it regarding the commission of an offence. To say that, at the expiration of that term of imprisonment, having expunged his guilt, a person may be detained in prison during the pleasure of the Administrator, is not in line with contemporary thinking. One thing to which people object is indeterminate sentences, and well the honourable Attorney-General knows it. We had the greatest difficulty in accepting part of the Mental Health Act which related to what are, in fact, indeterminate periods of detention in hospitals. Even more repugnant then is the thought of an indeterminate sentence such as this in a place of correctional detention. There are some indictable offences. Murder, I think, attracts life imprisonment. It is a clear penalty; it is unequivocal; it is for life; and it is in the code. But here we have a sentence at the pleasure of the Administrator for acts which have been paid for previously. It mentions conviction for an indictable offence which carries the penalty of the court of the day, having regard to the facts and any plea in mitigation in the particular case. How then can we punish retrospectively? Mr Speaker, I ask the Attorney-General to consider whether we are not punishing twice for the same offence which, in his code, he will not tolerate. I ask that section 374 be deleted. I would like from the Chief Minister an indication of when he expects to introduce a criminal code bill and the probable time scale for consideration of that very important piece of legislation.

Mr ROBERTSON (Education): Mr Speaker, in going through the Draft Criminal Code, I set out to draw the Assembly's attention to those areas which I thought no one else would. However, in such a wide-ranging debate, many of the things I wish to raise have indeed been covered.

I was not really going to touch on proposed clause 80, which relates to the offence of murder, because I believed that someone else would definitely raise the subject of the mandatory life sentence. The member for Nightcliff mentioned it as being clear and unquivocal. With the greatest of respect to Northern Territory, Australian and world jurists under the British system, I ask the Assembly, the Attorney-General and all of us who have to consider this most important matter to consider the wisdom of having a mandatory life sentence. I believe of course that you throw the key away on a murderer without question at all. Nonetheless, what it is asking a jury to do is to sit down and deliberate knowing, theoretically, a person is never to be released. That is what life means. I wonder if the difficulty that we have seen recently in the Northern Territory and, I would suggest, Australia-wide in obtaining convictions for murder may not be a result of the awesome responsibility of knowing that not the judge but the jury - collectively - is sending someone away for his natural life.

I suggest the Attorney-General might give some attention to the confusing words in clause 80(1)(a): 'including himself'. To me this implied that one is guilty of murder for killing oneself. Of course, that is a nonsense. What it means is that you are guilty of murder under that proposed provision if you intend killing yourself along with others and you survive them. But the wording is a little difficult to follow.

Mr Speaker, I would like to turn next to the courts and the protection of the courts. I will be as brief as possible, although the member for Tiwi said that and used the whole of her 20 minutes. Proposed clause 104 deals with the penalties in relation to what normally would be regarded as amounting to contempt of court. I note at the bottom of that clause it says that the clause does not derogate from the power of the court to deal with a person who has committed an offence against this subdivision for contempt of court. It would seem to me, among other things, to place double jeopardy in the way of the person. While courts deserve protection, they have a remarkable capacity to protect themselves against contempt. We are talking about the naming of defendants and so on who are in contravention of orders of the court. It seems to me that courts are quite capable of keeping their own house in order and perhaps some consideration might be given to modifying that section and letting courts manage their own affairs. With all my comments on this, I am more than happy to be convinced I am wrong.

Proposed clause 11 which relates to brothels surprised me. I did say that I expected to home in on things that no one else would. I hope that does not have any connotations in the minds of honourable members. In relation to a person who is keeping a brothel, it says in subclause (2): 'A person who appears, or acts or behaves as master or mistress, or as the person having the care or management of a place referred to in subsection (1), shall be taken as the keeper of that place, whether or not he or she is in fact the keeper'. From casual observation I think there are some rather weird-looking and weird-acting people in this world. It seems a little strange to examine a provision whereby a person would be held to be guilty of something which we admit they may not be guilty of by way of a statute. Perhaps I am missing the point of the proposal and when the real intent of it is pointed out I will not have the concern I have at the moment.

I have difficulty with the definition of 'steal' on page 43. 'Stealing' means dishonestly appropriating property belonging to another person. Later on in that particular definition it is indicated that it does not matter whether the person who appropriated the property had the intent or otherwise to pay for it. I find it hard to understand how anyone can dishonestly appropriate something with the intention of paying for it. As a lay person, to me there seems to be a conflict in terms. If one is intent on theft, one certainly cannot have the intent to pay. It follows that, without that intent, there is no dishonest appropriation. In other words, it defeats the technical term mens rea. I would like to know from the Attorney-General whether or not that is the intention and, if so, precisely how that fits. I do not require that answer this afternoon because he has been asked to answer a million other questions. The Attorney-General has indicated that he will tell me this afternoon, so it must be a very simple solution. No doubt replies to many of our queries are quite simple.

I turn to clause 122 which deals with robbery. I agree with the penalty which is suggested for a person who robs with violence, threat or force. It is proposed as 20 years. I have absolutely no difficulty with that. There follows the question of aggravated burglary further on in clause 126 and that too attracts a penalty of 20 years. A person who commits a burglary, and at the time has in his possession a firearm, imitation firearm or explosive weapon or imitation explosive weapon, is guilty of an aggravated burglary. It is the word 'firearm' that interests me. A person who has an imitation clearly does not have the intention of using it. I believe that anyone who goes into a criminal situation armed with a loaded firearm must, in his own mind, have a very clear intention of using it if he has to. Armed robbery carries a penalty of 25 years which has exactly the same conditions as a firearm, imitation firearm or offensive weapon. I merely draw the Assembly's attention to the difference in penalty between 2 equally threatening acts.

Members were talking of acts relevant to this place. If we look at clause 123, we will find that for a person who is armed in these premises - and one would assume if he is armed in these premises he must have the same intention as a person who is going to commit armed robbery - the proposed penalty is 12 months. Quite obviously, if an armed person intrudes into this place, his intention is not one that I would like to remain around to see, particularly after this morning.

I must agree with the Leader of the Opposition's concern in respect to proposed clause 140 in relation to advertisements for the recovery of property. Many possessions, particularly those things they have in handbags and purses, can have a great emotional significance for people. It may be an extremely important gift from a loved one. Of course, they want nothing more than to get it back. If we are to have a provision in our criminal code similar to clause 140, it behoves the government to ensure that a very wide educational program is given to such a provision. The Leader of the Opposition has saved me. It certainly needs a lot of publicity if we are to prohibit what, on the face of it, is a dangerous practice: the withholding of evidence in a criminal matter.

Clause 142 states that a person who has in his possession, otherwise than in his place of abode, an article intended by him to be used in the course of or in connection with a burglary or theft is guilty of an offence. I do not think I need proceed with that; it is not the same as the old South Australian law. I think I have misinterpreted it. A very good friend of mine was once harassed for quite a long time because he happened to have a jemmy bar in his boot which he was using that morning to put together a car for the Rowley Park demolition derby. In fact, he was in quite a deal of trouble as a result

of the landlady having informed the constabulary that her tenant was a rather evil chap.

Damage to property is dealt with in clauses 181 to 183. I would suggest to the Attorney-General that the penalties suggested for an offence under clauses 181 and 183 are the wrong way about. Clause 181 provides a penalty of 15 years for a person who, by an act or omission, intends to prejudice the safe operation of an aircraft. By clause 183, a person who actually endangers it while on board is liable to a penalty of 7 years. I think both penalties should be 15 years, or, if anything, they should be reversed.

The Leader of the Opposition touched on the definition of 'sedition'. I do not entirely agree with him. There are other ways of wording the clauses which relate to people's activities in these premises or near these premises. What we are really talking about is the right of people to persuade government and everyone else in this place as to the error of their ways. I am quite sure wording can be found which demonstrates a reasonable standard of conduct and the bringing about of change by lawful means. It is just a matter of adding those words to various clauses. It should satisfy everyone's concern in that direction. That particular area continues right through to clause 222.

A clause which needs strengthening quite considerably before it goes into legislation is clause 228 which relates to the obligation of an assembly of more than 12 people who are behaving in a riotous manner to disperse within 30 minutes when so ordered by the police. That seems to me, Mr Speaker, to invite people to merrily riot away for another 29 minutes or whatever time is left between the time of the announcement and their stopwatches hitting the 30 minutes. I believe dispersal ought to be an instantaneous reaction or, alternatively, there should be an increased penalty. At the moment, there is the period between the order and the expiry of 30 minutes in which no additional penalty accrues other than for the damage that is done if people keep hurling bricks for another 30 minutes. The person who quits at the end of 29 minutes is then only chargeable under the provisions relating to the riot and not the refusal to obey the proper order of a police officer in trying to break up the riot.

I really must be reading clause 234 incorrectly, otherwise we will have awful trouble at the Alice Springs Youth Centre every time they run a prize fight. As far as youth is concerned, it is a prize fight every time you offer a trophy. I cannot really believe that we are going to ban prize fights in the Northern Territory. I assume there is something I have not found in the draft which covers the legalising of the conduct of a prize fight.

I noticed that the member for Fannie Bay mentioned clause 274. I will not comment further on that. No doubt, the Attorney-General will be able to let us know his views in due course. What concerns me a little is clause 276 which states: 'A person who, without lawful excuse, disobeys an order, warrant, command or requirement duly issued, given or made by a court, public servant, member of the police force or a person duly authorised and acting in a public capacity, is guilty of an offence'. Subclause (2) says that the clause does not apply to a disobedience expressly covered or made punishable as provided by law under a different act. It would seem to me that no public servant will ever issue an order unless that order is supported by some other law of the Northern Territory and the disobedience of that law, under that other law of the Northern Territory, is covered by a sanction. It would therefore seem that there is no occasion on which a public servant could duly and lawfully issue a command to a citizen under this clause. If that is not the case, I would like to know what order I am likely to receive from a public servant under this provision which is not otherwise covered.

The member for Nightcliff dealt with a number of areas relating to bail which I certainly will not enlarge upon other than to say that I think bail is one of the few areas in the Draft Criminal Code where it lapses into law by reference. Generally, the draft is very good. By 'law by reference', I mean you have to go hunting halfway through the document to find out the answer to a concern. If you look at clause 313, you could gain the impression that the court 'must' issue a bail order. You have to get as far as 317 to find that that relates back to clause 312 which is caught up by 313 again. It is about the only place in the whole draft bill that is difficult to follow.

Mr Speaker, the only broad concern I have with the Northern Territory introducing a criminal code - and I think I have hinted at law by reference - is with duplication and double jeopardy. Under many provisions of this proposal, there is the possibility of such a complexity of law that a person will not know really where he stands. There are matters contained in the draft which are covered by the Banking Act, the Crimes Act and a number of other federal laws, including the Air Navigation Act. I do not believe that citizens should ever be placed in a situation of double jeopardy. The Attorney-General may well be able to inform me as to why that would not be the case if we proceeded with these pieces of legislation which are covered by legislation elsewhere. The draft itself, quite rightly, makes a number of references such as the one on the public servant that I just referred to. Where there is another law already handling the problem in Territory law, the code does not apply. What then is the position with the many provisions which are covered by Commonwealth law?

In principle, it will certainly make much clearer to the Northern Territory the responsibilities under the criminal law. I cannot understand why the opposition wants it spelt out specifically that the legislation supersedes the common law. I do not know why it appears in other legislation. Quite obviously, a particular law will supersede the common law without that needing to be stated. Nonetheless, the Draft Criminal Code before us has my general support and I look forward to the final bill, which has much work to be done on it yet, being brought before this Assembly.

Mr EVERINGHAM (Attorney-General): Mr Deputy Speaker, I think you would agree that to make a satisfactory reply after a debate of this nature at short notice will be difficult. I will try to answer some of the points that have been raised by members. I would certainly like to thank all members who participated in the debate for their comments and criticisms. Where their comments and criticisms can be accommodated constructively, I will do everything I can to incorporate any improvements into this law.

Before I reply in a formal sense, I would like to comment on the proposal of the Leader of the Opposition and the member for MacDonnell that the Assembly have a special sitting for 2 days to further deal with this draft. Quite frankly, I find such a proposal to be impractical. The purpose of a special committee session for 2 days, as proposed by the Leader of the Opposition, was so that we could go through the document clause by clause and thrash it out. We will not be able to thrash it out and we will waste 2 days because I do not purport to be an expert on every clause of the law in this code. In fact, I do not purport to be an expert lawyer at all. If I ever had any claim to expertise, it has certainly deteriorated over the past 5 years during which time I have had very little practice of the law.

What I consider to be a far more practical proposition than people throwing questions at me which I will not be able to answer is for the opposition and the member for Nightcliff to give me a written document raising their concerns about any clause or subclause of the code. I point out that the opposition has

8 staff provided by the government who could assist it with this. I will undertake to provide a written response to its submission on each part. I believe that is the most effective and realistic way of dealing with this because there are complex questions. Complex questions have been raised this afternoon. I have no chance of answering them all now and I would have no more chance of answering them in a 2-day sitting. I adopt with enthusiasm the comment of the member for MacDonnell that, if we are going to do the job, we ought to do it well. That is why I think that the opposition would do me a favour by putting together its thoughts in writing so that I can consider them and give them a detailed response.

I would also like to say that I am rather disappointed that the Law Society of the Northern Territory has not seen fit, at this stage, to make any submission to the government on the Draft Criminal Code. Submissions have been received from societies of accountants. I feel that we are nearing the introduction of the bill. Certainly, I am aiming for November and I would have liked to have had some reaction from the Law Society. I believe it has had a reasonable time to have put together a working party on the proposed legislation. No doubt the criticism will be fast and free after the legislation is passed but little avail is being taken of the opportunity to assist in its formulation. The extent to which the government has gone in terms of consultation on this bill and the lack of real public response, except on emotive issues, makes me wonder if the cost and expense of the consultative exercises are worth it in real terms.

I certainly undertake to provide all members within as short a time as possible - within 2 weeks or so - with a draft bill indicating the source of the various extracts of law that are within it. I would hope that the opposition will accept my suggestion after receiving that. I do say that one can dwell too much on the origin of the law rather than how it will work in the Northern Territory. That is what people should be looking at rather than saying that it came from England or Victoria or somewhere.

Mr Deputy Speaker, I hope you forgive my use of copious notes but this is a very technical matter. As I recall, the first point the Leader of the Opposition raised was in relation to the need for an introductory clause along the lines of section 4 of the Western Australian code. This is being considered and we hope that the final result in our code will be simpler and more effective than either its Western Australian or Queensland counterparts.

On penalties, my colleague, the Minister for Education was remiss. Perhaps he and the Leader of the Opposition have not listened to what I have said on at least 2 occasions. I had better try not to be minatory because I did want this debate conducted in a friendly fashion, although some people have tended to lecture me as they have spoken. I have stated twice, Mr Deputy Speaker, that penalties have to be looked at together. We have included the original penalties with clauses that have been taken from other legislation. We have to rationalise the penalties throughout the document.

The Leader of the Opposition raised the subject of intoxication indicating that the Western Australian code and the Queensland code differ from the common law as laid down in O'Connor. The codes, in fact, are similar to the position in the English case of Majewski. I shall read from a fairly recent Queensland decision the statement of Mr Justice W.B. Campbell, who used to look after our pay, who quoted from the High Court decision:

In O'Connor, Mr Justice Sir Ronald Wilson said at page 374: 'The problem before us is relevant only to those states which continue to rely, at least in part, on the common law for the principles of criminal responsibility. For Queensland, Western Australia and Tasmania, the question is determined by the criminal codes which have been enacted in those states'. Later in his reasons, the High Court Judge Wilson said at page 378: 'The Majewski doctrine is comparable to the law contained in the criminal codes of Queensland and Western Australia for virtually the whole of this century'.

There is more of it but why bother quoting it? There are problems, as the High Court decision pointed out in O'Connor, between distinguishing specific intent crimes where intoxication is a defence and general intent crimes where intoxication is no defence.

On the question of degrees of murder, which was a suggestion I think put forward by someone else as well as the Leader of the Opposition, Queensland had wilful murder, murder and manslaughter, but their experience led them to abolish those distinctions. The question of provocation was another matter raised by the Leader of the Opposition and I think commented on by the member for Fannie Bay, whom I would like to mention especially for her very constructive critique.

Clause 54 - the burden of proof - simply re-enacts the common law position where the defence must establish provocation. If the Crown is able, it can rebut the provocation. On the other aspect of provocation, where the Leader of the Opposition raised the question of race, our section is based on the New Zealand Crimes Act where characteristics cover physical, mental, colour, race or creed. I think New Zealand is probably a good source for a clause like that.

The member for Alice Springs raised a number of points including the matter of minimum sentences. He supported the Leader of the Opposition on the matter of degrees of murder. Another aspect in relation to degrees of murder is that we are also considering at the present time, since murder is not really a capital crime any longer, the question of majority jury verdicts in cases of murder. That is under consideration. The member for Alice Springs questioned the age of consent and penalties in clauses 73 and 74. As I said, the question of penalties has still to be decided.

There was some comment on the theft provisions which have been drawn from the Victorian adoptation of the English Theft Act provisions. I would not like to be responsible for tinkering with one which has worked extremely well in England, is regarded throughout the world as first class and seemingly has worked well in Victoria. My colleague, the Minister for Education, said something about the definition of 'theft' and 'stealing' which was 'dishonestly appropriating someone else's property' from memory, and later on something about the intention to pay. I ask my colleague whether he would like me to dishonestly appropriate his favourite rifle and throw it in the creek and then offer him a cheque by way of reimbursement.

The member for MacDonnell wanted to know aspects of the origin of the code. As I have said, we will send round the new copy with marginal notes indicating the origin of each particular clause. It will have something like 'section 54, Queensland against it' or whatever the case may be. But I emphasise that I do not think the origin matters very much. It is how it will work in the Northern Territory that counts.

There has been a lack of comment, due to the complexity of the code perhaps. I agree that it is a complex subject. There are many people in the community who are capable of dealing with parts of it and actually various groups have made very good submissions on it; unfortunately, not the Law Society, as I think the member for MacDonnell mentioned. I think he also mentioned intoxication again.

The member for Nhulunbuy apparently dealt with clause 84 relating to suicide. Attempted suicide is an offence; suicide is not an offence under the code. Suicide is an offence at present in the Northern Territory. It is pretty dangerous.

The member for Tiwi spoke about an imitation firearm. I cannot remember the burden of her complaint there, but I think it related to penalties. As I said, we will examine them and rationalise them by the time the bill itself is introduced in November.

The member for Fannie Bay felt that clause 49 deserved more debate. Clause 274 is, in the Tasmanian Criminal Code, section 115. The Queensland code equivalent is section 200. That is the clause the member for Fannie Bay spoke of relating to public servants and members of the police force, and it is a restatement of the Tasmanian and Queensland legislation.

The member for Nightcliff argued the case for some distinction to be made in relation to persons having unlawful carnal knowledge but who are of a youthful age. I gathered that what she was saying was really that judges ought to take this matter into account when they are sentencing and that we should say something in the code about that. There are not so many cases of this type that come before the courts, but certainly I am sure that judges do take the matter of age into account. From recollection of cases of this nature that I have been involved with - unfortunately the defendants always seem to be boys - usually a good behaviour bond is the type of punishment meted out.

Bail is a very complicated subject. There is no doubt about that, and that is why the clauses are complex. We have drawn on the Queensland bail provisions. It has recently done a considerable amount of work, as have Victoria and New South Wales. The general impression is that the Victorian and New South Wales provisions are somewhat similar, that Queensland drew on its experience and that the Queensland provisions are slightly better. That is the situation in relation to the bail provisions generally.

Consorting, I have to advise the member for Nightcliff, is still an offence under the Summary Offences Act. I would advise the member to be careful who she keeps company with. Habitual offenders, the section in the present Criminal Law Consolidation Act, was passed by this Assembly in 1978. I cannot recall the member for Nightcliff saying anything about it at the time, but it appears that she has views now. The position is that the provision is found in legislation right throughout this country and England. It has apparently been thought necessary to deal with habitual offenders.

I will just briefly go through the provisions of the Draft Criminal Code in relation to terrorism. Clause 190 is the definition section of part IX. In this part, 'act of terrorism' means the unlawful use or threatened unlawful use of violence for political ends, to frighten people or to prevent the public from carrying out its everyday business. 'Violence' means violence of such a degree that it causes or is likely to cause death or grievous bodily harm to a person. Mr Speaker, I will explain some of the reasons behind that. It is intended to cover the situation where people prefer to use violence rather than

the democratic process to realise the political purposes - invariably, people who know the public are not interested in their philosophies.

Paragraph (b) covers cases such as the one in Sydney where people threatened during shopping hours to blow up Woolworths unless the Woolworths management paid up $1m. Paragraph (c) covers the situation where a threat, again as in the case of Woolworths, does not put anyone in immediate fear - perhaps because they are not in the shop at the time - but certainly puts anyone off going anywhere near a store. In other words, it prevents people carrying out their normal, ordinary, day-to-day business.

The intention behind the definition of 'proscribed organisation' is that it be read with the regulation-making power which is not yet in the code. A proscribed organisation will be an organisation proscribed by regulation. Section 63 of the Interpretation Act allows parliamentary scrutiny of any decision to proscribe any organisation. For instance, an organisation which might be proscribed in the Northern Territory could be Klu Klux Klan or something like that.

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

Mr ROBERTSON: I move that the honourable member's time be extended.

Motion agreed to.

Mr EVERINGHAM: 'Protected person' is mentioned in clause 198. This definition defines 'protected person' by reference to the Commonwealth Crimes (Internationally-Protected Persons) Act of 1977. They are basically heads of foreign states, foreign representatives and such other persons as may be prescribed by regulation. Clause 198 provides that persons who commit or attempt to instigate the commission of certain offences against protected persons and certain other persons will be liable, in addition to the penalty for the offence, to a further 10 years imprisonment. The purpose of this provision is to ensure that the International Convention on the Prevention of Punishment of Crimes Against Internationally-Protected Persons is implemented in so far as it applies in the Northern Territory. The presence of Indonesian respresentatives in Darwin plus visiting foreign officials and dignitaries indicates that the legislation is necessary here.

Clause 191 makes it an offence to be a member of a proscribed organisation, to try to arrange financial support for or receive money or other help on behalf of a proscribed organisation, or arrange, manage or address meetings of proscribed organisations. There is a defence where a person was a member of the organisation prior to its being proscribed and has not been an active member since it was proscribed. The point of this is to prevent people being members of organisations which are being proscribed and, in effect, to dry up their membership and to deny them support. A mere expression of sympathy for the aims of a proscribed organisation is not, for instance, an offence.

Clause 192 prohibits the wearing of uniforms or other insignia indicative of membership of a proscribed organisation. The clear reason for this is to prevent people walking around wearing clothes which may give rise to reaction from others as, for instance, the fascists did between the world wars.

Clause 193 makes it an offence to commit an act of terrorism and the penalty is mandatory life imprisonment but the Crown's prerogative of mercy is retained. Quite simply, the rationale for that is the outlawing of terrorism and terrorist acts which mostly affect innocent people and certainly were not in vogue about 1932 when the provisions of the Commonwealth Crimes Act were

passed. Of course, the provisions in the Commonwealth Crimes Act relating to proscribed organisations being certified by a Federal Court Judge was introduced much later at a time when politicians had ceased to have the guts to make decisions for themselves.

Clause 194 makes it an offence to solicit or invite finanical or other assistance or receive financial or other assistance where that money or assistance is intended for acts of terrorism. The reason for that is obvious: to try to cut off financial support. Clause 195 requires a person who has any information which could be of assistance in preventing an act of terrorism or apprehending terrorists to disclose this information. That is based on the old common law concept of misprision of felony.

Clause 196 is quite simply aimed at direct and indirect hijacking of aircraft. Mr Speaker, I am sure you will agree with me that, as we have already had one offence of this nature in the Northern Territory and as the Northern Territory is close to regions where there is not always the sort of stability that we would desire, the Northern Territory should have strong laws in relation to aircraft hijacking. There has of course only recently been such an offence in Queensland.

Clause 197 makes it an offence to threaten, to destroy, damage or use violence against or control or endanger the safety of any aircraft, vehicle, premises etc and to threaten to kill or injure any person on any aircraft, vehicle, premises etc. Subclause (2) of that prevents hoaxes in respect of offences outlined in subclause (1).

Clause 199 prevents any criminal proceedings under the terrorism part without the written consent of the Attorney-General or a person authorised in writing by the Attorney-General to give his consent. Mr Speaker, I should make it clear that, whilst the government has taken no decision at this stage on any firm basis on any sections of this code, to be quite frank, the government policy is to deter acts of terrorism in the Northern Territory. Unfortunately, this sort of offence is almost becoming prevelant in Australia today whereas, 10 years ago, we read of the incidents that happened overseas. I believe that because we are looking at a completely new code here in the Northern Territory, we should be looking at the situation that surrounds us today, not looking at the situation or the laws that were passed to meet circumstances at different times. Obviously, we have looked at places within the type of legal system that we adhere to. Britian and Ireland were the 2 obvious places to look at for legislation. Whilst I will frankly acknowledge that the title to the British act is, I think, the Suppression of Terrorism (Temporary Provisions) Act, the fact of the matter is that it was passed in 1971 or 1972. Therefore, it is becoming quite permanent. I believe that, since the Irish Republic itself passed similar legislation, it certainly bears consideration by this Assembly, operating to legislate as we are, for a part of Australia that is closest to areas of great instability.

Motion agreed to.

LEAVE OF ABSENCE

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I move that I be granted leave of absence for Thursday 27 August 1981 due to a commitment I made more than a year ago. I have to be in Alice Springs tomorrow. It is a matter of regret to me that I have to be absent from the Assembly on 2 days this week. They are the first 2 days that I have ever been away from the Assembly, except on one occasion when my colleague, the present Leader of the House, happened to suspend me from the service of this Assembly when he was Deputy Speaker at

one time during your absence from the Chair.

Mr Speaker, it is with regret that I do seek leave because I believe I should be here. I made the commitment over a year ago and a great number of people are involved. It would be difficult for me to explain my absence to them.

Motion agreed to.

ADJOURNMENT

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

Mr B. COLLINS (Arnhem): Mr Speaker, as is not uncommon, the utterances of the Minister for Mines and Energy and his performance are far apart. At the beginning of this week, the Minister for Mines and Energy issued a press statement. That was prior to the meeting of the Sessional Committee on the Environment with officers of the Department of Mines and Energy. At the conclusion of that statement, the minister said: 'The hearing was set for today so there could be no suggestion of a cover up' - I do not know who suggested that; certainly I did not - 'and so that any matters arising out of today's briefing to the committee could be raised in the Legislative Assembly over the next 3 days'. That is what the minister said earlier this week.

The minister then refused to answer any questions that I asked him on the matter. As a result of the briefing that we had, I had a number of questions. I have a number of questions still. At the beginning of the week the minister gave a frank and open invitation and told the public, through the medium of the newspaper, that he was happy to face whatever had to be faced in the Legislative Assembly over the next 3 days. This is what annoys me about this. On Tuesday morning,I did not get any answers. I had all my questions placed on notice.

I was not very happy with the minister's performance this morning. He said: 'Obviously the honourable member has trouble grasping these things and, if he wants to put it in writing, I will answer it'. Normally I do not object to that sort of approach during question time. But when he makes a public statement that he is quite happy to answer any questions if they come up over the next 3 days of the sittings, and then fails to do so, I do object.

I was contacted today by a journalist from a very large Australian national newspaper, the proprietor of which has close connections with the education area of the government's activities. I said nothing to that journalist, I might add, that I have not said here. That journalist said to me toward the end of the conversation: 'I would like your response to some rather severe personal criticism you have received today in the interviews I have been doing'. I said: 'Certainly, go ahead'. This journalist said: 'You have been accused by a number of people I have spoken to today who have dismissed your criticisms and have said, "Look, do not pay attention to anything he says because he is paranoid about uranium mining".'. That is an accusation which I am perfectly happy to cop any time from the Minister for Mines and Energy. I often do. But I was not very happy when I found out that these accusations and criticisms had come from departmental officers, and I would like to know who they were. The criticism certainly did not worry me. I said: 'Oh, that was obviously the honourable Minister for Mines and Energy you were talking to. I have heard that many times before'. She said: 'In fact it was not. It was officers I spoke to in the relevant government departments'. I was not too pleased about that.

I do not mind officers of government departments calling me 'paranoid' if they are talking to each other. I do not particularly like them accusing members of the Assembly of being paranoid when they are speaking to the press. As I say, Mr Speaker, I am quite happy to cop that kind of criticism at any time from the person who is here to give it to me, and that is the responsible minister not people in his department.

In reply to that criticism, I told her - and I say it to the minister now - to be careful when people say that. Instead, have a look at the substance of the criticism and see whether or not it is justified. Do not be put off by people who tell you not to pay attention to what is being said; be suspicious of that; have a look at the facts. If I am being paranoid, then so is the Northern Land Council. So, too, is the Supervising Scientist - as I will demonstrate, despite the assurances of the Minister for Mines and Energy.

Mr Speaker, I want to make it clear to the Assembly and to the minister, particularly in response to a statement made by Queensland Mines, that at no stage have I said that there was a cover-up in operation. At no stage did I talk about a catastrophe. At no stage did I say that radioactive run-off had gone into Coopers Creek. I refer any honourable member or anyone else for that matter to the public record on that particular matter. I am aware that others could have said it. I have press releases here from other people who have not checked the facts. But I have checked them. The concern I had and still have has been outlined very well indeed by an editorial that appeared in the Star, written by Mr Rex Clark. I will read the final sentence of that editorial, Mr Speaker, because it sums up my concern: 'Nobody is suggesting the government or any of its officials are trying to cover up anything.' - I am certainly not - 'Their challenge is simply to convince everyone that they are adept enough to keep things out in the open'. That is my concern, Mr Speaker.

I believe it has been demonstrated clearly that there are deficiencies - serious deficiencies that we should be concerned about - in the monitoring and the regulatory procedures that have been adopted by Northern Territory authorities in respect, at this stage, of Nabarlek. I am sure that, as inquiries proceed, it will become obvious that these deficiencies apply elsewhere.

I am not impressed when officials of the department and the minister himself talk about a technical breach of the regulation; that does not impress me at all. What other breach is there? We are informed and assured that those regulations are stringent and will be kept stringent. I am not at all impressed, and I do not think many other people are, when people fob it off and say it was only a technical breach of the regulations. It was said again yesterday.

There are some unfortunate and disturbing inconsistencies in the stories available. Every time the tree is shaken, something else falls out. One story comes from the Department of Mines and Energy. Another story comes from the minister on Wednesday and a completely contradictory version on Thursday, and yet another story from the Supervising Scientist. There is a completely different tale each time someone speaks on the subject.

In response to the member for Alice Spring who is becoming upset over there, he is at perfect liberty to speak during this debate on the same matter. In the short time available to me, I will point out for the benefit of the Assembly just 1 or 2 of these inconsistencies. I checked on a briefing that was held for the press. I do not always bother but on this particular occasion I have taken the trouble to contact, independently, 3 journalists who were at this briefing to confirm whether this is an accurate account of what was said.

They have all confirmed it is an absolutely accurate account of what was said at the briefing conducted by officers of the Department of Mines and Energy for the press at 5 o'clock in the afternoon. I am quoting from the article: 'Mr Purcell said that tests carried out by Amdel, a commercial laboratory in South Australia, indicated radium concentrations declined to 125 pico-curies by September 1980 and to 25 pico-curies by last February'. It declined to 125 pico-curies by September 1980.

I have part of a report from the Office of the Supervising Scientist detailing the results of tests carried out in that pond. I will refer to part of that report: 'Sampling was carried out on 26.11.80'. That is November 1980, 2 months after the levels had dropped to 125 pico-curies according to the Department of Mines and Energy. Tests carried out by the Australian Atomic Energy Commission revealed 1,300 pico-curies per litre. I am quite happy to provide the minister with this report, but there is no need to do that, he already has it. On the same day, the pH was tested as 3.1: highly acidic, Mr Speaker. The honourable minister will appreciate the significance of that. Radium is not readily soluble in neutral water; it is readily soluble in acid water. Therefore, that water is supposed to be kept neutral so the radium does not dissolve in it. It had a pH of 3.1, acidic water, and 1300 pico-curies per litre according to the Australian Atomic Energy Commission. The minister has this report yet officers of the department informed the press that, in September 1980, 2 months prior to that 1300 pico-curies reading, the level had dropped to 125. That is an inconsistency. It is a contradiction that needs to be clarified. No clarification has been offered by the minister this week.

Mr Speaker, the briefing gave the explanation of what happened. Mr Purcell said: 'The run-off pond, designed to handle a once in 100-year storm, filled to capacity during a heavy storm beginning on March 6, forcing "rain-water" in access drains to back up and overflow. That overflow was "probably" of a very low order of radioactivity because the plant compound had already received a thorough hosing from rain ... The water, Mr Purcell said, had flowed to a depression beside the run-off pond and had not escaped from the plant boundaries. Thus, Queensland Mines was not legally obligated to report the incident, the AEC secretary said, as it was only required to report leakages beyond "designated areas" ...'. Of course, the officer was perfectly correct in saying it is only required to report leakages beyond designated areas. He said it went into a depression near the pond and did not go outside the area. Thus, it has not in fact breached anything.

I would like to read into Hansard a statement from Queensland Mines. I am not screaming catastrophe. But I am greatly concerned by these incredible contradictions: 'Statements have been made that Queensland Mines discharged water at Nabarlek with a high radiation content and caused serious contamination at the Coopers Creek waterway. The circumstances were that, on 7 March 1981, in excess of 12 inches of rain was recorded in a 24-hour period at Nabarlek. Production was halted due to a blockage in the crushing circuit.'- That is the first time I heard that story - 'The operator attempted to clear the problem and, in so doing, failed to activate the pumps to transfer water from the plant run-off pond to the stockpile run-off pond. This inaction on the part of the operator resulted in rainfall from the anhydrous ammonia storage area and the workshop area being diverted into the Coopers Creek catchment area instead of draining into the plant run-off pond.'- I am quite sure that the honourable member for Nightcliff will be surprised to hear this statement because it is not what we heard on Monday at the briefing - 'The released water was uncontaminated and of drinkable quality'. And so it goes on.

In case honourable members are diverted by these continuous assurances that the water was uncontaminated etc and the incident does not need to be reported, I would like to correct them. I point out again the extraordinary inconsistencies between the statement of the Department of Mines and Energy officers, the statement of the minister on Thursday and Queensland Mines' own explanation of what happened. The first time I heard that human error was involved was when I read this today. I have not heard that story before.

I have a telex from the Supervising Scientist which I received this afternoon. I sent him a telex asking him if it was true that he was satisfied with the monitoring that is being done in the Northern Territory. I quote again from the minister's press release: 'The NT Department of Mines and Energy has conducted its monitoring program under the watchful eye and to the satisfaction of the Supervising Scientist'. I asked him a simple question: 'Is that correct?' I received this reply:

> *QML reported to me on 14 July 1981 that 'a side overflow of fresh input rainwater occurred from the plant run-off pond from 0930 to 1130 on 7 March 1981'. The release of any water, no matter what its quality, over the restricted release zone boundary which skirts the plant run-off pond would be an infringement of the environmental requirements and, under existing arrangements, should be reported to the Supervising Scientist. Serious infringements and any action taken to remedy such infringements should be reported immediately. Less serious infringements are to be reported monthly.*

As has been demonstrated, neither was done. The Supervising Scientist did not receive an immediate report nor a monthly report either. I will not quote all the rest of the telex because there is too much of it. The last paragraph reads:

> *My view is that, on the basis of information available to me at the present time, the incident itself was not environmentally significant and should not be seen as a cause for alarm, particularly among the local Aboriginal people. But the implications of the incident in so far as it reveals deficiencies in the company's operations and in existing regulatory arrangements are important and are being investigated.*

Mr Speaker, the minister might like to interpret that attitude as being satisfaction. In fact, I know from discussions I have had with officers of the Supervising Scientist that they are far from satisfied.

I noted on page 2 of today's NT News a call from the Treasurer for more money for monitoring.

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

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I would like to speak on 2 subjects. At the risk of being accused of reading out my stores list, I would like to read out the cost of some vegetables at my local supermarket. Cabbage cost 77¢/kg, radishes cost $2.45/kg, tomatoes cost $1.75/kg, capsicums cost $2.45/kg, cucumbers cost 98¢/kg, carrots cost $1.10/kg and turnips cost $1.86/kg. There are about 200-odd pigs that will eat 3 tonnes of produce like that in the next week. All of those vegetables that I have mentioned are grown at Gunn Point Prison Farm.

Some of the cabbages that they have grown weigh about 6 kg which is ex-

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cellent for the Northern Territory. To my knowledge, these people are the only ones who have grown cabbages with such success in the Top End. I have been told that, before the vegetables were grown, a market was arranged for the disposal of these vegetables with one of the large commercial establishments in town. The vegetables are now ready to market but the market is not available.

I cannot ascertain whether this is because the particular commercial establishment could not be assured of continuity of supply. I do not know whether it is because of the interference of a certain third person - who does not grow cabbages - or for some reason. Very little of the produce can be sold. It can be disposed of at Gunn Point Prison Farm or at Berrimah Prison and no doubt some of it will find its way to the hospital. I do not think it will find its way down to Alice Springs but perhaps it might. The majority of it will be fed to the pigs next week. As well as eating 3 tonnes of cabbage, the pigs will have about 2 tonnes of other vegetables.

Honourable members have repeatedly complained about the prices we pay for second and third-rate produce up here. If any member expresses an interest, I can show him samples of these vegetables in my office now: cabbages, cucumbers, tomatoes and red cabbages.

Mr B. Collins: The local growers would not like it.

Mrs PADGHAM-PURICH: In response to the honourable member for Arnhem, as a member of the Northern Farmers and after speaking with members of the horticultural group associated with the Northern Farmers and also with the President of the Northern Farmers, at the moment I can assure him that Northern Farmers have no argument with the disposal of this produce on the local market. There is a gentleman's agreement between the people who grow this produce at Gunn Point Prison Farm and the Northern Farmers that, when it starts to impinge on the produce of local farmers, the Gunn Point Prison Farm will pull out. At this stage, there is no local producer of cabbages. There are producers of tomatoes, capsicums and cucumbers but there are not many producers of carrots, turnips or radishes. This iniquitous situation must not be allowed to continue. The people out at Gunn Point Prison Farm have tried their best to sell this produce but somehow they must receive some help from somebody to dispose of this produce so that it is not lost to the market.

The second point which I would like to touch on is a matter that could develop into a completely unjust situation. This does not refer to any place in my electorate. I was told about it a couple of weeks ago and I made some inquiries over the last week or so. An abattoir that was established 31 years ago could stand in jeopardy because of the recreational interest of some city people. I refer to the Meneling Abattoir which was established in 1950. It has not been operating continuously since then but it has been operating most of the time. Lately, it has been operating very actively. It is near the Batchelor airstrip. It has a disposal dump. Nobody is querying the fact that around disposal dumps you find hawks. Hawks are not things you have flying around an airstrip because they can cause accidents. One did cause an accident but, very luckily, it was not fatal. Nobody is disagreeing with that.

However, when some recreational group of city people - and I think it is a gliding group - are trying to move something that is of actual benefit to primary industry in the Northern Territory, I think our values are wrong somewhere along the line. It really probably is not of concern to the Department of Transport and Works up here but it is of some concern to the Commonwealth Department of Transport. The proposition has been put to Meneling Abattoir

that it move its disposal dump about 15 kilometres away. I have been told that this will add another $2000 a week to their operations bill and it cannot afford this. If it is forced to move its offal dump, it will go out of business. If it goes out of business, many people involved in primary industry in that area will be at a grave disadvantage in terms of disposal of their stock.

It has been recommended that it install a meat digester. As you know, Mr Speaker, meat digesters do not grow on trees. The installation cost would be about $300,000. I do not know who will find this money, whether Meneling Abattoir is supposed to whistle it out of the air, whether the federal Department of Transport expects the Northern Territory government to pay for it or whether it will foot the bill itself. I am not arguing that a digester would not be a good thing to have in the Northern Territory as a source of very high protein meatmeal for livestock in the Territory. The fact of the matter is that it is completely unrealistic to expect this abattoir to be moved because of a conflict of interest with a group of people who are engaging in a purely recreational pursuit.

I am not arguing about safety; I am arguing about a conflict of 2 interests. People at Batchelor have said that perhaps another airstrip could be used. I hasten to add, Mr Deputy Speaker, that I must declare an interest. We have an unused airstrip on our property near the Batchelor airstip. I do not know whether ours would be suitable but there is another airstrip over by Coomalie Creek. Before this matter gets out of hand, I feel that some constructive thinking has to be given to it. This abattoir plays a definite role in primary industry in the Top End and is just getting going again after a big slump in cattle prices years ago. The interests of primary industry must come before recreation.

Continuing with the subject of Meneling Abattoir, when abattoirs are running their affairs in good order, as Meneling Abattoir is, it is incumbent on the Northern Territory to tell people down south that these abattoirs are selling the meat that is marked on the containers. After a long time, the Meneling Abattoir has broken into the New South Wales market. In its estimation this is quite an important market. With the scare that horse meat and kangaroo meat have been found in boxes marked 'cattle meat', and there is a possibility that it could come from the Northern Territory somewhere, the government must assure itself that the abattoir's operations are strictly correct and then do all in its power to ensure that there is continuity of interest in abattoirs like this and support for primary industry in the Northern Territory.

Mr BELL (MacDonnell): Mr Speaker, I am pleased that the member for Tiwi raised the matter of Gunn Point Prison Farm. During the last few months, I have had the opportunity to visit a number of penal establishments in the Northern Territory, including Berrimah Prison and Alice Springs Gaol. It was a great disappointment to me to see in the budget yesterday that no provision has been made for the planned prison farm in the Alice Springs region. I understand that the farm site under consideration by the government was found to be unsuitable because questions had been raised about possible pollution of the Mereenie aquifer which provides the water supply for Alice Springs. The proposed site for the prison farm was in the vicinity of Pine Gap so I wonder what effect Pine Gap is having on the Mereenie aquifer.

I want to ask some questions in relation to this prison farm proposal because I know it is a matter of concern to many people involved with the gaol in Alice Springs. I am sure they will be wanting to know what alternative sites are likely to be available for the prison farm. Honourable members should

make no mistake about the need for this prison farm. Perhaps a few figures are worth quoting to give honourable members some comparison with the situation at Berrimah. At Alice Springs Gaol, there are in the vicinity of 90 inmates at any one time. At Berrimah, there are in the vicinity of 160. In addition, there are people at Gunn Point so the comparison between the gaol in Alice Springs and the gaol at Berrimah is not so great as to warrant the difference that exists in facilities at the 2 establishments. The Alice Springs Gaol was built in a similar style if not at the same time as the old Fannie Bay Gaol. The emphasis was not on rehabilitation when the Alice Springs Gaol was built. The staff at the Alice Springs Gaol do a wonderful job with the resources that are at hand but, unfortunately, inadequate. This prison farm is very much needed. I would appreciate any information that the government is able to provide about when it can be expected. I think that that prison farm in Alice Springs should be regarded as a high priority.

Mr Deputy Speaker, I carry a shadow responsibility in the area of Central Australia. Central Australia, as members will be aware, is a place that is topographically and climatically different from the Top End. The opposition believes that it is important to regard Central Australia as an entity and I hope to speak on that theme at some length at some other time. In my capacity as shadow spokesman for Central Australia, I recently visited Tennant Creek. I have already raised in this Assembly a number of matters that resulted from that visit and I have asked a number of questions, particularly of the Minister for Lands and Housing.

The approach of the Australian Labor Party is to encourage economic and human development in the Territory to maximise the satisfaction of needs for all people in the Territory. I want to raise a matter to do with economic development in Tennant Creek. It is a matter that has caused considerable concern to a number of people in Tennant Creek, particularly business people in the town. The Northern Territory government, the Country Liberal Party, makes a great deal of play of its belief in free market forces and the need for government regulations to be kept to a minimum so that enterprise might flourish. We even have the Treasurer occasionally being even more selective than that and referring to some free market forces. What he means by that I am not sure but it is surprising then to find a party in government, which is so wedded to free market forces, being so obstructive in regard to developments that are seeking to go ahead in Tennant Creek.

The Minister for Lands and Housing referred today in answer to my question to rezoning applications that had been dealt with under the old Planning Act. He regarded that as sufficient explanation for the delays, the frustration and the feelings that the people in Tennant Creek have because these developments had not gone ahead. I refer specifically to a squash court that was planned some 2 years ago at which stage the cost of the building was to be $180,000. Now, as a result of the delays caused by the need to rezone land, the cost has escalated to $400,000. That must be a matter of concern to all of us here.

Another project was a centre for senior citizens in Tennant Creek. There had been much negotiation over a long period of time to get this citizens centre on the road. The delays of course again raised building costs and because of the federal budget levy of a 2.5% sales tax on building materials, the senior citizens in Tennant Creek will have to pay that much more for their building. I suggest that, in a town the size of Tennant Creek, an increase in cost of $3000 or $4000 will not be so very easy to meet.

As I said, the Minister for Lands and Housing suggested that this was all within the terms of the Planning Act and I will be certainly examining that to

find out if that is in fact the case. I would suggest that the minister was being somewhat blase in his belief in the majesty of the law. It perhaps indicates how out of touch the Northern Territory government, and particularly the minister, are with the real aspirations of people. I would suggest that perhaps he is becoming a victim of his own capacity for disdain.

While I am on the matter of oversights, there is one other matter I would like to refer to. It is a somewhat personal matter. A constituent of mine is visiting Darwin. I would like to mention the plight of this particular person because the plight of this particular person is something that this government should perhaps take to heart. Her particular plight - in fact the plight of her family and her husband as well - reflects wider problems that have been created for many Territorians by this government. I do not want to use any names but if anybody is in any doubt I am quite happy to talk to him and mention the particular names and circumstances of these people.

I refer to a man and his wife and their 4 children who live in Alice Springs in a 4-bedroom Housing Commission home. This man works as a builder's labourer and he earns $250 a week. We have heard many statements about what income is likely to mean in terms of health charges. This particular family will fall just outside the cut-off point for disadvantage under the new health arrangements. Because they are in a Housing Commission 4-bedroom home and because they will have to meet health insurance payments after 1 September, in one fell swoop they will have to pay another $30 a week out of that $250. Another eighth of their income will go in one fell swoop: an extra $18 per week on their rent for the 4-bedroom Housing Commission home and an extra $12 per week for health insurance. The member for Arnhem suggests 'and the rest'. I would say he is right.

The Chief Minister referred to the Territory factor. We know that inflation is running at something like 10%. It is not a bright picture for that particular group and I would suggest that they are by no means atypical. The sort of problems that are being created for people moving to the Territory who are not on high incomes is desperate.

These are challenges to the government. I suggest that it will not meet them by carrying on with codswallop about the user-pays philosophy, or the operation of free market forces. It is all very well for rich people to talk about user-pays philosophies and free market forces but I am talking about real people and real needs and I suggest the government take them seriously.

Mr TUXWORTH (Barkly): Mr Speaker, I shall respond briefly this afternoon to 2 matters. The first one was raised by the member for Arnhem. I do not propose to go into the details that he has raised but I will just touch on a couple of matters that are important.

The member expressed his concern that some public servants are said to refer to him as having a paranoia about uranium. He said he thought that opinion was unreasonable and that he would like to get their names. If there were a list, it would contain the names of several hundred people from about 5 different departments. That is not a matter of my doing nor does it result from my reference to the honourable member; he has earned that distinction quite clearly by himself.

Mr Speaker, professionalism is a fine tag to place on all sorts of things of which we approve or disapprove but when we get down to tin tacks we are talking about people relationships. In dealing with the honourable member and the matter of uranium one difficulty is that he has a certain vision which he is pursuing very strenuously, and that is fine. He happens to be pursuing it

so strenuously that he is alienating himself and his party. He gets upset when I do not respond to his jibes. The reality is that in the Northern Territory 79% of the people support the uranium industry. There would be up to 300 people within the departments working in various aspects of servicing the industry. The honourable member's continuous hammering at uranium mining is regarded as personal and upsetting to the people who would normally be his supporters and, for their own reasons, they are driven away from his philosophy.

Mr Speaker, I am not worried particularly about that; in political terms it would probably suit me. But the message I am trying to get across to the honourable member is that, if he approached the problem in a more rational manner and gave people an opportunity to investigate and put the facts, he would probably find that all is not as bad as he would have us think. I would like to cite the point about the 2 different levels of reading that concerned him this afternoon - one taken by one agency; one taken by another; 2 months apart. There is a great discrepancy. It is quite possible that there is a logical technical explanation for it. If the member wishes, we can organise for that to be pursued through the sessional committee, and he can get all the detail he wants from whoever he wants. I do not have a problem with that. The member practises the technique of standing up here presenting me with quotes from various selected pages and saying: 'You are not doing your job because you cannot answer the questions'. In the particular technical field in which we are working, I think that is so much rhubarb.

The member for MacDonnell raised a matter of concern to him: difficulties people have had in Tennant Creek with town planning and rezoning. I suggest to the honourable member that the problems he speaks about are well known to the minister and myself and to the Town Planning Board, the council and anybody else who has been involved.

I think his suggestion this afternoon that a squash court which was budgeted for at $180,000 a couple of years ago will now cost $400,000 is not quite fair and reasonable because there have been some changes to the original proposal. Now there is to be a licensed premises, a health studio and a couple of other ancillary things attached to the squash court that make a very considerable difference to the zoning of the proposal and to the financing. I am not knocking the people. I think it is a great venture. They have my full support. Everybody has been trying to help them. The simplistic manner in which it was painted this afternoon does not really do justice to the people or the cause.

Mr ISAACS (Opposition Leader): Mr Speaker, it is always interesting to hear the Minister for Mines and Energy use his slick manner to try to set people aside. It is also interesting to hear the way he responds when questions of substance are put to him. He responds as he has done over the last 2 days. Of course, on this side of the Assembly we are used to it from the honourable minister. He says, 'Put it on notice', and turns his nose up at you. The Assembly is not here to put him on the spot; it is here so that he can fob us off. Either he responds that way, Mr Speaker - and if you doubt that please read Hansard - or he summons up all the intellect and knowledge that he has and says: 'Well, so far as I am concerned, that is so much rhubarb'. We expect a great deal more from a minister of the Crown. It is not in the area of mines and energy alone that he shows that kind of disdain. He shows it in every other area.

The matter which concerns me greatly is the matter which the member for Arnhem raised: in discussion with a journalist a question was put to the member for Arnhem which related to comments made by senior departmental officers.

The member for Arnhem made it clear that he is big enough and old enough to cop any kind of criticism from anybody, and that includes senior departmental officers and certainly the Minister for Mines and Energy. However, the member for Arnhem rightly raised the question of whether or not it is proper and appropriate for senior departmental officers, in talking to the press, to reflect upon a member of the opposition - a possible minister of their department in the future - and say: 'Do not worry about him because he is paranoid'. My view on that is pretty clear.

I would like to hear what the Chief Minister has to say about it. I think it is just not on for senior departmental officers to make that kind of comment to the press in official interviews. Whatever the minister might think about the member for Arnhem, he is entitled to that view. I do not think supposedly independent departmental officers of the Northern Territory government are entitled to make that kind of comment about any member of the Legislative Assembly. If that is their area, they are there to give briefings to the press on departmental policy and on technical information. They are not there to pass gratuitous comments about members of the Australian Labor Party or any party for that matter. If that is the view taken by the minister, then he stands condemned for his view and his approach to what the Northern Territory Public Service ought to be about. I have never seen the Chief Minister put his signature to that kind of performance. In fact, he has been at pains to point out the apolitical nature of the Northern Territory Public Service. I do not accept for a second the kind of blase attitude that the Minister for Mines and Energy has. It is bad enough that he treats this side with disdain. He says in his press releases, which are oh so smart, that anybody can ask him any questions during the sittings of the Assembly and he is happy to answer them. When the questions are put to him, he smugly says: 'Put it on notice'. It is bad enough that he does that but it is doubly bad when he condones that sort of action by officers of his department.

The member for Arnhem is entitled, as every member of this Assembly is entitled, to pursue with as much vigour as he can the issues of the day. You, Mr Deputy Speaker, are the chairman of the sessional committee of which the member for Arnhem is a member. I am quite sure you support the right of every member to pursue issues as rigorously as he can and to get to the bottom of anything which is in the purview of your sessional committee. The minister himself nods very graciously. To use that right which a member has as a point of criticism is a very sad reflection on the minister and the blinkered view that the minister might have.

Quite honestly, it does not matter whether you are for or against the mining of uranium. On this side of the Assembly, we happen to be against the mining of uranium. It does not matter whether we are for or against it, each one of us has an obligation to ensure that, whatever structures are established in the pursuit of the regulation of the industry, the monitoring of what goes on is done properly.

It is quite clear from the telexes, press releases and newspaper reports which the member for Arnhem read this evening that things are crook in Tobruk so far as monitoring is concerned. The Supervising Scientist said in a telex to the member for Arnhem that it is 'under investigation'. This morning, we heard the Minister for Transport and Works and the Minister for Mines and Energy say that they are quite satisfied with the way monitoring is occurring. They might be but the Supervising Scientist is not. It seems quite clear, from reading the newspaper articles in the Northern Territory, that the people of the Territory are not satisfied that this government knows where it is at or is doing the job properly with regard to the monitoring of the uranium mining industry.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I have listened to what the Leader of the Opposition has just said and certainly I do not endorse public servants making statements about the personalities of politicians. I do not know that I entirely approve of politicians making statements about the personalities of public servants either. The position is that we hear stories from the member for Arnhem about people whose names he cannot or will not name. I suggest to the Leader of the Opposition and the member for Arnhem that, if they are prepared to name the person against whom these allegations are made and provide me with a statutory declaration, or indeed if they can persuade anyone else to do likewise, I will send the statement directly to the Public Service Commissioner for him to take such action as he is able to take under his act. I suggest that, unless they are prepared to do that, they drop the issue and forget about it.

Mr B. Collins: Talk to the Australian.

Mr EVERINGHAM: The honourable member brought up this matter in the Assembly. I am asking him to back up his statements with a bit of fact. Unless he can do that, I suggest that he stop talking on the subject.

I would like to make a comment in response to the statement by the member for Tiwi in relation to the likely fate of the vegetables being grown at Gunn Point. It is certainly a matter of grave concern to me. I almost feel as though the vegetables should be made available to people free of charge rather than see them destroyed. I have asked my colleague, the Minister for Community Development, to speak to the Minister for Primary Production and Tourism and see if the Agricultural Development and Marketing Authority can arrange for these vegetables to be picked and marketed in an orderly fashion. I would hope that the authority can perhaps win its spurs in this way because it seems a terrible disgrace and a shame that this produce should go to the pigs.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

LITTER CONTROL COMMITTEE REPORT - 1981

Mr PERRON (Community Development): Mr Speaker, I present the Litter Control Committee Report 1981, and move that the Assembly take note of the report.

Mr Speaker, honourable members will recall the tabling in this Assembly of a report on litter, I think by a gentleman called Mr Gilson. In subsequent debate, it was decided to establish an advisory committee within government, with some members from outside government, to keep the government informed. I would like to refer to certain aspects of the report and the abysmal litter situation which exists in the Territory today. I might add that this situation exists because too many people are showing too little concern.

It may be said that the Litter Control Committee's Report seems to raise many questions but provides no short-term solution to the litter problem. In brief, the report suggests that more research is needed in the control of litter, more education programs be implemented, an advisory committee with a salaried officer be established, excess packaging and recycling be kept under review and greater funding to industry and government be provided to effect these measures. Mr Speaker, please allow me to place on record the dedicated work carried out by the committee. It is an unenviable task to attempt to come to terms with a universal problem such as litter.

However, I do not believe that we need more surveys and more committees; we need more action. The major areas of litter abuse must be recognised and isolated and we must assess what steps can be taken to eradicate the problems. It must be accepted that the public and possibly manufacturers are forcing the government into a position where it will have to take positive steps to enforce punitive measures and perhaps introduce new legislative measures to overcome the increasing litter problem in the Territory. I go so far as to say that, at this stage, the option of a compulsory deposit on beverage containers has not been ruled out. Recent reports from South Australia, where such legislation exists, have shown consumer acceptance of deposit legislation and a marked decrease in the litter control problem.However, people in the packaging industry have produced a report on the South Australian situation which shows that in a more unfavourable light from their point of view. Territorians should be given every opportunity to clean up their own backyards before we take dramatic steps. If they do not use this opportunity,the consequences must be faced by us all. Sadly, if past performance is anything to go by, I feel that strong controls will have to be brought into force to deal with this ever-increasing blot on the environment.

Mr Speaker, the report has suggested that an advisory committee be set up. I feel enough reports have been written in regard to present litter problems. The need today is to look at areas of the world where the problem has been solved, to learn from them and perhaps to borrow their ideas. For the time being at least, the government pledges to maintain the present level of funding to the various organisations involved in litter control in the Territory. I shall be talking soon to representatives of the packaging industries about their contribution and help to solve the problem in the Territory. I firmly believe that all Territorians, town councils and government departments must play a role in coming to terms with the problem. It is useless to legislate for litter control powers if persons involved are not willing to come to terms with the situation themselves. Government can do just so much and individuals and local councils need to go one step further. In the meantime, I recommend the report to the Assembly and trust it will allow honourable members to consider further the

problems faced today in this important area. I look forward to receiving members' views on this subject.

Debate adjourned.

STATEMENT
Petrol Sniffing

Mr TUXWORTH (Health) (by leave): During the adjournment debate on Wednesday of last week, the honourable member for MacDonnell brought to the notice of this Assembly the extensive practice by people in his electorate of petrol sniffing. I have asked the department to provide me with some information on the problem of petrol sniffing and, for the benefit of all honourable members and in the interest of awakening public awareness of this very destructive habit, I now wish to pass that information on to the Assembly.

Petrol sniffing is and has been a problem in some Aboriginal communities in the Territory since the Second World War. The majority of petrol sniffers are children of school age although some adults are involved. Both male and female children are affected. The effects of petrol sniffing on the human body can be very serious. Small amounts of petrol fumes cause irritation of the lungs, slight disorientation or hallucinations and large amounts may result in delirium. Death through depression of the respiratory system may result. Petrol is toxic to the brain, liver, kidneys and nerves and damage to any or all of these organs can result from petrol sniffing. Lead poisoning is a real danger to chronic users.

The social effects of petrol sniffing are just as serious. Children have reported that sniffing petrol made them drunk and silly and users frequently become involved in anti-social activities, including breaking into buildings and petty stealing. It has been reported that some children interfered with graves while under the influence. Teachers report that children who sniff petrol frequently lack concentration, are dopey and tend to fail to achieve at school.

Some Aboriginal communities that are concerned about the problem sought the assistance of Department of Health officers to obtain more information about the effects of petrol sniffing on the body. Some communities have taken positive steps themselves to reduce the incidence of petrol sniffing. Two particular community measures have been found to be useful. The first one is to exert effective control over the availability of petrol to children. I know of one particular community that has converted its whole fleet to diesel engines so that petrol has no use on the settlement at all. The second one is to send petrol sniffers to outstations under the care of strong leaders or older people. Other potentially useful measures include a reasonable degree of control, the provision of recreation facilities for youth, and education and counselling for petrol sniffers. It is also expected that a fall in the incidence of petrol sniffing and alcohol abuse will result from the broad improvements in the physical and social aspects of life in Aboriginal communities.

The Drug and Alcohol Bureau and the Health Education Section of the Department of Health will be able to provide information about the problems of community groups and make resource people available for community discussions on steps that need to be taken to deal with the problem. It is a brief response to a matter that is of concern to many members of the Assembly because the problem is widespread throughout the Territory. I offer the full assistance of the department in educating people in rural areas about the problem.

Mr Speaker, I move that the Assembly take note of the statement.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 124)

Bill presented and read a first time.

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

This bill completely revises the sections of the Local Government Act which give municipal councils basic functions and powers to make bylaws. As the number and the expertise of local councils has grown, local government has expressed concern about the description of its powers in the Local Government Act. The present act gives councils authority to engage in a range of activities and empowers them to make bylaws. However, the councils have experienced procedural problems and expressed doubts about their authority to deal with some matters as fully as their communities would expect.

The government is committed to a policy of encouraging the development of effective and responsible local government in the Northern Territory. It is concerned that these doubts have inhibited the independent development of bylaws by councils. Members may be aware that Darwin city council is the only council with its own bylaws at present although some bylaws have been prepared by the Alice Springs Town Council.

Furthermore, the government agrees that certain responsibilities enjoyed by local government in the states could be devolved upon local government in the Territory. Consequently, it has been found necessary to both delineate and review the powers and functions of local government. This bill makes a general grant of powers to the councils. These are powers to exercise fully their functions in the course of which they may make bylaws, carry out works for other bodies or individuals, and delegate some of their powers and functions to members or officers.

The functions of councils have been brought together in a new fifth schedule which lists all the activities in which a council may engage and those which it may regulate or control by bylaw. The primary functions which are set out in the first column are intended to remain fixed by the statute while the extent to which councils should be involved in these functions, set out in the second column of the schedule, is intended to be amendable by regulation. All activities previously available to councils have been retained and new matters have been included. New areas in which it is proposed that a council may involve itself are the provision of public and emergency housing, facilities for the aged and public transport. All of these are within the scope of local government in the states. Another proposal is that enabling councils to engage in joint programs and activities with community groups.

The bill also creates a framework within which the devolution or delegation of some town planning, building control and health functions can occur. In performing any of these functions, councils would be operating within the confines of relevant legislation. In many cases, subordinate legislation or further legislative empowerments will be necessary before functions are capable of being implemented. For example, the existing powers of councils to make bylaws in relation to building controls will be strengthened in areas where the Building Board does not operate.

As the process of devolution unfolds, more specific powers can be transferred to councils. The government believes that a local government in the Northern Territory should expect and, indeed, be expected to involve itself in at least a similar degree of local responsibility as its counterparts in the states. Besides being a prescription for future local government endeavour, the bill seeks

to remove any doubt about the capacity of councils to make valid and enforceable bylaws on any topic of importance to their local communities. The bylaw-making power in this bill makes clear a council's authority to prescribe penalties, authorise the arrest or removal of offenders, recover costs and fully regulate and impose fees and conditions on those activities over which it has control. It also empowers a council to provide for appeal proceedings against decisions taken under its bylaws.

It is my belief that one of the most obvious reasons why other local government acts have become so cumbersome and unwieldy is that material which rightly belongs in regulations or bylaws has been written into the principal acts. This bill clearly provides for the making of valid bylaws covering these detailed matters. The act at present provides no procedures for the adoption of model bylaws. This is rectified in the bill which will enable model bylaws to be adopted by resolutions of the council.

Finally, the bill empowers councils to propose bylaws that will be binding on the Crown. Such bylaws will not come into effect until this Assembly has had an opportunity to view them. At recent discussions with the Local Government Association, the inadequacy of penalties for breaches of the act and bylaws came under scrutiny. As a result, I propose to accommodate the submissions of the association by proposing an amendment on the level of penalties in committee.

Overall, the bill offers considerable clearly defined powers and functions to a local authority while ensuring that these must be exercised with proper consideration. I commend the bill to honourable members.

Debate adjourned.

FISH AND FISHERIES AMENDMENT BILL
(Serial 126)

Bill presented by leave and read a first time.

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

I am introducing this bill on behalf of the Chief Minister. The purpose of the bill is to insert 2 new sections, namely sections 78A and 78B, into the Fish and Fisheries Act. As the law stands at present, fisheries officers have a wide power under section 78 of the Fish and Fisheries Act to detain or seize vehicles, vessels or other things used in connection with offences against the act. Section 84 requires things seized by fisheries officers to be delivered to the Director of Fisheries as soon after seizure as is practicable. Section 85 provides that, if no prosecution is instituted within 30 days in respect of the use or possession of the things seized, the Director of Fisheries must take certain steps to return the things seized to their owner.

Section 85 therefore ensures that, where items are seized , fishery offences will be prosecuted expeditiously. It is possible under the present legislation for a fisheries officer to detain a vehicle, vessel etc for a lengthy period without formally seizing it. If this were done, it would have 2 highly undesirable effects. It would circumvent section 85 of the Fish and Fisheries Act and thereby result in a protracted prosecution for the fishing offences involved in the seizure, and it would unfairly place the owners of items detained in a state of considerable uncertainty and might cause severe financial hardship.

The new section 78A is designed to prevent any potential abuses of the power

to detain without seizing by providing that a thing may not be detained longer than 7 days without being seized. The new section 78B is designed to deal with the problem of double forfeiture. As the law now stands, if a thing is seized in respect of one fishing offence, it cannot be seized in respect of any other fishing offence, no matter how serious, until the seizure in relation to the first offence is determined. This position may cause a delay in disposing of fisheries offences and introduces an unnecessary element of complexity and technicality into the law surrounding a thing that is under seizure with respect to one fishing offence to be seized in respect of other fishing offences.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 152)

Bill presented and read a first time.

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

This bill will amend section 18 of the Motor Accidents (Compensation) Act so that rights and obligations are unaffected by the new hospital charging arrangements. The purpose of section 18 is to shield Territorian road accident victims from hospitalisation costs without causing a high flow-on of such costs to contributions by motorists. Until now, ordinary hospitalisation and associated medical and surgical costs have been free in the Territory except in the case of hospital-insured patients and compensable patients; that is, persons with a right of indemnity by some compulsory compensation scheme applicable in the circumstances of the accident concerned. By not allowing the Territory Insurance Office to meet hospital costs, road victims have been legally non-compensable and therefore entitled to free treatment or reimbursement by health funds if such coverage applied. Special protection was afforded those patients who had to be transferred or had their accident interstate.

Honourable members are aware that henceforth there will be 3 categories of patients in Territory hospitals. These are the disadvantaged, the uninsured non-disadvantaged and the insured. Cutting across each of these is the continuing requirement for compensable patients to pay the full bed-day cost. These amendments do not interfere with the existing non-compensable position of patients under the act. By retaining that strategy, all disadvantaged patients, injured either on the roads or elsewhere, will be entitled to free treatment and accommodation in hospital. All insured patients will retain their rights against their funds. The new category of patients is the non-disadvantaged person who is uninsured. The changes will ensure that the Territory Insurance Office has the power to pay the hospital so that these people are shielded as they were before.

Turning specifically to the bill itself, Mr Speaker, the effective commencement date is set at 1 July, the date on which certain hospital charges were raised under the Hospital and Medical Services Act. The amendment to subsection (3) clarifies the right of the Territory Insurance Office to meet charges raised interstate. The new subsection (4) is the enabling provision in relation to uninsured non-disadvantaged persons.

I commend the bill to honourable members.

Debate adjourned.

APPROPRIATION BILL 1981-82
(Serial 151)

Continued from 25 August 1981.

Mr ISAACS (Opposition Leader): Mr Speaker, the Northern Territory Treasurer, in bringing down this year's budget, has proved himself an apt pupil of his federal counterpart, John Howard. While Mr Howard attempted to sugarcake major sales tax increases with selective improvements in family allowances, our Treasurer has sweetened a substantial increase in taxes with promises of a housing bonanza.

Despite the fact that the Treasurer of the Northern Territory told the Commonwealth Grants Commission less than a year ago that the average Territory household had a cost of living disadvantage of $86.77 per week compared with the rest of Australia and despite the fact that the government, along with the Labor Party and other people, sought taxation relief for Territorians from the taxation zone allowance inquiry amounting to a rebate of $2,500 per year, we have been presented with a budget which will collect an additional $34m from the pockets of Territory taxpayers compared with last year. It is useless for the Treasurer to protest that a percentage of these higher tax revenues will be due to population increase. The facts of the matter are that in this budget, by his own admission, the Treasurer has set out to increase tax revenue. That revenue will come from the pockets of Territorians across the board - worker and company executive alike. It will add to the Territory cost of living, already among the highest in the country.

Mr Speaker, I do not wish to dwell on the tax increases. They have been dealt with in the last 2 days. Territorians will show this government what they think. But what about the promised housing bonanza? The Treasurer said in his speech: 'In terms of relative financial effort, this government's contribution to housing finance is 1600% greater than the national average'. The allocation given to housing in the budget is nothing more than belated recognition of the fact that the problem of housing in the Territory is at least 1600% worse than in the rest of the country. Given that home ownership in the Territory is about 24% compared with more than 70% in most states, I am surprised that the Treasurer wants to make comparisons with the rest of Australia. I will return to housing later.

Now I turn to federal funding. In the framing of its 1981-82 budget, the Territory government has had its scope for growth sharply reduced for the first time since self-government. Excluding the allocation for health services, general revenue funds from the Commonwealth to the Territory for 1981-82 amount to $337.9m. This is a real increase of only 1.5% compared with an increase of 16.1% last year. Such an increase will not accommodate the level of growth required in the Territory.

In the area of general purpose capital funds, we are even worse off. For the financial year 1981-82 the Territory received $114.9m from the Commonwealth, exactly the figure we received last year and a real decline of 12.1%. In the area of specific purpose recurrent payments, we fared little better with an increase of only 2.2% in real terms. In the area of specific purpose capital payments, the growth over the last year was a meagre 4%. What is at the bottom line? Net Commonwealth payments for the financial year 1981-82 to the Territory amount to $618.9m, a real increase of only 1.6% compared with a real increase last year of 15.5%. With this general reduction in funding, we suffered in key areas of health, roads and housing. As I stated last year, the Territory still has a long way to go before it can be weaned successfully in financial terms from Canberra yet it appears that Canberra has decided otherwise. The time has come

for the Territory government to realise that the much-vaunted Memorandum of Understanding now guarantees us only what the federal government is prepared to give us along with the states.

In this the fourth self-government budget, the Territory government has finally given the appearance of addressing itself to the problem of housing. It is reasonable to ask why it has taken so long for this to occur. In the first 3 years of self-government, the total appropriation rose from $350m in 1978-79 to $639m last financial year, a growth of 83%. I think it is fair to say that the Territory is unlikely to see its revenues grow at that rate in any 3-year period in the future. It has taken until this financial year, when the growth in funding is the lowest since self-government, for the government to take a serious look at housing. Although housing has been the major Territory priority since day one of self-government, it apparently became this government's top priority only last Tuesday. There we have the background to this budget.

Since 1978-79, the government has claimed fine leadership in the expansion of the Territory economy. It stated that the 1978-79 budget was framed with the many problems and priorities of the Territory in mind. Surely housing was one of those? We were told that the waiting time for a 3-bedroom house had been cut to only 9 months and would be further reduced as a result of the efforts of this government but, by July 1981, the waiting time had lengthened to 14 months. In his second budget, the Treasurer acknowledged the financial responsibility that then lay squarely at the feet of the Territory government. There were to be no more problems with interfering bureaucrats down south. He said that his second budget would provide for the expansion of services to cater for the rising population. If, as the Treasurer suggests, he was aware in August 1979 of his responsibilities and the demands that were growing within the Territory economy, why was appropriate action not taken?

In presenting his third budget last August, the Treasurer referred proudly to a banking review which cited the Northern Territory as the fastest growing region in Australia. As a result, he said, public housing commencements would total 800 units. However, on Tuesday the Treasurer admitted that 642 units only had been commenced in that year: a short-fall of 158. In this budget, we are told that there will be 854 public housing commencements in 1981-82. But, given the past performance of this government, as opposed to its past promises, how confident can we be that this target will be achieved? The Treasurer has also estimated private dwelling commencements for the current financial year at more than 1200 compared with 978 in 1980, a 23% increase. The Treasurer cutely described the proposed 854 public housing units as the equivalent of building another Tennant Creek in a single year. Suggesting that the private sector would have 1200 commencements, he was in fact saying that 2½ Tennant Creeks could be built in a single year, a total of 2054 new dwelling commencements. While no one, Mr Speaker, least of all myself, would object to this target being achieved, we have to ask ourselves what the chances are of its occurring.

The Territory has long had great difficulty in attracting skilled tradesmen for development work. It is a national problem, but it is a much greater and more acute problem in the Territory. There are already problems in the home building industry in Darwin, as highlighted in the Darwin Star of 29 July 1981. The Kern group, heavily involved in the Territory, stated that it was having difficulty in finding competent subcontractors. Kern's Darwin manager suggested that lack of skilled labour was a problem also facing other local builders. He said that delays in construction were also being caused by supply problems. He cited boom conditions as part of the problem. The government appears to ignore these problems in outlining its housing targets. It has projected an even greater boom without addressing itself to either the skilled labour shortage or the building material supply problem.

The Treasurer has also ignored another very important related factor: the problem of acceptable home building standards. He cannot be unaware of the problems which have already emerged from some subdivisions and the fact that present inspection procedures are inadequate to protect the home buyer. Clearly, an increase in the number of building inspectors is urgently needed to ensure the maintenance of building standards.

While, on the face of it, the government is attempting in this budget to deal with the problem of housing supply, it has done little or nothing to improve access to housing. The Treasurer in his speech on Tuesday stated that the government would make available at least $28m through its Home Loans Scheme. Based on figures quoted in this Assembly by the Minister for Lands and Housing last November, the average loan under the scheme was around $38,000. One would expect that this figure may have increased somewhat since then. Therefore, based on information from the Treasurer and his colleague, the Minister for Lands and Housing, about 740 home loans are expected to be made available in 1981-82. Further, given the poor contribution made to Territory home finance in the private sector, it would appear that finance for housing will remain extremely tight. Of course, the recent savage increases in interest rates on home loans and the likelihood of yet further increases in the future can only dampen access to home ownership for Territorians.

The tightness in the private financial sector was clearly illustrated by an ABC news item in July of this year. The item stated in part: 'There has been a substantial withdrawal of holding deposits by people who have shown interest in the Araluen private housing subdivision in Alice Springs'. The item went on: 'A spokesman for the selling agents, Asreal, confirmed today that between 40% and 50% of people who placed $500 refundable deposits had cancelled'. The firm said that most people had given unavailability of finance as the reason.

In the budget, the government has once again fiddled with its Home Loans Scheme. To its credit, it has reopened the scheme to single people. However, by leaving the minimum deposit at $5,000, it has ensured that the majority of low-income earners will not be able to use the scheme at all. The facts of the matter are that the last set of changes to the scheme from 1 January this year substantially reduced the number of applications for loans. The tougher conditions put the scheme out of the reach of not only most low-income earners but significant numbers of middle-income earners as well. In the latest changes foreshadowed by the Treasurer on Tuesday and announced yesterday by the Minister for Lands and Housing, the situation has been improved for middle and high-income earners but lower-income earners have been left where they were, virtually excluded from the scheme.

The government has recognised that upper and middle-income earners have not been using the scheme because they found the equity levels too high. By reducing their deposit requirement to $5,000 across the board, they have greatly assisted people on higher incomes but have done nothing to assist low-income earners. There is little value in offering $50,000 at 4% if the deposit cannot be raised. It ought to be patently obvious to the government that a person on $400 a week is in a much better position to save the $5,000 deposit than a person on $200 a week. The government should have reduced the deposit requirement for people on the lower end of the income scale to improve their chances of obtaining a home loan. It is undeniable that the latest changes to the Home Loans Scheme will improve the situation for the middle and upper-income earner at the expense of the low-income earner. The government should not let these changes stand.

As a matter of urgency, it should introduce a graduated deposit system starting at $1,000 for people on an income of $200 a week and rising in steps to a deposit of $5,000 at average weekly earnings. A properly constructed deposit

scale would ensure that no income group was unreasonably disadvantaged in its access to the Home Loans Scheme. In particular, it would make access easier for people receiving below average weekly earnings who have virtually no chance of obtaining housing finance in the private sector. These are the people who are at the greatest disadvantage in becoming home owners in the Territory. If the government's Home Loans Scheme is not weighted in their favour, then their chances of home ownership are nil.

For people receiving above average weekly earnings, the deposit requirements of the Home Loans Scheme should be gradually toughened in line with their ability to save a more substantial deposit. We believe the government should establish an income cut-off point beyond which access to the Home Loans Scheme is denied. The government must accept that people earning above $400 a week are generally able to obtain housing finance from banks or other private financial institutions.

The government cannot have it both ways. It cannot criticise the private banks for failing to make more housing finance available to Territorians when it is actively competing through the Home Loans Scheme for the natural customers of the banks. The banks, due to their very conservative lending policies, restrict the bulk of their home loans to people who have both substantial equity and substantial ability to repay loans.

For more than 2 years now, my party has said that the government would be far better off looking to establish a Territory bank and hence take on the national banks at their own game. I again point out to the government that these banks are bound by national objectives and are controlled by federal legislation. What we need is a Territory bank, an institution to mobilise the savings of Territorians and assist in the development of our own community rather than see our savings flow into southern developments. Such a bank would overcome exactly those deficiencies this government has been identifying in the policies of the national banks for the last year. As I said last year, the Territory bank would be subject only to Territory law. It would not have to pursue national objectives or national rules. It would have a charter to serve the Territory and the Territory alone. I might add that a former Chairman of the Development Corporation and now a senior executive of the Territory's first merchant bank, Mr Clyde Adams, quite unexpectedly has also come out in support of a Territory bank.

Mr Speaker, the Treasurer showed a great determination on Tuesday to present the government's housing package in the best possible light. He pointed out that his colleague, the Minister for Lands and Housing, would announce changes to the Home Loans Scheme later in the session. He did not mention the sharp rise in public housing and public service rents, an increase of unprecedented size, announced by his colleague yesterday. Nor did he mention that the higher rents to be applied in a month's time would be followed by a further review of rent scales as part of a move to market rents as revealed by his more expansive colleague, the Minister for Lands and Housing. The new scale of Housing Commission rents has revealed where a substantial part of the additional funds for housing are to come from: out of the pockets of present commission tenants. I agree with the housing minister's claim that a considerable number of commission tenants are in a position to pay higher rents but I am much less confident about his claim that the present system of rent concessions or any system dreamt up by this government will protect low-income tenants from hardship.

We have no details of how the concession system is to apply to the new rent scales. For example, will the rent concessions apply to realistic income levels for the Territory or will they apply at the ridiculously low levels employed to establish the disadvantaged status of the health system? If, as

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the housing minister said, welfare housing is all about the disadvantaged, then he should have no objection to introducing income-related rental scales across the board.

How can he justify a family with an income of $200 a week paying rent of $64 a week for a 4-bedroom house and a family with an income of $400 paying the same rent? The first family is committed to paying 32% of income for accommodation and the better-off family only 16%. If the minister means what he says, then there is clearly no place in the public housing system for people on very high incomes. It is unjustifiable that they should be receiving the benefit of low-cost public housing when they have ample resources to rent on the private market or, for that matter, buy their own homes. Despite the apparent efforts of the government to seek solutions to the Territory's now critical housing problem, it has again failed to display the imagination and innovation which would make a major contribution to improving the situation at minimal cost.

Let me now outline, in addition to the comments that I have made so far, a few more suggestions for the government's consideration. Rental purchase schemes are used by public housing authorities in other states to enable very low-income owners to save a deposit while renting. This should apply to the Territory. Emergency housing units operate in other states, not as part of the general public housing structure but with a separate pool of short-term accommodation. Given the level of housing emergencies in Territory centres and the number of people who come to my office looking for emergency accommodation, I believe the government should establish a Territory emergency housing unit to relieve hardship.

The government should be examining ways of ensuring that major resource development companies with a long-term future in the Territory make a real contribution to the provision of new housing rather than place further pressure on the limited private rental stock. It should be possible to persuade such companies to examine the economics of renting houses at $200 a week, which they are currently doing, as against the construction of new housing for their employees.

Mr Speaker, the time since the presentation of the budget 2 days ago has been insufficient to research a response to all the matters raised in the Treasurer's speech and associated documents. I say this simply to ensure that my silence on many matters at this stage is not taken by the government to indicate that they meet with opposition approval. In the time remaining, I wish to deal briefly with the key human service areas of health, welfare and education.

Turning to health, the budget outlay is $89.6m for 1981-82, an increase of 13%, but in real terms less than 3%. It is a far from satisfactory allocation and, despite the minister's assurances, it is clear that the introduction of the new funding arrangements will mean a downgrading of health care for Territorians, as so aptly put by my colleague, the member for MacDonnell. The allocation for salaries and wages in hospitals has fallen in real terms by 24%. Because the minister asked that a question be placed on notice, we still do not know the areas in which staff levels are to be cut by 70. Despite some concerned comments from a judge of the Territory Supreme Court and many members of the community, the budget provision for psychiatric services remains appalling. Last year, the allocation was a meagre $501,000. This year, despite assurances from the minister that psychiatric services were to be improved, the allocation is down to $475,000. In 1972, our ratio of psychiatric staff was 25 for 100,000 of population. Nearly 10 years later, it has risen to only 27. Compare this with New South Wales which had 95 staff per 100,000 and Victoria which had 105 per 100,000 as far back as 1969.

The Northern Territory is in desperate need of appropriate secure accommodation for chronic long-term patients, halfway houses and day-care programs, yet no such provisions exist in this budget. Although the grants-in-aid program shows an increase overall, most of this is absorbed by the increased allocation for the St John Council. More than half of the 25 organisations receiving subsidies have received exactly the same allocation as the year before, which means a cut in real terms of more than 10%. Organisations such as the Salvation Army Sunrise and Crisis Centres, the Darwin and District Drug Dependence Foundation and the Family Planning Association, which provide vital services, will be unable to maintain their current level of services let alone expand their operations.

Funding for the Darwin Women's Shelter has been cut by about 14% in real terms. It is clear that the fear that women's refuges would suffer as a result of the Commonwealth government passing funding responsibility to the states and territories has been realised. When it is remembered that last year's allocation for women's centres was cut by $154,000, it is clear that services for women and children in need are being seriously eroded.

I turn to the Department of Community Development. The allocation for 1981-82 is $53.2m, an increase of 10.6%. But when this is discounted for inflation, there is virtually no increase at all. Services must further deteriorate instead of expanding to meet the demands of a growing population. Of the 6 divisions within the Department of Community Development, the areas of community welfare, community government and local government have been hardest hit. The Lord Mayor of Darwin certainly had his bit to say on the radio this morning about the local government allocation.

Funds to the section in the community welfare division responsible for grants and subsidies to community organisations - for example, International Year of the Disabled, concessions to pensioners, services to the aged, the disabled and neglected children - have been cut by more than 4%, allowing no expansion whatsoever. Voluntary organisations providing, in the government's own words, 'essential welfare services to community' have been accorded a very low priority indeed. This is reflected not only by the totally inadequate funding levels but also by the budget paper itself which again has failed to itemise the amount given to each organisation. Once again, at this late stage of the year, organisations do not know how much they will be receiving or if they have been funded at all. Their valuable time will have to be spent in trying to obtain funds to tide them over. This situation was pointed out last year and even the year before and is a matter with which the government has failed to come to terms.

The community government area and the provision of operational and capital funds to Aboriginals in remote communities, fringe camps and urban areas has been cut by over 6% in real terms. This will mean further deterioration in already inadequate environments. The local government allocation has been cut by 4% overall in real terms which will mean the government's stated aim of raising the capabilities of local authorities to the levels existing in the states will not be realised. Functions are being transferred to local governments without concomitant funding arrangements.

The budget allocation for the Department of Education contains an increase of 14.6%. Once again, taking inflation into account, this represents a real increase of just over 4%. This will enable a very limited expansion. It is a disappointing allocation which, despite expectations to the contrary, allows for no real improvement on the existing unsatisfactory school staffing situation. The $1.3m the Treasurer mentioned in his budget speech to enable the recruitment of more teachers is overall catering for population growth and new enrolments and will only allow the employment of about 30 additional teachers. In urban primary

schools alone, around 60 additional teachers are needed to relieve existing staff shortages and to reach the staff-student ratio which the Minister for Education says his government aims at. Such an increase would only bring our staffing to a level commensurate with primary schools in the ACT, South Australia and Victoria.

Mr Speaker, we have considerable reservations about the huge increase of 179% in the school-to-work transition program, the joint Commonwealth-Northern Territory program which, to quote from the budget speech, 'underlines the government's commitment to help our school leavers into the workforce'. Such an attitude fails to come to grips with the real causes of youth unemployment. It implies that the education system is at fault rather than the economic situation. Such funding goes against the expert advice of the Schools Commission and the Curriculum Development Centre. It is a very significant increase in expenditure in a program which, at best, remains unproven. New South Wales and Victoria have recently refused to fund it because they are aware of its shortcomings.

On the other hand, it is encouraging to see that, through the Schools Commission, the Territory government has increased its expenditure by over $80,000 to disadvantaged schools, an area where funds are of critical importance and in great demand. In addition, the TEC has increased by over $100,000 its TAFE specific purpose payments to include community colleges and other institutions. It is also pleasing to see the Commonwealth government's contribution of $125,000 to Aboriginal education which makes provision for payment of salaries and administrative expenses related to Aboriginal teaching assistants at homeland centres.

In the short time available to us since the Territory Treasurer handed down his budget, I have concentrated on the question of housing because, in the Treasurer's own words, it is to be 'a housing budget'. I think I have already demonstrated the lack of initiative and the lack of imagination of this government in its belated approach to the housing problem. In summing up, the Treasurer himself said: 'The budget was put together against a background of disputation with the Commonwealth in a number of areas. During the year, a hardening of the Commonwealth attitude towards the Territory has become apparent'. This is the first time we have heard those words stated by the Territory Treasurer. In the area of zone allowances, about which we have still yet to hear, the Damoclean sword is still hanging above our heads. There is argument about health funding and the appropriate levels. There is the question of the guarantee from the Grants Commission next year dropping from $20m to $15m and the Territory Treasury being able to justify only $13.3m increase this year. There is the question of the funding of uranium regulation, the open question of the electricity subsidy, the question of what will happen to the Darwin Trader after next year and the question of adequate funding of the Aboriginal Sacred Sites Authority.

The budget is a typical conservative government budget. It is unimaginative; it is blinkered. It has addressed its mind to the serious question of housing and I believe I have pointed out the serious deficiencies in its belated response to that very important human problem.

Mr ROBERTSON (Education): Mr Deputy Speaker, this is the third time since 1978 that we have heard virtually identical words used by the honourable Leader of the Opposition. He finished his speech by saying this budget is unimaginative and blinkered. Of course that is precisely what he told us back in 1978. Is it not a remarkable thing with successive budgets which have no imagination and are blinkered that the Northern Territory continues to have the greatest growth rate in the Commonwealth of Australia.

Mr Speaker, the honourable Leader of the Opposition tried to dismiss the

question of his falsehoods of recent days about the $34m increase in revenue collection by the Northern Territory. By saying that the matter had been dealt with over the last 2 days, he anticipated that he could get away with that bland statement going into Hansard and being left unchallenged. It would seem from what we have heard over the last couple of days from the honourable Leader of the Opposition that one Christmas he probably received a pocket calculator and, from that time forward, he became an expert on finance. One has to wonder what kind of representative the Leader of the Opposition is. As I have said, in every year since 1978, the opposition has been provided with literally reams of paper detailing and specifying the government's allocations yet the Leader of the Opposition and his colleagues have misrepresented the position and sought to generate fears within the community. It makes one wonder whether they read the documents or deliberately choose to misinterpret them.

Some of this week's comments, including those at the start of the Leader of the Opposition's speech today, are reminiscent of the propaganda in previous years when the ALP initially sought to block self-government and, when that failed, it went on a sustained campaign to knock it and create fear in the community. It quietened down for a time after the 1980 elections, possibly because it read something in what the people of the Northern Territory had to say at that time. Mr Speaker, it now seems it is back to its old tricks.

As the Treasurer has pointed out, claims by the Leader of the Opposition that the budget will rip an additional $34m from Territorians' pockets is nonsense. We need to look a little bit further to see just how nonsensical they are and of course we need notes to keep up with the gymnastics opposite. That claim was a deliberate misrepresentation. All honourable members received Budget Paper No 2 which goes to extraordinary lengths to specify government resources and revenues. In fact, the Leader of the Opposition is so bad at arithmetic - I think he had better take another lesson on that new pocket calculator - that he cannot even add up the most basic figures.

Mr Speaker, the increase in Territory revenue this year is not $34m at all. Of course, Mr Speaker, what is an error of a couple of million here and there to the Leader of the Opposition if he achieves his objective of confusion, division and knocking? The figure for general revenue increase in the Northern Territory is about $32m. That figure includes increases for land sales - $3.9m; mining royalties - $4.4m; interest revenue - $2m; payroll tax - $4m; recovery of debt charges - $2.5m; higher gaming revenues; and $8.5m extra from health charges which, as the honourable Treasurer pointed out, most prudent people largely recover from their health insurance. Separate from the new increases, there is also natural growth in areas such as stamp duty and vehicle registration which, like payroll tax, have been increasing every year since self-government. That is not because the government increases them but because of growth in the economy which occurred notwithstanding that we have brought in successive budgets lacking in imagination and direction. The mind boggles, Mr Speaker.

After 3 years of self-government, we have a modest increase in Territory taxation of $4.3m, not $34m as falsely represented by the Leader of the Opposition. As had been spelt out, that $4.3m is the total extra revenue from stamp duty, liquor licensing fees, vehicle registration charges, tobacco licensing measures and others mentioned in the budget. It is 3% only of all estimated Territory revenues from local sources this year. As a percentage of the total budget of $756m, it is about one half of 1%. This is the increased rip-off depicted by the Leader of the Opposition. To say the least, it is a scandalous misrepresentation. The Leader of the Opposition always wants it all ways. In his contribution to the program, Four Corners, which profiled the Chief Minister, I recall he said that the Territory government has been a government of all things to all men. He directly implied on national television that the people of the

Northern Territory were being too well treated by the Commonwealth. I was appalled when I saw the program. Every state Treasurer in this country who saw this program would have been well aware that the Leader of the Opposition was clearly implying that we were too well treated.

As a result of his pocket calculator, we have had lately a series of miscalculations on the shortfall. Mr Speaker, he has never got one single piece of arithmetic right. I have not had a chance to research the other arithmetic that he gave on Commonwealth subventions to the Northern Territory, but I bet they are all wrong as well. That will come out later.

On the subject of housing, the Leader of the Opposition came out with what I consider to be the one potentially positive thing in the whole of his dissertation. On the one hand, he says that the Northern Territory government ought to be spending more on housing and the moment we do so he questions the ability of the Northern Territory to absorb it. The plain fact of the matter is that, when we assumed self-government, there was a complete shortage of serviced land in the Northern Territory. This government, in conjunction with private enterprise, has embarked on a highly successful program of production of land for residential purposes in the Northern Territory. Having achieved that objective, from the backlog that we had, in a much shorter time than any other government could possibly have managed it, we can now turn our attention to a concentrated bricks-and-mortar program. It seems impossible to win with the opposition. I have mentioned in the Assembly before that, in 1976, a new subdivision was being turned-off in Alice Springs. That was criticised by the then President of the Northern Territory Branch of the Australian Labor Party as a squandering of money because we were producing land. Now that we have produced land, we are told we are squandering money by producing houses. Mr Speaker, it is quite nonsensical to say the least.

The only suggestion that the Leader of the Opposition had which I thought worth a stamp was that rent form part of the purchase price. The fact is that, without increasing the amount of rentals above the level required to cover the operations of the Northern Territory Housing Commission which is required by law, there is no component for capital in the rental allocation. It is only by increasing rentals for those who can afford them that the system mentioned by the honourable member can be instituted. This is not an Australian Labor Party idea. It is something which this government has been working on for some time.

He mentioned the operation of the rebate scheme. Once again, he clearly has not done his homework. The rebate system is tied up, as it has been for years in every state - Labor states and Liberal states - with the Commonwealth-states housing agreement. The rebate system on 4% money is determined by the Commonwealth. It is a standard system that works very well. We in the Territory have a very high proportion, on a per capita basis, of rebates being made available.

The honourable member talked about a cut-off point for higher income earners utilising the Home Loans Scheme. I know he has difficulty in reading explanatory documents, so I suppose a card with more than 15 figures on it would disturb him somewhat. If he took the trouble to look at the Home Loans Scheme, he would have found for the last 2 years that a high income earner had to pay 2% more for a home loan in the Northern Territory under the Northern Territory Home Loans Scheme than was required by the banks. Deliberately it was designed to encourage people to go to the private sector to obtain funds. The fact is that they did not, or could not, for whatever reason. The percentage of people in the higher income areas going to the private sector for their finance did not reflect the 2% increase.

As I have previously announced, it is the intention of this government, for as long as it is able, to peg interest rates under the Home Loans Scheme to those

which have been operating for the last 24 months. Of course, no mention is made by the opposition of that sort of initiative, and I suppose neither should it be. It is simply in the business of knocking. I refer to this particular opposition. Under the present Home Loans Scheme, the top income earner pays 12½%, which is the current bank rate. There is no more incentive to come to our scheme than there is to go to a bank. The point that the Leader of the Opposition tried to make, as usual, was totally invalid and inaccurate.

Mr Speaker, he talked about unprecedented highs in the rental structure. As he knows, there are a number of reasons for this, which have already been canvassed. The existing Housing Act would have obliged the Housing Commission to raise its rent rates across the board by about $6 in any event. It will be recalled that the previous increase was about 6%. It is a regular occurrence under the existing act passed by the Assembly that it must balance its books. That balancing of the books is simply in the operations area and leaves no leeway for the capital component of its rent register. An increase was inevitable because of the Commonwealth's insistence. I know that it is very easy to stand here and blame the Commonwealth. Nonetheless, we were - as were all the states - in the position of having absolutely no alternative in this matter. If we were to apply the literal letter of the Commonwealth-state housing agreement, it would be an horrendous increase, as the member for MacDonnell previously expressed it. Nonetheless, these rentals have to be made realistic to the private sector otherwise we will cease to encourage people into the private sector. While you have very low rents for people who can afford those rents, there is no incentive whatsoever for them to purchase their own home. That defeats what we are trying to achieve as well.

The honourable member touched on education very briefly. The information was given to him, I suppose, by the Northern Territory Teachers Federation because it was the same information that it gave me. He said that we would require the 60 extra primary school teachers to bring us up to the levels of primary school staffing in the ACT, South Australia and Victoria. Once again, that was inaccurate. We would have to break the banks to bring ourselves to the ACT. The holy city has once again been extremely well looked after. What he did not mention is that we are already better off than Queensland, Tasmania, Western Australia and that lovely state, which has just brought in an election budget, New South Wales. Notwithstanding this so-called lack of imagination and direction, the Territory is still going great mate and will continue to do so under this budget. All the knocking and misrepresentation by the Leader of the Opposition have been viewed by the public in the past as amounting to nought and will be so viewed in the future.

Debate adjourned.

STAMP DUTY AMENDMENT BILL
(Serial 148)

Continued from 25 August 1981.

Mr SPEAKER: Honourable members, pursuant to Standing Order 153, I am satisfied that the delay of one month provided by this Standing Order could result in hardship being caused. Therefore, I declare the Stamp Duty Amendment Bill 1981 (Serial 148) the Business Franchise (Tobacco) Bill 1981 (Serial 143) and the Taxation (Administration) Amendment Bill 1981 (Serial 149) to be urgent bills on the application of the Chief Minister.

Mr ISAACS (Opposition Leader): I move that the Speaker's ruling be dissented from.

I will give my reasons very quickly. Sir, you are being used to do the dirty work of the government. The fact is...

Mr SPEAKER: The honourable Leader of the Opposition may not reflect on decisions of the Chair. He may dissent.

Mr ISAACS: I have not. I have moved dissent from you ruling, Sir, and I wish to canvass that ruling.

These bills raise revenue from the people of the Northern Territory. The only hardship that is caused is to the Territory Exchequer, not to the Territory people. It is Territorians who will pay increased taxes as a result of these bills. You are suggesting, Sir, that hardship will be caused. Hardship will be caused by the imposition of these bills not by their postponement for 3 months. If we can assist people to save 3 months on the various imposts which are being imposed by this government, we will do that. That is the reason for moving dissent from your ruling, Sir. My view is that, where the government wishes to bring in by legislation taxes from 1 September, it should have the guts to move a suspension of Standing Orders and do the job itself, not ask the Speaker to suggest that hardship is being caused.

Mr PERRON (Treasurer and Industrial Development): Mr Speaker, for the Leader of the Opposition to claim that more hardship would be presented by passing this legislation than not passing it is a load of nonsense inasmuch as he has not demonstrated that in his short speech before the Assembly today. It is traditional, I understand, in all parliaments that taxation bills associated with a budget are passed through the parliament in such time as is required to raise the revenue proposed by the government to be raised in its appropriations for that particular year. To try to argue that difficulty will not be caused to the budgetary balancing which has been proposed by this government is nonsense. In fact, in the preparation and planning that goes into a budget and gearing up of departmental organisations and contracts to enable the government to operate for a year, it is absolutely necessary that the estimate of funds to be forthcoming to government is determined as accurately as possible. Of course they are estimates but we are talking about revenue which has been calculated by the government as being able to be raised in a particular period in the forthcoming year. I think the point raised by the Leader of the Opposition in this particular motion of dissent from your ruling is simply a political play.

Mr ROBERTSON (Education): Mr Speaker, I move that the question be put.

Mrs O'NEIL (Fannie Bay): A point of order, Mr Speaker! I understand that the standing order clearly states that the motion must be seconded. As the person attending to second the motion, I would like to exercise my right to speak to it.

Mr ROBERTSON: Mr Speaker, I have moved that the question be put.

Mr Isaacs: It is a closure motion.

Mr SPEAKER: The question is that the motion be agreed to.

The Assembly divided:

Ayes 10	Noes 7
Mr D.W. Collins	Mr Bell
Mr Dondas	Mr Doolan

Mr Harris	Ms D'Rozario
Mr MacFarlane	Mr Isaacs
Mrs Padgham-Purich	Mrs Lawrie
Mr Perron	Mr Leo
Mr Robertson	Mrs O'Neil
Mr Steele	
Mr Tuxworth	
Mr Vale	

Mr SPEAKER: I declare the question resolved in the affirmative.

Mr ISAACS (Opposition Leader): Mr Speaker, this bill simply increases taxes which have not been increased for 3 years. During the election the government was so boastful of the fact that it was able to keep costs down because of the expanding economy which has been so well run by the Northern Territory government. In this first budget, after the sweetener comes the heavy crunch. As I said in my budget speech, these taxes will be dwelt upon by members of this community who believe the Territory government ought to show some consideration for the extremely high cost of living which occurs in the Northern Territory. People make that assessment. I think people assume that governments will always pick on the hardy perennials - the cigarettes, the booze, motor vehicles, licences - and they expect it. It does not make it any easier of course. In recognition of the cost of living in this part of the world, the government ought to put its money where its mouth is. It ought to confirm after election what is says prior to election; that is, make a real effort to keep costs imposed by government down to a minimum. The opposition will not support this bill or any of the related bills attached to the budget.

Mr PERRON (Treasurer): Mr Speaker, the opposition's attitude has been demonstrated by the Leader of the Opposition in his speech on this particular bill. He demonstrated a very clear example of its absolute and total failure to accept any responsibility whatsoever. It is no wonder it is in opposition, and thank goodness for that.

Mr Speaker, the Leader of the Opposition said that the opposition will oppose this legislation, and that is certainly its right. He implied that the government should not put taxes up at any time. Of course the opposition was not a signatory to the Memorandum of Understanding and it opposed self-government from the day it was promoted until it saw that it would catch on in the Territory. Then, quickly it tried to steal the flag and climb on the bandwagon and, in the Leader of the Opposition's own words, 'they changed their minds'. If ever the opposition gains government in the Territory, it will change its mind again about the need to increase taxes and charges from time to time. It seems to live in some Utopian dream world whereby the benevolent federal government will support the Territory ad nauseam.

Mr Speaker, the government believes that it has taken consideration of the higher cost of living in the Northern Territory, and the special circumstances surrounding the Territory, right across the board in its taxation policy. It has exemptions and special considerations either for particular classes of persons or particular groups of people I guess the best demonstration of that is the fact that we forgo something like $1200 in government charges on the first home purchased by any person in the Northern Territory. That is one example of where we recognise these costs. We will still be the area with lowest state-type taxes in Australia after the initiatives which have been proposed here are adopted. I reject as irresponsible the attitude taken by the Leader of the Opposition that the opposition will oppose taxation increases because they will be detrimental to the Territory in some way. He pays no regard to

responsibilities of government in the Territory to make a reasonable revenue effort; no regard whatsoever.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Ms D'ROZARIO: Mr Chairman, I had a few things to say in the second reading but, in view of the untimely ending of the debate, perhaps I can take this opportunity. Clause 4 is in fact a transitional clause which protects those people who have already been supplied with cheques by their bank. The question I would like to ask the Treasurer is whether or not those cheques could still be written after the date of the commencement of this act. Is it sufficient that they are supplied before the date when the new amendment comes into operation? Would it still be acceptable for a person to write a cheque after the date of operation?

Mr PERRON: Mr Chairman, it would certainly be acceptable for persons who have cheque books in their possession to write cheques in those cheque books without incurring additional duty after 1 September. Any new cheque book issued by a bank after 1 September will attract the new duty.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6:

Mrs O'NEIL: The exemptions that the Treasurer has referred to as continuing in this bill which are initiated in the first act provide an exemption from duty on a conveyance for any person's first purchase of residential land in the Northern Territory. It has become evident to me that there are many people benefiting from this exemption who really have no need to benefit. There are fairly rich people - and I am quite happy to welcome them - coming to the Northern Territory. Some of them indeed are buying and building houses within my electorate. These people might have significant property holdings elsewhere and, indeed, they might have significant holdings of non-residential property in the Northern Territory. We might even call them millionaires. These people are also gaining the benefit of the exemption for their first residential purchase in the Northern Territory. I do not think that that was what the Assembly intended when it passed the legislation in 1978 nor, indeed, is it necessarily something that should continue. If the Treasurer is looking to raise money in the Northern Territory, he could well look at that general exemption on all people regardless of other property held in the Northern Territory or outside the Northern Territory and see whether some limit can be placed on it.

One suggestion is that the exemption only apply to residential property up to a certain value and people who are able to purchase a very expensive house because they are very affluent people with property elsewhere would not receive the exemption. I do not think they particularly want the exemption. Nevertheless, it is a windfall to them at the expense of the Territory.

On the other hand, ordinary Territorians, because of their jobs, need to transfer from one town in the Territory to another. They often must sell their

house and purchase another. They are not getting the benefit of the exemption. I am not suggesting that they should. Nevertheless, it is a shame that some people are getting it who do not need it whilst other Territorians are not getting it. I suggest that the Treasurer should have looked at the exemption provisions far more closely. They sound good, but we in the Northern Territory are losing revenue as a result of them.

Ms D'ROZARIO: Mr Chairman, I would like to add to the point made by the honourable member for Fannie Bay. I am, by and large, against these non-discriminatory exemptions. I realise that there are some circumstances - for example, in the federal aged pensioners scheme where pensions are not means-tested over a certain advanced age - where it is necessary. I do not think people should obtain rebates or exemptions irrespective of their particular circumstances. As the member for Fannie Bay pointed out, there are exemptions applicable to people who buy quite expensive properties and who in fact have extensive non-residential properties. In some cases, they have residential properties in other parts of Australia.

These people are quite happy to learn that they have received an exemption when they transfer residential property into their own names in the Northern Territory for the first time, but that was not the intention of the government or this legislature. Our intention when we devised this exemption was to give some assistance to first-time house buyers in the Territory who needed the cost of housing to be reduced. I consider the cost of housing to include all these peripheral matters: stamp duties, conveyance charges, etc. Mr Chairman, I would suggest that the honourable member for Fannie Bay has made a point which is well worth examining.

The second point that I wish to raise about this matter is certainly related to the first. It is the one that I raised in the adjournment debate last week. The Treasurer was not in the Assembly at the time and perhaps it is appropriate to raise it again now. I refer to the discretion exercised by the Commissioner for Taxes in not allowing certain first-time house purchasers to avail themselves of the exemption. I believe that, if persons are building a house or living for the first time on land greater than 2.08 hectares in area, these people are not allowed to avail themselves of the exemption which is provided in the Stamp Duty Act. As I pointed out at the time, it merely amounts to large lot living. It is not a non-residential place although some hobby farming or animal keeping may occur in conjunction with the principal use of residence.

I think that, whilst the idea of allowing exemptions to some people and for some values of houses is good, there are some people who are being discriminated against needlessly. Some people, on the other hand, benefit needlessly from this discrimination.

Mr PERRON: I think both the honourable member for Fannie Bay and the honourable member for Sanderson have missed the point to some degree. The exemptions from stamp duty charges and other charges on first-home purchases were not specifically directed at lower-income people. They were brought in to encourage people to settle in the Territory permanently and so increase the population of the Northern Territory. It would not be very sensible only to assist low-income earners because they are not the only people we want in the Territory. A community obviously comprises people from all sorts of backgrounds. If the aim is to increase the population and to develop the Territory so that we can bring the facilities to the Territory we would like to, then of course such exemptions should apply to all persons. I think the member for Fannie Bay said that some rich people do not really want the exemption. I have never run into a rich person who does not want to save a dollar. It is an incentive to buy first accommodation in the Northern Territory. If they buy half a dozen more houses in the Territory, they pay full duties on those subsequent purchases.

I cannot quite follow the member for Sanderson's split theory whereby she does not oppose billionaires getting pensions yet she does oppose rich people getting tax concessions on their first home purchase. I would have thought that the same prinicple would have applied. The principle that if you can afford it, you pay - irrespective of whether you have contributed tax to the country in enormous proportions compared to other people - is beside the point.

On the question of the Commissioner of Taxes not allowing this exemption to apply to persons who have a house on land in excess of 2.8 hectares, I will raise the matter with him. Obviously, there has to be a cut-off point somewhere. One might allow stamp duty concessions in a business sense because, taken to the extreme, an enormous property with a house on it could still be a person's first home purchase and should not be applicable under these rules. However, the extent of land involved and whether other criteria should be used as a cut-off point for eligibility for this concession deserve looking into and I will take the matter up with the Commissioner of Taxes.

Mrs O'NEIL: Mr Chairman, the Treasurer says that the purpose of the exemption is not only to assist low-income earners, though obviously it does. I would have thought that we would agree that that is desirable. But what it is designed to do is to encourage people to settle in the Northern Territory. He then went on to comment on my remark that some people do not particularly want it. What I meant is that the $1000 or so stamp duty that they might save on their first residential purchase is not what encourages them to come to the Northern Territory. They have made that decision, they come and they suddenly find that they get this little extra benefit. They are frequently very surprised indeed. Of course, they take it. That is how you get to be rich: by taking advantage of these things. Nevertheless, to say that this is encouraging the very rich to come to the Territory because they are going to save $1000 on stamp duty on their first residential purchase is just not true. They do not come here for that reason and, in the process, we are losing that revenue.

Mr PERRON: Mr Chairman, I must respond. I do not think people specifically come to the Territory to save $1000 by this particular concession. I do not think rich people or poor people come to the Territory for that reason alone. It is part of an overall atmosphere the government is trying to create to make it attractive to settle in the Territory. I do not know what brings people here, but once they get here we like them to put some roots down. The best way to have people committed to the place is to encourage them to buy a house here.

Clause 6 agreed to.

Clause 7 agreed to.

Title agreed to;

Bill passed remaining stages without debate.

TAXATION (ADMINISTRATION) AMENDMENT BILL
(Serial 149)

Continued from 25 August 1981.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

BUSINESS FRANCHISE (TOBACCO) BILL
(Serial 143)

Continued from 25 August 1981.

Mrs LAWRIE (Nightcliff): Mr Speaker, in speaking to the Business Franchise (Tobacco) Bill, I have only one comment to make. The Treasurer indicated and the legislation makes clear that retailers who buy in toto from local wholesalers will not have to be licensed under this act. There are only 2 wholesalers operating in Darwin at the moment and they offer a fairly limited supply of tobacco products. They do not offer anything out of the ordinary because the volume of sales does not warrant their so doing.

Specialist tobacconists therefore or anybody wanting to offer more than the ordinary Winfield or Dunhill have to be licensed. I have spoken to a couple of people in this position and they say that they have no great objection. Their only feeling is that they are forced to be licensed because of the restrictions placed on them by wholesalers. Therefore, retailers are at the mercy of someone other than the government when it comes to whether they shall or shall not be licensed. I would ask the Treasurer to address his mind to this.

Everyone appreciates that there will be an extra tax on the sale of tobacco and, as a non-smoker, I have no quarrel with that. The point I am trying to make to the Treasurer is that retailers only have to be licensed if they buy other than from local wholesalers. They are therefore at the mercy of the local wholesalers as to what products they can buy. If local wholesalers - and there are only 2 distributors - decide to limit their stock, it would mean, because of the action of wholesalers, retailers must be licensed and not by government action. This is fairly restrictive of what a retailer can and cannot do.

Mr DONDAS (Transport and Works): Mr Speaker, I must take up the point of the member for Nightcliff because I once was a retailer. There are 2 major distributors of tobacco in the Northern Territory. My experience is that both of those agencies will supply any retail outlet with its order on a weekly basis. If a particular storekeeper runs out of stock, he is quite at liberty to go to a particular company and pick some up.

Mrs Lawrie: This is not what I said.

Mr DONDAS: That is the point. The member made the point that, if a wholesaler did not want to supply a retailer, then the business activity would be restricted. I do not think that is true. The only case where business might be restricted is if a particular retailer is a bad debtor. Then he might be refused supply.

Mr PERRON (Treasurer and Industrial Development): Mr Speaker, I think the member for Casuarina might have missed the point made by the member for Nightcliff. I do not quite accept that retailers are at the mercy of the wholesaler because the wholesalers are not stocking some lines that the retailers wish to sell. That will result in retailers having to be licensed in those cases. But it would seem to me to be a fairly good case for the retailer to consider becoming a wholesaler. He would still have to be licensed. If the wholesalers are not prepared to service the market, even if it is a small market, then there is no requirement to purchase large industrial premises. Obviously such a business would need to have some room for stock unless it operated solely on an order basis. It is possible to become a wholesaler of tobacco products without any interference by the government other than the need to be licensed. If retailers purchase their lines from interstate wholesalers who are unlicensed under our act, then they will have to be licensed themselves. I see it almost as an argument for some of them to

consider an expansion of business without incurring a great cost.

I take the member's point. In establishing this arrangement, we tried deliberately to pick an administrative arrangement which put the least burden on the least number of people. In New South Wales, for example, the situation is different. Every retailer of cigarettes must be licensed anyway, probably to raise revenue. We have chosen a system that applies in some states, particularly Western Australia, where the object as far as is possible is only to license wholesalers. To pick up all the tobacco products being retailed in the Territory, one must require licensing by those retailers who are dealing with other wholesalers.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 13 agreed to.

Clause 14:

Mrs LAWRIE: Mr Chairman, I am not going to speak against this bill and I thank the Treasurer for having some regard for the remarks I made. The reason I rise to speak on clause 14 is because the Minister for Transport and Works totally misunderstood the tenor of my remarks and I do not intend that to go on the record without correction. Clause 14 deals with licences to sell tobacco. I was not referring to the necessity of a retailer to be licensed because of a wholesaler refusing to deliver stocks because of non-payment or because it was out of hours for delivery. The point I made quite clearly was that some retailers wish to see to the public stocks of tobacco products which no local wholesaler supplies. Both local wholesalers, by and large, supply the same range of products and it is restricted to the normal brands. The reason they say they do not supply anything a trifle more exotic is because the traffic is not sufficient to warrant obtaining stocks to supply to retailers for sale. Because of the application of this bill, if the retailer wishes to sell products other than the popular brands, he will have to be licensed because the only way he will have access to wholesale stocks for retailing will be from suppliers outside the Northern Territory. Therefore, retailers will not have to be licensed or not licensed as a result of this government's decision but as a result of what the wholesalers agree to supply.

Clause 14 agreed to.

Remainder of the bill taken together and agreed to.

Bill reported; report adopted.

Mr PERRON (Treasurer): On the third reading of this bill, I would like to touch on a point which relates to the commencement of the increased prices for cigarettes in the Northern Territory. I would like to reiterate to the Assembly - and unfortunately, there are not many people in the press gallery to take notice of this - that the price increase should not apply until existing retail stocks are completely sold. The system of commencement is a little bit complicated inasmuch as the tax is levied 2 months after it is in fact collected. I quite clearly said that for the purposes of the commencement of the act, the tax would apply to purchases by retailers from wholesalers as from yesterday. Therefore, the entire stocks that they had yesterday should be sold without the additional tax. I am not sure what stocks are held and I guess some of the smaller retailers probably do not hold a great deal and have a regular turnover of tobacco products. It is very difficult to accuse a retailer of putting up the price

prematurely without conducting a substantial investigation. We will not go into that business because, in fact, we do not control the price of cigarettes anyway. It is up to the market to establish whatever price it would like on a packet of cigarettes. If anyone claims that cigarettes have gone up at his particular premises as a result of this bill, he should certainly not be claiming that such imposts have been put upon them until such times as he has exhausted all existing stocks.

Bill read a third time.

CONTROL OF WATERS AMENDMENT BILL
(Serial 144)

Continued from 25 August 1981.

Mr SPEAKER: Honourable members I am satisfied that the delay of one month provided by Standing Order 153 will result in hardship being caused. Therefore, I declare the Control of Waters Amendment Bill 1981 (Serial 144) to be an urgent bill on the application of the Chief Minister.

Mr LEO (Nhulunbuy): The opposition supports this bill because it is commendable legislation. I would like to say that it is original legislation but the member for Sanderson assures me that she raised the matter some time ago in the Assembly. There are a few points that require comment. The minister's second-reading speech covered most matters very broadly but I will go through the various clauses and explain to the members what a couple of them do.

Clause 3 would omit from section 16B subsection (1B). The main problem with that is that, if an area is designated a water control area, some bores within that area are exempt from controls or anything the minister may put on them. These would be bores on 5-acre blocks that would be used for domestic purposes or bores that were pumping no more than 500 gallons. The removal of subsection (1B) would allow the water control area to be effectively policed by the minister and his controller. That seems to be appropriate. From the minister's second-reading speech, it is not a critical situation, but there are levels of bacteria within some bores in the Darwin rural area that are causing concern to Department of Health staff. It seems appropriate to take these measures.

Mr Speaker, the opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to support this bill, I would like to make several points because it affects most of the people in my electorate. Whilst recognising that this legislation has been introduced because of a situation which has arisen in the rural area regarding the contamination of water in some bores and the health of the people - not only those who own the bores but the health of their neighbours who would be drawing probably from the same aquifer - nevertheless the freedom of people in the rural area is also of great importance. I find it very hard to get across that whilst it is recognised in the rural area that certain restrictions must be imposed because of differing conditions, nevertheless, these restrictions much be thoroughly considered before they become operative. And when they are in force, attention must be paid to the way they operate.

This legislation is more important to people in the rural area than a lot of other legislation. Their electricity these days is supplied mostly by the government. The government provides the roads. In the old days, the people made their own tracks into many of the blocks. Now the government provides the electricity and the roads, but most of the people still obtain their water through the medium of bores. There are very few blocks serviced by reticulated water.

I have concerned myself with the subject of water as it applies to people in the rural area. I have spoken in this Assembly and I have had a great deal of correspondence with the Water Division on the subject of the McMinns bore-field and whether too much water was being taken from it to service the people in Darwin to the detriment of the people in the rural area. I am interested in an overall water reticulation plan for the rural area but I cannot quite work out whether it is on again or off again.

Further I am interested in the subject of possible water pollution in the rural area and also interested in the freedom of people to do what they like on their blocks within reason. We must not forget that this is a rural area and the very fact that it is a rural area means that people have farming interests. It is immaterial whether they are full-time farmers or hobby farmers or perhaps only have the odd horse or cow. The freedom of people must be considered along with their health in this regard.

The legislation suggests 2 main amendments to the principal act. The first one is to section 16B. It seeks to amend the subsection relating to the sinking or constructing of a well or water bore for domestic purposes. In the current legislation, it says that this may not be prohibited. The new legislation seeks to amend that so that bores for domestic purposes, under certain conditions, can be prohibited. That is in a water control district. Section 16B(1B)(b) would not apply to many blocks in the rural area because it talks of a water bore upon land less than 5 acres. There are not many of those blocks at all. You could probably count them on your fingers. Most land in the area, except in the Howard Springs area where there was a quarter-acre subdivision some years ago, consists of blocks larger than 5 acres.

The second major amendment is to section 16E of the principal act. It means that the controller may stop the taking of water from wells or water bores used for domestic purposes. At the moment, the controller cannot do this.

I will not use the word 'regulation' because I do not like it although it must be used more and more these days. But I think that there has been something less than perfect in the implementation of this legislation. As I read it, section 15FA(b) says that a controller may construct, install, inspect, operate and maintain gauges, instruments and appliances. Possibly it means testing appliances but perhaps a bore could be considered an appliance. Thus the legislation has been there for the inspection of bores. Pollution by certain bacteria - usually faecal contamination - often happens in bores that have not been capped properly. It is not necessarily a neighbour's fault that the aquifer is polluted. It is often because a person is keeping livestock too close to his bore or because of a poorly sited septic tank.

Mr Speaker, the Water Division personnel must make an all out effort to encourage people to do the best they can with the water bore situation as it exists at the moment. Two things spring to mind: capping the bore is the first essential for maintaining reasonable purity of water, and the installation of a tank in which to put the water from the bore. Unfortunately, many people pump direct from the bore to the house. If the bore is contaminated, they have no way of finding out until they drink it and suffer the ill effects. If water is pumped from the bore into a tank it is much easier to assess whether that water in the tank is contaminated before it is used for domestic purposes. If it has faecal contamination, it is a relatively simple matter to deal with it by the use of chlorine tablets, as with a swimming pool, to maintain purity levels.

An interesting situation occurred at our place once. Perhaps over the years one becomes accustomed and hardened to the things that one meets, eats and drinks in the rural area. For a couple of days, we were drinking water that had rather

an odd taste. The taste was not too bad, but the smell was rather unusual. There is an old adage, 'you have to eat a peck of dirt before you die'. It did not affect our health or our internal workings. We drank this water for a couple of days and then we thought that perhaps a poor old goanna had gone down the bore and caused a bit of a problem down there and we were gradually consuming goanna in our water. This was checked out but it was not a goanna down the bore. What had happened was that the wire netting on the top of the bottom tank, in which the water from the bore is pumped, had disappeared. At that time we had a lot of pigeons and we were using water flavoured with pigeon, not water flavoured with goanna. But we suffered no ill effects, Mr Speaker. Just to be on the safe side, we disposed of 5,000 gallons of water and cleaned the tanks out.

There is an interesting section which deals with the registration of drillers. It is section 16H. Recently there was a seminar conducted at Batchelor for people interested in the boring industry. This was very well attended both by young men going into the water-drilling industry and by people currently in it. Qualifications being formalised from this water-drilling and boring school will make some sense of section 16H in the main legislation which deals with registration of drillers.

I will conclude my remarks by saying that it is important to consider contamination of water from bores as it relates to human and possibly animal faecal contamination. But a far more deadly and dangerous contamination, which cannot be controlled by throwing a couple of chlorine tablets in the tank, is contamination from garden poisons of bore water from both the high and the lower aquifers in the rural area. I refer particularly to poisons like dieldrin, endrin and their derivatives. These poisons are not biodegradable and will retain their dangerous characteristics for many years. It is necessary in legislation to seek to control the entry of dangerous garden poisons into aquifers as well as the entry of faecal contamination.

I would like to mention something that has been brought to my attention. I was told this but I have no figures to back it up, It has been said that Darwin Harbour is heavily affected by faecal contamination. This contamination may be carried on certain tides into areas which are potential nature parks. I have nothing to substantiate what I am saying. I am repeating second or third-hand information. Until now I have not contacted the relevant people to have this gossip or theory proved or disproved but I think, following on from this legislation and as this possible contamination may relate to a nature park, an inquiry should be made into the situation there.

Ms D'ROZARIO (Sanderson): Mr Speaker, the culinary habits of the member for Tiwi continue to amaze me!

I am very pleased to support both the objectives that are sought to be achieved and also the urgency application which the minister has made. Certainly, the situation is not one to cause panic at the moment but, given that the Assembly will not be sitting again until November, the situation may certainly change between now and that time when we have experienced some wet season rains.

Mr Speaker, the intention of the bill is to afford some protection to rural domestic water supplies. I am advised by an officer of the minister's department, who kindly came over to brief us on the subject matter of this bill, that it is the minister's intention to declare a water control district which would coincide with the boundaries of rural planning area 3. Clause 3 of this bill, which seeks to delete subsection (1B) of section 16B, affords to users of bore water for domestic purposes certain exemptions when they live within a water control district. The exemptions are as outlined by the honourable member for Nhulunbuy earlier.

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In a water control district, a notice could not be served upon the owner of land within the district which would prohibit him from sinking a well or bore for domestic purposes. The provision in clause 4 has also removed an exemption which would exist otherwise for users of water for domestic purposes. Given that we are trying to protect the quality of domestic water supplies, this would seem to be the correct approach. We were indeed shown some photographic evidence of the condition of some bores which are causing concern to the Department of Transport and Works. Some of these bores were not correctly constructed and are quite prone to pollution by surface run-off.

The member for Tiwi raised the question of freedom and I am pleased to inform her that we have been assured that the provisions which will be used by the controller of this water control district are aimed specifically at rectifying deficient bore construction. There is no proposal at the moment to invoke any of the other protection measures which exist in section 16E of the original act. That did surprise me a little and I inquired as to whether there would be limits upon the keeping of certain types of free-ranging animals in this area. I am told that this is not considered necessary at this stage. In fact, the imposition is simply to maintain a pure water supply. There will be no other infringements at this stage upon the rights of landholders in the water control district.

I might take up a point that was made by the member for Nhulunbuy because I do not wish to mislead this Assembly. I have never actually raised the question of water control districts in the Assembly. I did however raise it in 1974 through to 1976 in a completely different capacity. I support the bill.

Mr DONDAS (Transport and Works): Mr Speaker, I would like to thank members opposite and the member for Tiwi for their contributions to this debate regarding the water pollution problem facing us in the rural area. The repeal of section 16B(1B) will mean that any person who wants to have a bore in the rural area will have to obtain a permit. I will be declaring any area under this act as a drainage control area. It will also give me the power to require people to rectify faulty bores so that we will be assured of a reasonable quality of water in the rural area.

At the same time, the Minister for Health will be making amendments to the regulations to the Health Act to ensure that his officers are able to move in any area to ensure that people have good housekeeping methods so far as septic tanks are concerned. I thank members for their contributions and for their consideration in allowing this to be an urgent bill.

Motion agreed to; bill read a second time.

Bill passed the reamining stages without debate.

STATEMENT

Sessional Committee on the Environment

Mr HARRIS (Port Darwin) (by leave): Mr Speaker, a great deal has been said over the last 2 weeks about the happenings at Nabarlek early in March this year. As chairman of the sessional committee, I felt that I should inform the Assembly what steps I have taken to enable the committee to fully investigate this particular matter.

As members would be aware, the Sessional Committee on the Environment had a briefing from the Department of Mines and Energy on Monday. I have called for a written report on that particular briefing. I have also instructed the secretary of the Sessional Committee on the Environment to write to all of the parties involved in this whole issue and ask them to give us reports not only on

the incident that has been commented on of late but also on the monitoring activities that have taken place up to this time. When the reports are forthcoming, they will be circulated to members of the committee and we will deliberate on the matter. I hope to give a full report of the committee's activities at the November sittings.

It was hoped to have a meeting of the committee on this coming Friday in conjunction with a trip which the committee takes at the end of each sittings to the uranium province. Unfortunately, not all members of our committee will be present and I did not wish to hold a meeting without all members being there. Unfortunately, the member for Arnhem and the member for Nightcliff will be unable to attend. I will be calling a meeting of the Sessional Committee on the Environment within a period of 3 weeks and we will then discuss matters in relation to the Nabarlek incident. Until we have all the facts before us and until I have these reports, I do not believe it is right that the committee make any further report. You can rest assured that, if we feel that there is a need to make recommendations on any issue relating to uranium mining or processing, the committee will make a full report to this Assembly.

I move that the Assembly take note of this statement.

Debate adjourned.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Education): I move that the Assembly at its rising adjourn until 10 am Tuesday 10 November of this year, or such time as set by Mr Speaker under sessional order.

Motion agreed to.

ADJOURNMENT

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

Mrs PADGHAM-PURICH (Tiwi): This afternoon I would like to speak of a section of my electorate that is concerned about certain matters. It concerns 2 things. One worry, I hope, will not eventuate and the other I know will be settled shortly. I refer to the worry occasioned to the people at Pularumpi on Melville Island by the reorganisation of TAFE. They are concerned about the powers being taken over by the Department of Education which possibly could work to their disadvantage. At present, they have a very good apprenticeship system working at Garden Point. It could be held up to other communities as an example of how local people can support a system. I was notified of their concern some time ago but recently I received a letter giving the details of it. I followed the letter up with officers of the Department of Education and TAFE. I voiced my concern to them and the concern of the people of Pularumpi. I hope that this apprenticeship scheme continues in the future as it has in the past.

Mr Speaker, there are 13 apprentice mechanics and 2 building trade apprentices at Pularumpi. These boys have been working for a number of years and they have a few more years to go before they are completely qualified. The main aim of this sort of education is that the instructors work themselves out of a job. This is what everybody clearly sees and is working for. I understand that all that is left of TAFE is a policy and planning unit which will propose policies to the Secretary of the Department of Education. It is about this extra link that the worries are mainly expressed. It is not about personalities; it is about the extra link causing that bit more red tape and that bit less consideration. The whole idea is to educate interested young Aboriginal people in a trade of their

choice to work in their community. The extra link is that the Aboriginal adult educator, instead of reporting direct to the superintendent, must report to the school principal at Pularumpi. This may work quite well. I hope it does, but there are worries.

The system of apprenticeship at Pularumpi has been tailor-made for local conditions. Normally, apprentices go to the Darwin Community College for 4 weeks twice a year in a block release. It has been found in the past that, when the apprentices come over to the mainland or go to the community college, there are certain social hassles. It has been worked out to everybody's satisfaction that it is much better for the apprentices, by arrangement with their Aboriginal adult educator, to do the work that they would do at the community college on site where they are. There is a fear that the system will not be as efficient as it has been in the past. I understand that the system that is proposed for the incorporation of these TAFE activities into the education scheme is against all national thinking.

Two reports - the Kangan Report and the Keeves Report - were presented in South Australia. Both of these reports recommended against what is happening in the Northern Territory. The Kangan Report came out in about 1969 and was implemented by the TAFE commission in 1974. It said that adults should be educated separately from children. It seems to the people at Pularumpi that, whilst there may not be a conflict of interests, the objectives of the apprentices may be considered of less importance than the interests of the schoolchildren. I hope that this fear does not come to fruition and that things continue as before. As this has been brought to my attention so obviously and so forcefully, I will be looking to see that the apprenticeship scheme as it applies now will continue for the betterment of all.

The second thing on which I would like to touch, Mr Speaker, also concerns the people from Pularumpi. It was a call for help; they wanted help so they could help themselves. In the past some $100,000 was expended for the purpose of fire control for this community. That $100,000 I understand bought a fire tender, a tank, a trailer and sundry other gear. It also paid some salaries, I think. There is a house for the fire control officer which also came from that sum of money. You might ask what the complaint is. All that money has been spent and somebody was trained to do the job. Many other communities are not so well off. The complaint is that, like so many schemes that have been instituted on Aboriginal settlements, it is an on-again off-again business. They were given the money; they were given equipment; 2 people were trained for a short time in fire control, but that is as far as it went. The people want to receive more training and they want to be able to train other people to help with fire control.

It is all very well having all this money to spend but it is not much use if only one person knows how to control a fire at the time. There was a very dangerous fire at Bathurst Island a couple of years ago. It was a very sad occasion because several fatilities resulted from it. If there had been knowledge of how to control the fire, perhaps there would not have been so many fatalities. As I said earlier, 2 people have been trained in fire control measures but they also want to receive more training themselves on how to train people to help them in a fire emergency so that they are in control of the situation but still can call on help when needed.

I have been to see the new fire chief on this. I discussed this matter with him at some length, together with other fire control matters in which I have been very interested for many years. He has assured me that he will inspect the fire control measures not only at this one point on the Tiwi Islands but also at the other 2 centres. Possibly, he will go to other Aboriginal communities

as part of his visits around the Territory to bring himself up to date on existing circumstances. He said to me that one of his terms of reference was to make the whole operation of fire control cost-effective. I think that if people ask for help and they can be trained to help themselves, it would be one of the best means of rendering an operation cost-effective.

Mr DOOLAN (Victoria River): Mr Speaker, I would like to talk in this adjournment debate on a matter which most members would not be aware of, at least on our side of the Assembly. The Chief Minister has suggested to the federal Minister for Aboriginal Affairs a considerable number of amendments to the Aboriginal Land Rights (Northern Territory) Act. I requested a copy of these from the Aboriginal Liaison Unit and I was refused so I went to the Northern Land Council and obtained one.

In commenting on the submission, I would first like to mention the covering letter from the Chief Minister to Mr Gerry Blitner, the Chairman of the Northern Land Council. In his letter, the Chief Minister states that the Country Liberal Party government supports Aboriginal land rights in principle. However, in practice we have seen the government oppose fiercely with its top barristers and QCs, and sometimes a tame anthropologist as well, almost all of the claims which have come before the Aboriginal Land Commissioner. In addition to direct opposition to claims, the Territory government has used obstructionist tactics to prevent claims from ever being heard. An example I would give is the extension of the Greater Darwin area to include the Cox Peninsula thus alienating it and not allowing the claim to be heard. Although the government claims to support the principle of land rights, it says that the act as it stands is not compatible - and I quote this letter - 'with self-government for the Northern Territory'. It continues: 'Consequently, I would like to see various changes made to the act'.

I would dispute the exaggerated claim in paragraph 1.1 of the submission that 44.75% of the Northern Territory is either Aboriginal land or under claim. It is interesting to note that, on analysis, a breakup of these figures indicates that approximately 19% was formerly reserves, including Arnhem Land, and approximately 2% is held by Aboriginal pastoral leaseholders and this leaves a balance of 23% which is available for claim. If one takes into consideration that, of this 23%, approximately a further 11% is represented by claims in desert-type regions, such as Wailbri and Mongrel Downs, then this leaves a balance of claimable land of approximately 12%. One can assume that, following decisions such as Borroloola and Montejinnie, this 12% will in turn be reduced. One can envisage that as little as 10% of the entire claimable land may be granted to Aboriginal people through the Aboriginal Land Commissioner. I give you these figures to prove what a horrible exaggeration this is.

Thus, the total land held by Aborigines that might be exploited for pastoral or ancillary development purposes would not exceed 30% of the entire Northern Territory. 'This 30% of land is in the rural regions and supports approximately 60% of the entire rural population'. I quote that from page 269 of Fox's second report. It could be argued that the distribution between people in landholdings is entirely inadequate. Aboriginals have already cooperated in making substantial proportions of claimed Crown land available for the enjoyment of the wider community in the form of national parks or sanctuaries; for example, Kakadu National Park and Cobourg Peninsula.

In paragraphs 1.1 and 1.2 of the Chief Minister's submission, the intention seems to be to use the ideal of self-government as a lever for removing Commonwealth involvement in Aboriginal affairs and, in particular, Aboriginal land rights. It expresses noble sentiments by playing on the concepts of statehood, independence etc.

Paragraph 1.3 has obviously been written with tongue in cheek. The government rationalises its opposition to Aboriginal land claims as ensuring that the general community is represented at Aboriginal land courts through the intervention of the Northern Territory Attorney-General. I believe that to conform with its real intention 'general community' should be deleted and 'white' substituted and after the words 'if he deems it necessary, he opposes the claim' should be added 'in all cases, except where the land is arid and totally without developmental potential'.

In paragraph 1.4, the Northern Territory government accuses the federal government of not taking a clear position on Aboriginal land rights. To the contrary, the federal government has the Aboriginal Land Rights Act which includes full provision for the conduct of Aboriginal land matters. In paragraph 1.4, we read that 'each claim tends to cause community division in the Northern Territory'. I would add, 'especially when scares are fermented by some Northern Territory government departments'. And that is a fact. It is abundantly clear to the Northern Territory that the government does not want to see this legislation run its proper course and it is being deliberately obstructionist because it considers Aboriginal interests counter to its own interest.

Paragraph 1.5 calls into question the reality of genuineness of the claims of traditional ownership made by particular claimants and adds that the land councils are attempting to distort the legal process. I consider this a libellous attack on the integrity of the land councils and the Aboriginal claimants. Not content with questioning the integrity of the land councils and the Aboriginal claimants, paragraph 1.5 goes on to question the integrity and professional ethics of a Supreme Court judge, the Land Commissioner, by calling him 'markedly benevolent'. I think the Chief Minister is skating on thin ice when he does things like that. It also states that a strong feeling exists that the minister should not merely rubberstamp recommendations of the commissioner but should carefully examine each case himself. If the minister were to be empowered with a delegation enabling him to override judicial decisions, then I would submit that the entire concept of land rights hearings and the appointment of a land commissioner would become a farce and a totally futile exercise.

Section 2 of the submission deals with difficulties resulting from the conversion of land leases held by Aboriginals to Aboriginal land. I believe that fines are to be introduced for non-compliance of covenants rather than forfeiture of leases. Surely it would be fairly simple to enact legislation which would apply to both freehold and leasehold, thus making the owners of freehold land equally responsible for such things as elimination of noxious weeds, plant diseases, insect pests as well as cattle disease control programs with heavy fines for non-compliance. In any event, what would be the case if all pastoral leases are converted to freehold land as has already been suggested?

Added to this argument, I would ask the Chief Minister if any of the diseases which concern him so much have yet been discovered on Aboriginal-owned pastoral properties such as Willowra, Utopia, Dagaragu of Amanbidji. If they have, which I doubt very much, then the diseases are certainly no more prevalent on these properties than adjoining properties. I recently sat in on a land rights hearing in Wave Hill and I heard some peculiar comments from various representatives of the Cattlemen's Association. It appears that even Wave Hill is pretty badly infected. It is considered to have dirty cattle, not clean cattle.

In section 2, the Chief Minister states that already there has been substantial public opposition to Aboriginal land claims. I believe that this is a fact and I do not think that anyone can dispute it. Although it is undeniably true, it could be changed if the government embarked on a campaign of education for the general public, and pastoralists in particular.

The Northern Territory government submits that, as a last resort, pastoralists' leases can be forfeited but it should be noted that Commonwealth and Northern Territory governments, during the entire period of control of pastoral properties, have exercised this power on only one occasion. That was in respect of pastoral lease No 693 - Cox River Station.

In relation to closure of seas, the sea closure issue is one in which no guidelines are available as the first application is still in the process of being heard by the Aboriginal Land Commissioner. The application to close the seas at Milingimbi has been referred by the Administrator, presumably on the advice of the Executive Council, to the Aboriginal Land Commissioner. This is the gentleman who is markedly benevolent or so we are told. The grounds upon which successful sea closure submissions may be made are contained in section 12 of the Aboriginal Land Act and provide different criteria to those on which a land claim may be based. In particular, the inquiry by the Aboriginal Land Commissioner is directed to consider the commercial, environmental and recreational interests of the public. While applications may be made under the Territory legislation, it seems that such a method provides additional grounds upon which the application may be rejected. This may remove the sea closure argument to such a contingent status that it should be considered pursuant to section 50(3) of the Aboriginal land rights act in respect of land claims adjoining a coastal region.

At 2.1.6 on page 6 of the Chief Minister's submission on proposed amendments, the Chief Minister states: 'The prevention of the transfer of a lease might also prove an embarrassment to the Commonwealth as any action by the Northern Territory government to prevent the transfer would result in strong pressures being applied to the Commonwealth to take action against the Northern Territory government. This could be damaging to intergovernment relations. The obvious solution to such a situation is for the Northern Territory government not to prevent the transfer of a lease. If this is done, then no damage could be done to intergovernment relations between the Northern Territory government and the Commonwealth government.

At 2.1.7, the document states: 'The conversion of a pastoral property to Aboriginal land has serious implications to the mining industry in the Northern Territory in that not only does it provide for special conditions in respect of those leases which are presently held by Aboriginals but potentially applies to all pastoral leases in the Northern Territory'. I would like further clarification as to just why this is so and why this should make such a difference as I believe that a pastoralist holding a lease is surely entitled to as much protection as an Aboriginal group holding either a lease on land or freehold land. I believe that all should be equally safeguarded against invasion of their livelihood and means of subsistence. If mining companies wish to explore or mine areas, I see no reason why this cannot be done through negotiations with landholders on alienated land.

Again at 2.1.7, the Chief Minister says: 'Some mining companies are considering the purchase of pastoral leases to protect their mining interests and the Northern Territory government considers that this is not in the best interest of the pastoral industry'. I would like to correct the Chief Minister on this statement because mining companies have not just been considering doing so but rather have already done so. For example, mining companies in relation to McArthur River - which is MIMEX - and Price's Springs have been taking up these leases to protect their own interests. If the pastoralist is prepared to sell his lease, I fail to see that any harm is done. Besides, I believe that the price for Price's Springs was in the order of $3.60 per hectare which I am given to understand made both parties in the transaction extremely happy. McArthur River was said to have been purchased at well over twice as much as it was worth at the time of sale.

In the resolution at the end of section 2.2.1, the Northern Territory government resolution says: 'The Northern Territory government recognises that, because of the provisions of the Commonwealth act, there is an expectation by Aboriginal lessees that they may apply to the Aboriginal Land Commissioner for the conversion of their leases to Aboriginal Land. The Northern Territory government considers that the Commonwealth act should be amended to prevent any further application for such conversions being lodged'. I must disagree with this resolution. If an Aboriginal group can prove traditional ownership and satisfy the Land Commissioner that their claim is just and fair, they should be given freehold title of the lease.

New legislation stipulating fines rather than forms to cover non-compliance with the covenants, and applicable to freehold land as well as leasehold land, should effectively ensure that laws relating to noxious weeds, eradication of stock diseases etc are complied with.

The Northern Land Council in its submission says: 'This council submits that no amendment should be made to the Land Rights Act in relation to the conversion of pastoral leases to Aboriginal title under the Aboriginal Land Rights Act as this statutory right constitutes the very basis of the act. Land claims cannot be subject to true limitations, and this principle is in keeping with that espoused by Mr Justice Woodward'.

The third section of suggested amendments is headed: 'The need for the time limits on future claims for Aboriginal land'. I believe that after this heading the following should be added: 'so that they can be subverted and miss their time limits'. Section 3.2.1 states in part: 'As a consequence, there is uncertainty as to what land might of might not become the subject of a claim in the future unless there is a cut-off day after which land claims can no longer be lodged'. Such an amendment would obviously leave Aboriginals victims to lack of machinery for the preparation of claims or to red-tape holdups. Finally in this section 3.2.1, the last sentence of the resolution states that 'a cut-off date should commence immediately upon the amendment to the act'. Mr Speaker, to my mind, this statement is unclear. I cannot follow the meaning as it seems to give a vague suggestion that the cut-off date should be the date of amendment.

At 4.1.2, it states: 'The Northern Territory government can alienate any vacant Crown land and could do so in respect of any land that has been the subject of an unsuccessful claim. However, this would not be good land administration'. Mr Speaker, if this be so, and I am sure that it is correct, then by their own admission the alienation of Cox Peninsula etc was not good land administration. They have damned themselves with their own words. It also implies a thinly veiled threat.

The resolution at 4.2.1 on page 10 reads: 'To amend the act to eliminate expressly the possibility of a second claim where a claim has failed'. Again, I believe such an amendment would be totally unfair. A second claim could be in order if new evidence became available or if another group could produce evidence of a traditional affiliation to land claimed earlier.

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

Mr HARRIS (Port Darwin): Mr Speaker, I would like to touch on a couple of matters today. The first matter is in relation to a comment that was made by the Chief Minister in reply to a question that I asked him last week. That question related to whether or not the government was doing anything about or looking at methods of controlling coffee bush in this particular area and in the Northern Territory generally. Needless to say, the comment that he made was that it appeared at times that the only thing holding the electorate of Port Darwin

together was coffee bush. There are many people in the electorate who did not take too kindly to those words. In fact, someone from Nhulunbuy rang up and commented on it.

The contribution from the electorate of Port Darwin to the rest of the Northern Territory is significant indeed. I would just like to make a couple of points in regard to that. For example, the area from Peel Street to Darwin, that is, the central business district pays 12½% of the total rates paid to the city council. We also pay a third of the total electricity bill per quarter. I do not know if that is something to be proud of but, nevertheless, it is a fact. We also have the large fuel storage area, the port facilities and the powerhouse. We house the ministers of government and have the court-house and many other buildings which have contributed a great deal to the development of the Northern Territory. On top of that we have 22 restaurants in the area. We have some 2000-odd beds to house tourists and visitors to the Northern Territory. There are many other things in Port Darwin that add to Territory growth in general. Indeed, one could say that Port Darwin could be seen as holding the rest of the Northern Territory together.

Mr Speaker, I only make those comments in jest. However, coffee bush is a very serious problem and I raised it in that vein. I am sure that other members are aware of what can happen if weeds or other plants grow unchecked. There was a comment in the NT News recently in 'Fishing About' by Col Stringer. It said: 'The bad news is that the dreaded weed mimosa is really on the rampage. Vast areas of the Adelaide River are being covered and access is almost impossible. To top it off, even on the Finniss River, where 3 years ago there was none, the banks are being covered in the rotten stuff. I intend to do a full report on the matter so I will keep you posted. Unless something is done quickly, I fear the place is lost to the weed. It is so prolific that fire and flood have no effect and the buffalo have a tough time contending with it'.

All my concern has been that we should look to controlling coffee bush. I have not mentioned that it should be eradicated even though I personally feel that we could do without the stuff. I am not paranoid about it but I believe that it is something that we have to look at seriously. I am not saying that it does not have potential because it does have potential. You, Sir, have a great belief in coffee bush as something that will solve the cattle feed problem in the future. The member for Arnhem has also mentioned, on occasion, the potential that coffee bush has in the energy field. There are others who have mentioned the potential that coffee bush has in the production of paper. I agree with all of these things. I am not saying that it does not have this potential. If any of those people want to carry out trials, I welcome them into the electorate of Port Darwin; they can take all they want. There are many other types of plants and ground cover that can be sued to protect our foreshores and cliffs from erosion. I think that these other plants should be considered. I believe that we should examine ways and means of controlling coffee bush. It is a serious problem.

The other point that I would like to raise relates to the litter problem. We have a very serious litter problem. A chap approached me the other day in the street. He was carrying what appeared to me to be a torn up parking ticket, and he was cursing and swearing. He said, 'Look what the government has done', and threw his hand up. It turned out that he had been given an on-the-spot litter fine by the police for throwing a cigarette butt down. I said, 'You should not throw cigarette butts down'. What he was trying to point out was that everyone else in the street was chucking down litter and rubbish and he felt that he was being singled out. I understand that the city council, the Keep Australia Beautiful Council and also the police have launched a campaign to control the litter problem. They are enforcing on-the-spot fines. I wholeheartedly

support this campaign. However, we should be consistent. On many occasions when people blatantly throw rubbish down in front of police officers and officers of the council, nothing is done to those people yet others who throw down something of less significance are given a ticket. I support the increased drive and I think that perhaps the media could play a part in this by advertising the fact that people will be fined for dropping their litter. I support wholeheartedly any campaign that will reduce the amount of litter that is deposited in our streets and spoils our general surroundings.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I would like to pay a salute this afternoon to an institution in Alice Springs for which I have a very high regard. The Department of Correctional Services runs a place in Alice Springs called Giles House. It is a real success story and I pay tribute to Mrs Daff, the staff of that institution and, indeed, the kids themselves. Mrs Daff and her staff receive tremendous job satisfaction out of that place and from the results they achieve with the children there.

I was first aware of Giles House when I was a high school teacher. I received reports from other teachers about the students who had been sent to Giles House and the change in their attitude and behaviour and how they got on at school. My first-hand experience has only been of recent days. The case of one particular young fellow who has been there recently will illustrate my point very well. The mother of this young fellow visits me consistently with her problems. It is an unfortunate situation. The father is supposed to pay maintenance for the upkeep of the children and she comes to me seeking assistance. I met this fellow whom I will call young Freddie; he is about 10 years old. He was dodging school and, quite clearly, he is a bright lad. It was quite clear that he was mum's real worry.

Many stories have been told about him by various people. It was common for the police to pick him up wandering the streets at 3 o'clock in the morning. Some members of the police claim that he is the best car thief in Alice Springs. If ever you lock you keys in your car, he will get in in a twinkling. One story about him really amused me. He is not very large for 10 and somebody spotted him driving a truck. This person was going the other way down the street. Later on, this person caught up with him and asked, 'How could you be driving that truck, you could not get your feet on the floor'. He replied: 'Oh that was easy, I had me mate down on the floor and I was pushing on him and he was pushing the pedals with his hands for me'.

One might think there would not be much hope for him. Certainly, his mother despaired absolutely of him. After much soul-searching, she allowed him to go to Giles House. I dropped in there a couple of weeks ago to see Mrs Daff. In the course of conversation this lad came in and asked me if I would like a cup of coffee and whether I took sugar and milk. It was such a surprise to see the attitude of the kid. He was a changed fellow and the people of Giles House were absolutely thrilled with the way that he was coming on. I believe that what they have done for that lad gave him real hope for the future.

Just recently, the old timers had their fete in Alice Springs and I was talked into making pancakes. I was quite willing, actually. I was a bit short of helpers so I asked Mrs Daff whether I could borrow a couple of students if they were willing to come and help out. They did and they worked like Trojans. Their manners and their behaviour were a credit to them. They stuck to the job and we worked very hard for a long time. One of the children from Giles House - I believe he comes from Darwin - is deaf. He was with the others from Giles House at the fete. He was left somewhat on his own so the 2 who were working called him in. The girl made up a sign for him to indicate that he was deaf because some people gave him a hard time at the stalls. My young helpers were

quite keen for him to come in and help with the pancake mixture. That is the the attitude these kids had. When we packed up to take them back to Giles House, they asked if I could take them up the street to get some magazines, and I was quite happy to do that. They went up and bought magazines; they were not magazines for themselves but for some of the other kids who were not allowed out because of the rules of the place. I think that showed they do not only think of themselves.

I do not think I know all the reasons why this place is a success, but I think that there are 3 points which are very important. One of the things which the kids are taught to realise - some over a short time, some over a long time - is that they have to be responsible for their own actions - not pass the buck, not look for a scapegoat, not blame somebody else, but face up to realities themselves and become responsible. They do this and I believe that it is a great awakening. This guidance does not come only from the leader, Mrs Daff, and the staff; the children help other children to this realisation. It is an ongoing thing.

Secondly, there is training. They insist upon the children doing things around the place: clean their own room and make their own beds etc. They are allowed to decorate their rooms and so forth. They do this and I believe it gives them a sense of independence and a feeling of self-worth. I think that training is vitally important for anybody, at any stage, to develop that feeling of self-worth and to know how to do things for oneself and not to have to have it done by someone else.

Thirdly, there is an atmosphere of genuine care and concern. It is not a mushy love with people running around and doing things for the kids. It is real, practical stuff. I have a theory, Mr Deputy Speaker, that, if parents are not prepared to make the effort to train and discipline their children, they do not love those children. I believe that what is happening at Giles House is practical evidence of that.

One young fellow was introduced to me by Mrs Daff. She said he has been with them for 4 months and they are now looking for a foster home for him so that he will have a mum and a dad of his own. The lad sort of nodded his head because of what she said. But then she added; 'He must come back to visit us because he is a part of us too'. The smile that went across that lad's face was something to behold; it really was. Mrs Daff has been offered far better money elsewhere but is just not interested in money. She has a place going which is a real credit to her and the other members of staff, and to the kids. I salute that institution.

The other day, Mr Deputy Speaker, I mentioned having seen mudhouses in Sri Lanka and that I conceived the idea that they could act as an intermediate style of housing for Aboriginal people. Quite a bit of cold water was poured upon the idea - the mud was not exactly right and so forth and so on. There are many different ways of making mudhouses. Even I know that from general knowledge. In some places, they mix cow dung with the mud to give it extra strength. In other places, they use straw. Another idea is to add a small amount of cement, but that must be bought and that adds to the cost. However, sometimes only 1 part in 20 is sufficient to make a suitably strong mud, if you can call it that.

I know there would be problems. Aboriginal people do not have a tradition of making mudhouses whereas the Sri Lankans do. No doubt, as little kids, they see their parents building mudhouses and most of it comes automatically. They know how to do it without much training at all because they have observed it. I realise there would be many problems, but the key point is that, if Aboriginal people could learn to build houses for themselves out of simple materials, that would lead to their independence just as with the kids in Giles House who learn

through their training to raise their own self-esteem and feeling of worth. Surely anything which leads to that is worth considering.

I, too, was interested in the litte report. I have not had a chance to read it yet. I was interested in the honourable Treasurer's suggestion that we should look at what has been done in other places. About 6 years ago, I had the privilege of going to New Zealand on holiday and I found that to be one of the cleanest places that I have experienced. They did not have litter bins every 5 yards either. Once I had to walk a couple of hundred yards in a park to find a bin.

I think there is a psychology in this litter business: once you get it clean, then it is fairly easy to keep clean. Once it is dirty, it is very hard to get it clean. I have found the same sort of thing in schools, in classrooms with say, writing on desks. I remember some laboratories that we had which were absolutely spotless. If a mark was made on a desk, it was cleaned straight away; that was the end of it. If it was left, one mark seemed to trigger off another mark and so forth. You cannot blame anybody because there is so much of it. You cannot put pressure on the person who has made the mark.

The same thing seems to apply to rubbish. I mentioned the other day how much cleaner the Alice Springs Show was this year. I think it was helped greatly by the fact that the show society had cleaners going around with a truck and emptying the bins. I think that made people aware and they kept it clean. They did not wait until the end of the show before they had a clean-up. They kept it clean all the time and people were observed dropping litter in the bin. I think the psychology is: if you have it clean, you have a chance of keeping it clean but, if it is dirty, you have the devil's own job ahead of you.

One last little thing about the New Zealand trip that I noted was a poster on litter - one that appealed to me. Up on the top there was a pram with a baby and a baby's bottle. The baby was throwing the bottle out, as young kids at a certain stage do. They like to let go of things and throw things. Underneath it says: 'But we all grow up'. Underneath that there was an old motor car with an old fellow with a beard throwing his stubby out: 'or do we'. I think that is very pertinent. It is one of the best posters on anti-litter that I have seen.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I wanted to raise a matter which is of some concern to me at the moment. I asked a question last week of the honourable Minister for Mines and Energy concerning the activities of his department in the area of industrial safety and accident prevention. I also asked whether there was a proposal to reduce the number of staff working in those particular sections of the Department of Mines and Energy. I was very pleased to learn from the minister that there is no intention to reduce the number of staff who work in those areas.

Fortuitously, today we received on our desks the annual report for the last financial year from the Department of Mines and Energy. Once again, it is an excellent report. There is a lot of detailed information. There is a segment relating to each particular division in that department. The Director of Industrial Safety has made some quite telling remarks in his report to his minister concerning the activities of his division and the particular functions which are his responsibility under the various acts.

I quote from this report from pages 32 to 35. The director, Mr R.S. Martin, said: 'The responsibility towards safety shown by larger companies was, in general, satisfactory but is contrasted by ignorance or the complete lack of interest shown by small firms. This is particularly so in the construction

industry where the pressure of cost and time restraints coupled with subcontracting arrangements caused safety to be bypassed'. In the last sittings of this Assembly, we again passed amending legislation to tighten up the construction safety and inspection of machinery provisions. It is a little disappointing to see that firms in the Territory, firms involved in the largest segment of economic activity - that is, mining and construction - are bypassing safety requirements.

Mr Deputy Speaker, the director also noted that the lack of staff had hampered the work of his division in all its aspects. There is reference made to the safety promotion campaign which was also the subject of a question from me to the minister. It is noted here that the safety promotion campaign highlighted the amount of work which remained to be done. It seems that everybody, including the minister, agrees that the activities of the Industrial Safety Division of the Department of Mines and Energy should not be downgraded in any way. Certainly the message from the director of that division was quite clear: he would like to fulfil the functions specified in these particular acts to their full extent.

Therefore, it came as something of a disappointment to me to learn recently that a constituent of mine who was working in the self-same area of safety education and accident prevention has had notice that her employment will be terminated. By way of explanation, I can say that this particular person was a limited tenure employee and certainly there is no inference here that she has been wrongfully dismissed. I simply say that she has been extremely involved in the very areas which the Director of Industrial Safety has noted. If the minister wishes to maintain that level of activity, then this particular employee and other employees ought to be recruited to fulfil these functions. I am one of those persons who believes that limited tenure employment does have some merit in the public service. It has been used in times of atypical activity to reduce the workloads which have occurred from time to time. These people are not under any illusion that they are permanent tenure employees so the particular lady is not complaining about being wrongfully dismissed.

What is of concern is that a lot of work which is making inroads into the apathetic attitude of many people in the construction and mining industries will now be shelved and this is most regrettable. I recall that, between the last sittings and this one, Darwin has been host to a seminar on safety. I can recall that the Chief Minister himself gave a keynote address which was widely reported in the press to that particular seminar in which he outlined some horrendous costs to the Australian economy of industrial accidents. If I remember correctly, the Chief Minister made a comparison with the defence budget. He said that the cost of these accidents was in the order of the national defence budget. One can see that industrial accidents are very expensive and they are in fact preventable. Quite a lot of work is being done on industrial safety and quite a lot of basic information which has not hitherto been collected in the Northern Territory is now being collected. Programs are being devised on prevention and education. I hope that the honourable minister will see fit not only to maintain that level of activity but indeed to increase it.

The division also recently created a new position of Safety Promotions Officer. In fact, that division has been quite active, as we know through the media, in the Safety Sam campaign. I believe that it has also conducted seminars in all centres in the Northern Territory and has been systematically visiting firms to advise them on the development of safety measures. I would ask the minister to look into this question because it does seem that some people who have built up an expertise in the area are about to have their employment terminated and that would be a great loss not only to the mining and construction industries but to the Territory at large.

Mr BELL (MacDonnell): Mr Deputy Speaker, it is often remarked in this Assembly that the population of the Northern Territory is relatively small. Thus, I suppose there is a somewhat greater chance that, in the Northern Territory, the set of politicians and the set of entrepreneurs should overlap. However, I do not really believe that the smallness of the population can really justify such an intersecting set.

I raised in question time this morning the matter of a lease in the vicinity of Doctor's Gully being obtained by the honourable Treasurer who is unfortunately not able to be with us this afternoon. I wish to make a few remarks in that regard because it strikes me as strange that we should have a situation in the Northern Territory involving a politician-come-entrepreneur. In my question, I raised 2 matters. I raised the matter of the price of the particular lease that the honourable Treasurer has been able to obtain and I will certainly chase that up to make sure that it is above board. I believe that it is our role as the opposition in the Legislative Assembly to satisfy the public that such things are above board. My motivation for asking the second question about the Northern Territory Development Corporation loan and applications in that regard was similarly motivated. I believe that we, as Her Majesty's opposition, would be failing in our duty if we did not chase this matter up and make sure that all was above board.

Before either the Minister for Education or anybody else on the opposite benches leaps to his feet and accuses me of being unable to read or unable to reason, as is their wont, let me make it quite clear that I am satisfied that the rezoning of the Crown lease in question and the matter of the price paid for it may well be above board but I will be looking at it very closely. I do not believe that the public will be quite as charitable in this matter as either the Minister for Education or the Treasurer.

We are faced with a situation that is quite amazing and I do not believe that the smallness of the Northern Territory population entirely explains it. A Treasurer is in the position of being asked a question whether he is in receipt of an application for a loan from himself. That is quite an extraordinary state of affairs and I do not honestly believe that Territorians will be too happy about that. It is a matter, I am afraid, of a distinction between the letter of the law and the spirit of the law. As far as I am concerned, the Treasurer has to decide whether he will be the honourable Treasurer or the honourable proprietor of marineland. It is not reasonable that people should use a position of public influence to ensure that they themselves are in a position to influence decisions.

Mr ROBERTSON: A point of order, Mr Deputy Speaker! It would be obvious to any reasonable person who is listening that the honourable member is deliberately, although in a surreptitious manner, casting dispersions on the honesty of a person in this Assembly. He has made accusations that a minister in this government has used his position as a minister in the government for his own personal gain and quite clear implications that that is outside of normal behaviour.

Mr DEPUTY SPEAKER: There is no point of order.

Mr BELL: Casting 'dispersions' I may not have been doing, Mr Deputy Speaker, casting aspersions I was.

All I am doing is standing in this Assembly and saying things which a lot of people in Darwin, Alice Springs, Katherine and Tennant Creek are saying as well. I suggest that the honourable minister and his colleague, the honourable Treasurer, are so out of touch with Territory opinion, the opinion of the man in the street, that they do not realise the implications of their actions.

I will say again: I am not casting any aspersions on the honourable Treasurer, but I am saying that, although the letter of the law may have been met, the spirit of it certainly has not. I will repeat it again: the honourable Treasurer ought to decide whether he is going to be the honourable Treasurer or the proprietor of a marineland development.

Mr LEO (Nhulunbuy): Mr Speaker, my tirade will not be quite so vindictive. However, it does involve the Treasurer.

Mr Bell: There was nothing vindictive about it.

Mr LEO: Well, vitriolic.

Mr Robertson: Even your own colleagues have recognised your filth - 'vitriolic'.

Mr LEO: I must withdraw that. However, it does concern the Treasurer once again. It is unfortunate that the Treasurer is not here.

The Treasurer made some comments last Wednesday concerning large retail stores and I am afraid that my reply to that was somewhat brief. To say the least, I was flabbergasted by the Minister for Community Development's reaction to large chain stores trading on Sundays. Quite frankly, Mr Deputy Speaker, I am surprised that, with your constituency, you have not mentioned his reaction.

I have to inform the Assembly that all states in Australia, bar Tasmania but including the ACT, have restricted trading practices of large retail chains on Sundays. This was not just done out of hand because they happened to be down on them, dirty on them or because they thought they were making too much money. It was done for a very good reason: to try to protect the small business-man who is continuously under threat.

If Sunday trading is to be brought in, the Treasurer seemed to think that there is plenty of money to go around and the small businessman will not be done out of much. People will still slip around the corner and buy the food items that they do not stock up on during their weekly shopping. That is quite incorrect. There is only so much disposable income within a community. If the large chain stores open on Sundays, they will not open and go broke. They will increase their profits and their turnover. That money must come from somewhere and it will come from the community at large. If it goes to those large chain stores, then many small retail outlets will go down the gurgle. More and more small retail outlets will feel themselves threatened.

I asked questions of the Treasurer this morning. He obliquely side-stepped the first one but, in the end, I managed to get out of him that he intends to do nothing about the situation. He will let it happen. City traders here, I am sure, will find themselves severely threatened in a very short period of time, car-parks notwithstanding. Small businessmen just will not survive this onslaught. I am not a great small business advocate but, given the fact that most conservative governments are very reluctant to introduce any sort of price control, the only real mechanism that we have within the comminity for regulating prices is competition. I live in Nhulunbuy where there is no retail competition. There are extraordinary examples of the results. Believe me, they may seem extraordinary but they are not.

The consumer newsletter that comes out monthly or quarterly gives a fairly glowing comparison between Darwin prices and Nhulunbuy prices, but it must be remembered that these relate only to food items. They do not relate to tyres, newspapers or any of those things. I do not think that tyres and newspapers are

a luxury. I think that they are fairly normal items that we take for granted in the community. If honourable members want to see the effects of no competition upon a community, especially where there are no price control mechanisms, I suggest they come to Nhulunbuy. There is a dispute over there now. 500 men are out on strike and everybody wonders why they are out on strike. They have a pretty good wicket over there after all. I suggest that members of this Assembly go over there and have a look at the prices that people are paying for commodities. This is what this government will fail to stop, simply because they will not restrict the practices of large traders. It is a fairly frightening thing. I ask members to have a look around other states of Australia. I know people in Tasmania. As I say, there is no restrictive trading in Tasmania. There are rows of unoccupied small shops, quite literally rows of them. It is not just one here and there and maybe one in another suburb that have closed. There are rows of unoccupied small business shops. The small businessman has always employed a large percentage of the Australian workforce. I would suggest this government take his plight very seriously.

Mr MacFARLANE (Elsey): We have heard some discussion on bushfires from the Chief Minister and the member for Tiwi and some other people. Since 1975, I think 787 fires have been reported and the government has instigated 4 prosecutions. This speaks for itself. Cattlemen and others are taking the bushfire situation seriously but it does not look as if the government is. There is a lot going for the government's attitude too. Members may have noticed in the question paper last week that I asked a question about who started the fire that burnt out part of the property of the Chairman of the Bushfires Council at Katherine. The gentleman told me himself that he was burnt out over the weekend and I did not realise that he lit the fire himself so I had to backtrack fairly quickly. It shows you how quickly a fire can get out of hand. Last Friday night, I was relaxing in my plush suburb in Katherine watching 'The Two Ronnies' and the phone rang. I was told that there was a fire at Moroak in a paddock where I run my precious Brahmans. I had to hurry out there. There was no prosecution for that. It shows what can happen in the Top End. There is not much nutrition in the native pastures in the Dry, but they are better than nothing. If you allow the firebugs to be careless with fires, it makes it even harder on the people the Minister for Primary Production and Tourism was talking about yesterday. It could mean the difference between marginally economic and uneconomic.

Yesterday, I noticed a gentleman in the gallery wearing a T-shirt inscribed 'Daly Waters Pub'. He is probably one of the 2 from Daly that the book was about. I have a letter here from the secretary of the Daly Waters Progress Association about the Chief Minister's proposal that, rather than give the Daly Waters Progress Association $20,000 to build a steelyard for its functions, it should combine with Mataranka. Mataranka does not mind; they are only a hundred miles apart. But the people of Daly Waters are not very keen on this. Mataranka takes about $5000 a year over its 2 or 3 days. This is what the lady down there said:

> *Our committee has read with regret and some consternation the Chief Minister's proposal that we amalgamate our 2-day event with Mataranka. If ours was the business of attracting tourists, then we would naturally agree. Pastoral residents contribute to the productivity and development of the Northern Territory every day and the events at Daly Waters are held for their leisure activities, their participation and their get together. I believe Mr Everingham has completely missed the point of our request. The attraction of the Daly waters rodeo and campdraft is that 90% of the people attending are pastoral residents who may see each other once a year. Would he deny us that small pleasure? Tourists are welcome if they can bear the conditions.*

I trust I could make a few comments on Mr Everingham's logic. The

Daly Waters rodeo ground has not received funds from the government for 6 years. Association funds, donations and working bees have erected the existing improvements on government land. We run a profitable show but not to the extent of renewing unsafe guards with permanent steel ones. Committee members travel an average of 40 miles to meetings. Mataranka would be out of the question. The Katherine Show is an annual event. Funds have obviously been granted.

Should Mr Everingham wish to back his presumptions that the rodeo may not be successful, may I suggest that he contact some of the bigger stations who attend regularly: Wave Hill, Mataranka, Mallapunyah, Waterloo, Killarney, Helen Springs, Hayfield, Hodgson Downs, Coolibah, Creswell Downs, Nutwood Downs, Maryfield, Brunette Downs, Moroak, Robinson River and Ucharonidge. People from Katherine, Elliott and Borroloola also attend.

Re population of the area. Daly Waters is a crossroad situation. If one drew a line from Tennant Creek to Wave Hill then to Coolibah to Katherine, Moroak, Borroloola, Brunette Downs, Tennant Creek, we cater for that population. The population of Daly Waters increases from approximately 10 to over 400 for that weekend.

I listened with interest to the attendance figures at the Apex Rodeo in Alice Springs last weekend. There were 4000-odd the first day and 2000 the second. So 400 at Daly Waters is reasonable.

Our request for $20,000 to erect a permanent steel arena can be allocated as $50 per person for one year's investment, $10 per person for a 5-year period or $5 per person over 10 years. With that in mind, I endorse your view that we do not have access to any amenities to which the government assists with funding. Apology, the Arts Council brought 2 children's shows down this year.

They are looking forward to seeing me and to inviting the Chief Minister.

Mr Deputy Speaker, I listened with interest to the member for Victoria River about Aboriginal land rights. He said that the figures submitted showing that 42% of the Northern Territory may become Aboriginal land or was under Aboriginal land claim were wrong. The figures were given by Mr Charlie Perkins. I quote them here from the last sittings.

Mr B. Collins: He's not always right, Mac.

Mr MacFARLANE: Well, according to Charlie . . .

Mr Robertson: He's never wrong.

Mr MacFARLANE: According to Charlie, he's super nigger and that's good enough for me.

Mr B. Collins: That's not an offensive term of course?

Mr MacFARLANE: Well, that's Charlie's term, not mine. I wouldn't dare say anything like that.

Mr DEPUTY SPEAKER: Order, order! The honourable member for Elsey.

956.829—23

Mr MacFARLANE: The fact of the matter is that land is land. They are just not making any more. People apart from Aboriginals want some and they want to retain some. They want it under the same conditions.

The member said that, if you include all that desert country, you might have such and such a percentage. The Middle-East is almost totally that kind of desert country. Those people have oil and money running out of their ears. In fact, around Point Stuart, Munmarlary and Mudginberri, you will find country which is regarded as rubbish - not by Mr Ron Withnall but by other people. That is where Aboriginals are becoming rich beyond their wildest dreams. I say that land is land and people just happen to want it. It should not be confined to Aboriginals.

Mr B. COLLINS (Arnhem): Mr Deputy Speaker, I want to speak on a number of matters in the adjournment this afternoon. The first one was brought to my attention yesterday because possibly I was one of the worst offenders. I was told yesterday that the habit that members have in this Assembly of carrying on sotto voce conversations in the Assembly without using the buttons on the microphones does in fact at times cause the hard-working men and women in the Hansard department, whose job it is to accurately transcribe the vapourings of honourable members, some difficulty, particularly if someone who is delivering a speech is not doing it particularly loudly. Some of the conversations are sometimes a little above whispers. I was told yesterday that I am an offender and I am prepared to plead guilty to that. Perhaps it would be a good idea if honourable members would think of Hansard sometimes when they are carrying on these other meetings.

Mr Deputy Speaker, the honourable member for Tiwi mentioned the reorganisation of TAFE and I also received representations on that. Let me say that I support absolutely the comments that the honourable member made and I share her views on the subject completely. Last year this problem arose in a number of communities in my electorate. At Galiwinku the proposition was that the adult education area share some facilities with the school. It was found in practice that it was a most undesirable thing to do because Aboriginal adult people, in common with many other adult people such as new arrivals to this country who find difficulty with the English language, often feel at a disadvantage with their own children. It takes a fair degree of incentive and encouragement to get those people to take the step of accepting adult education. They are certainly not inclined to do it where they are to be put in a shcool situation. I share the concern of the honourable member for Tiwi: the adult education area in a community must be kept separate from the school area. You cannot expect to encourage adults to go back to school if it is not clear that they are on a quite different footing from young kids. It does make it extremely difficult for them at home. I know that the rationale for this is economic but I hope that the Department of Education will reconsider this decision.

I want to move on to the subject of tourism. I have spoken in the Assembly on previous occasions on what I find to be a most disturbing lack of professionalism in the industry. I know that the honourable Minister for Primary Production and Tourism has agreed with me on this matter. A lot of money can be spent on very nice motels but, if the staff are discourteous or less than helpful, the people who go to the motel will go away with a very bad impression of the Territory. There is no doubt that one bad experience with discourteous staff or staff that are less than helpful can mar an entire visit to the Territory. It is most important that the tourist industry constantly bring this to the attention of people in the industry. I noted with some degree of interest that, in the address that Mr Poole delivered to the tourist industry recently, he raised that very point. I hope it continues to be raised.

About a year ago, I had a visit from a fairly annoyed southern visitor to the Territory who had been on a tour of the Ranger mine site. I have mentioned in the Assembly that you can go on a tour of the mine site. This gentleman made a tape-recording and I am happy to provide a transcript - the Northern Land Council has it - of this recording. It was a recording of a bus driver's conversation with the tourists in a bus as he was travelling around. He was making what he considered to be funny but extremely unflattering comments about Aboriginal people. Unfortunately, it did not go down too well with a number of people who were on this tour. It created a bad impression.

We talk a lot about racial tension in the Territory and the Territory has a large percentage of Aboriginal people. We are subject to the opinion in other parts of Australia that relationships between black and white are not all that they could be. In that interface industry between ourselves and the rest of Australia or the world, no industry is more important than the tourist industry. It has a responsibility not only to its own industry or business but also to the rest of the Territory. It is a very poor thing indeed when such people get their opinions about black and white relationships off their chest in such circumstances. It is not the place to do it. Many people down south take offence at it and say, 'All the stories that I have heard about the Territory are true'. I did not say anything publicly about it at the time because I do not like raising a fuss about something that I do not consider important. I knew the Northern Land Council had been given a transcript of this conversation.

Recently, however, the matter raised its head again. I had representations made to me from another annoyed tourist. This gentleman took the trouble to write a letter as well as make personal representation to me because he wanted to make it a matter of record. I will not use the gentleman's name because I do not believe that it is necessary to do so. I will read part of that letter:

> *On Saturday 22 August, my wife and I went on a two-hour cruise on the South Alligator River on a punt called the Kakadu Princess. Tickets for the cruise were purchased at the South Alligator Motor Inn. There were 50 people on the punt, including many overseas visitors and a group from the Maco Tourist Services coach. Towards the end of the cruise, the punt captain took the opportunity to offer a number of unsolicited comments on the benefits of uranium mining. He then made some unpleasant comments about Aboriginals including the statement that they were the richest people around yet they still obtain government handouts. He then made a joke about Aboriginal people and bus drivers. These comments were delivered over the public address system of the punt.*

I will not read the rest of the letter but suffice to say that this person was annoyed enough to take the matter up personally with the operator of the boat and some degree of argument ensued. As a result of this totally unnecessary and derogatory commentary on the Aboriginal people of the area by this tourist operator, who obviously considered it smart or clever, 2 visitors left the Territory with a very bad taste in their mouths. I bring it to the attention of the Minister for Primary Production and Tourism in a positive way. I hope that the tourist industry gets across to its operators that these people are ambassadors for the Territory. There are no 2 ways about it. The people who are in day-to-day contact with our visitors are ambassadors for us and they have a responsibility to act responsibly and not carry on with this nonsense which creates such a very poor impression of the Territory and Territorians.

I want to conclude with some comment on the response I received from the honourable Minister for Mines and Energy to the problems at Nabarlek. Quite frankly, I was extremely disappointed in the response of the minister to some

questions I raised. The minister's response has serious implications for the reassurance of Territorians that he is in control of the situation regarding the monitoring of the environment - our environment. Like most other people, I care about the environment because I have to live in it for the rest of my life. I would like to be around for a little while and I would like it to be around for my son and any more children that I may have, and other people's sons and daughters. But I am not reassured by the minister's cavalier attitude toward his job. Much to my horror last night, when I started to discuss in technical terms what I must say were fairly kindergarten matters, the minister responded by saying: 'It is no good trotting out all these figures and asking me to comment on them because, when you are talking about the technical field, that is so much "rhubarb"'. I consider that to be a very irresponsible statement.

The Minister for Mines and Energy is the minister responsible for a mass of legislation and regulations in the Territory which he continually assures us will offer the most stringent safeguards possible. Not if the minister is going to consider it as a whole lot of rhubarb! If he is going to blithely let us know that he is totally in the hands of his departmental experts, does not want to find out anything for himself and is prepared to accept whatever is handed to him on a plate without question because it is a lot of rhubarb and one should not get into it, then we have some reason for questioning that minister's holding of that particular portfolio. The technical aspects of environmental monitoring of uranium mining are within the competence of any reasonable person who is prepared to apply himself to having a look at it. Despite the fact that this has been raised, it is clear from the minister's statement that he has not bothered even to read some of the basic paperwork that is available on this incident. If he is not prepared to do his job, the minister should go back to making puff pastry although perhaps he got out of the puff pastry business because he could not handle the technology involved.

Today in the Australian Financial Review a comment was made that further confuses the issue and raises more doubts and questions. I will quote from the paper quoting the Supervising Scientist: 'Mr Fry said that reporting was not quite a legal requirement under the act but it was "a formally binding agreement". Under an agreement between the federal government and the Northern Territory government, the Territory is required to carry out whatever check monitoring is required'. The article is headlined: 'Uranium Leak Shows Control Inadequacies'. It points out that there seems to be a most disturbing grey area. This is something I tried to pin down the other day at the briefing: a grey area about what is a reportable incident and what is not. If the criterion for determining whether an incident, a breach of the environment regulations, is a subjective matter which is left to the judgment of the company official or monitoring officer who happens to be on the site - as appears to be the case here - then we have cause for considerable alarm. If this is the case, obviously all the legislation we have put through the Assembly is useless. There have to be clearly defined guidelines under the act passed in this Assembly for determining when such matters have to be reported and when it is not necessary to report them.

Some technical aspects have already been conceded such as that there are simply not enough monitoring bores at Nabarlek to adequately monitor the leakage. That has been conceded by everybody. I understand that a request from the Department of Mines and Energy has already gone in for Queensland Mines to put down more of those bores. It is now 2 years from the commencement of operations. There are not enough bores but apart from that there seem to be clear deficiencies in the manner in which this monitoring is carried out.

According to the Financial Review report today and the comments of the Supervising Scientist, there appear to be some rather large grey areas in the actual legislation and regulations and how they are applied. All of this should be a matter of considerable concern. It should not be sufficient for the honourable Minister for Mines and Energy to write it off as a lot of rhubarb. If that is his attitude towards it, he should resign.

Mr ROBERTSON (Education): Mr Deputy Speaker, I often wonder where we are heading in this game of politics.

Mr B. Collins: You tell us.

Mr ROBERTSON: Yes, I wish I could. The honourable member for Arnhem interjects and says: 'You tell us'. Well of all the things that he does that I disagree with, I do not think that the type of thing I wish to talk about tonight is something that can be sheeted home to him.

As I said, I wonder where we are heading in the game of politics. Although, in a previous incident, I suppose the honourable member for Arnhem was also involved but, as I said then and as I still believe, innocently.

Mr Speaker, in Tuesday's Northern Territory News, there was a letter to the editor headed: 'Rezoning Profit'. I think that everyone in this Assembly has read it.

Mrs Lawrie: I have not.

Mr ROBERTSON: Well, the honourable member for Nightcliff said she has not read it and, quite frankly, with such junk printed in a journal of the popular press I do not blame her if it did not occur to her or it was not drawn to her attention. It relates to the Darwin Golf Club redevelopment scheme.

Like all members in this Assembly, I am willing to face reasonable criticism, to have errors pointed out, to be told that I am stupid when I am stupid and, hopefully, that includes my performance. What I do pull up short of is taking kindly to being called dishonest. I think it is unbecoming that any member, without substantive evidence of it, be accused of being dishonest much less corrupt. For the first time in Territory politics for a couple of years, we saw an allegation about dishonesty being made widespread and public. That involved a matter of supposed kickbacks which the CLP was alleged to have taken, and was subsequently proven to be baseless and founded on fabricated documents. It is one that I thought I would never have to mention again but, after the contribution of the honourable member for MacDonnell earlier today, we seem to be getting back into the same sort of cesspit.

Mr Speaker, this particular letter reads in part: 'How at the stroke of a pen a minister, supposedly representing the public, makes a grant in excess of $1m to 200 golfers leaves me amazed. Someone must surely be in difficulty walking around with such a bulging pocket'. It is a very clever letter because it is well implied that the $1m went to the 200 golfers, until we read the next paragraph. It says: 'Within 48 hours of the "honourable" minister making his announcement, the contractors started work on the site'. There is absolutely no doubt whatsoever in the mind of a reader that I, as Minister for Lands, received a bribe. I think it is totally reprehensible.

Needless to say, I have referred the matter to the Solicitor-General. I find it extremely disappointing to have to do so. The letter distressed me greatly. I cannot understand any editor allowing a thing like that to be printed

in his newspaper without any substantiation at all. I think it represents a great dereliction of duty and responsibility by an editor. All I want is a retraction or prove it or prosecute me. They can take their pick; I will win either way. I certainly do not want any monetary reward out of it, for heaven's sake. I have always believed that civil action for libel is nonsense anyway. I think it is crazy. Really all one wants is justice done.

What happened this afternoon reminded me of that letter. I was not going to raise it publicly after having referred it to the Solititor-General. What we had this afternoon is the equivalent of that sort of cesspit tactic, the sort of putrefication which occurs occasionally in politics. I think it is highly regrettable that it has occurred to the newest member of this Assembly to lump that sort of tactic upon one of the most respected members of this Assembly in so far as his integrity and honesty goes. What the member for MacDonnell has done both this morning and tonight in his attack on the Treasurer and, by implication, on myself as the person who granted a lease, has not in any way attacked the government. He has indicated this afternoon that he is satisfied that the rezoning was properly done. I have assured this Assembly and I have not yet been found to have misled this Assembly. I will resign the day I consciously do so. We can all make mistakes. He has admitted using the words, 'I am satisfied that the rezoning was properly conducted' and I indicated to the Assembly that indeed that matter was treated in precisely the same manner as the application of any other citizen for rezoning would be treated. I have also indicated to the Assembly that the grant of land to my colleague, the Treasurer, was treated in precisely the same manner as that to any other citizen of the Northern Territory. In fact, I do not think I have ever been more meticulous about the conduct of a matter in my life because I realise that the honourable Treasurer is in public office as are all of us in this place.

What the honourable member for MacDonnell has done is cast aspersions upon one of the 3 officers in the Northern Territory government within the system of Westminster democracy who are beyond the direction and control of the minister. One is the Registrar-General, the others are the Valuer-General and the Auditor-General. I have made this statement publicly and I repeat it here: the person who determined the purchase price of that piece of land was the Valuer-General. That is the only thing that this gentleman who represents the people of MacDonnell made issue of this morning, in the press previously and tonight. He has said, and I quite agree with him, where issues of honesty of government - and I don't mind that being queried as long as it is honesty of government - are at question then it is completely and properly open to the opposition to examine them in depth. The fact is that the valuation provided in respect of that land which was made available to Mr and Mrs Perron was the precise valuation for the area of land provided to them under the law of the Northern Territory at the assessment of the Valuer-General for the Northern Territory, a Commonwealth Officer under contract to the Northern Territory. Not only does he cast aspersions upon the creation of that office under Northern Territory statute totally independent, totally removed and outside of the direction and control of any minister of this government, but he has also cast aspersions upon the gentleman who holds that office with the Commonwealth of Australia. I think that this day goes down as one of shame for the honourable member for MacDonnell.

Motion agreed to; the Assembly adjourned.