THURSDAY, 11 OCTOBER 1979

PART I

DEBATES

Mr Speaker MacFarlane took the Chair at 10 am.

MATTER OF PRIVILEGE

Mr ISAACS (Opposition Leader) (by leave): The Minister for Education raised a matter of privilege on Thursday 20 September in relation to a document which I tabled on 18 September. A breach of privilege, as the minister himself stated, refers to an intention by a member to mislead the House. Erskine May on page 141 of the 19th edition states: "It is a breach of privilege to present or cause to be presented to either House or to committees of either House, forged, falsified or fabricated documents with intent to deceive such House or committees or to subscribe the names of other persons or fictitious names to documents intended to be presented to either House or committees of either House, or to be privy to or cognisant of such forgery or fraud".

The allegation of the minister is that I tabled documents, knowing them to be composite fabrications. This is not so. Upon coming into possession of the documents, I made extensive inquiries of the person from whom they came. After lengthy investigations and after obtaining appropriate assurances, I was satisfied of the authenticity of the documents prior to tabling them. Since the matter was referred to the Privileges Committee, I checked and received the same assurances. The minister this morning has shown me the documents supplied to him by the Master Builders Association and John Holland Constructions which raises doubt as to the veracity of those assurances on which that statement was based. Of course, should it be proved beyond reasonable doubt that the documents were composed as the minister claims, I would be the first to say so in this Assembly. The minister is obtaining forensic analysis and a copy of that analysis will be sent to me.

However, the documents I tabled contain the same facts as contained in the documents tabled by the minister. I did not seek to mislead nor, I believe, does the document mislead the House. I believe therefore that the matter of breach of privilege is firmly answered in the negative. I respectfully request you, Mr Speaker, to withdraw the reference to the Privileges Committee.

Mr ROBERTSON (Manager of Government Business) (by leave): Mr Speaker, I have listened with interest to the Leader of the Opposition's statement this morning. I have noted the reactions of the members opposite who less than a month ago in this House were led by the Opposition Leader into making rash statements asserting the genuineness of the documents in question. I have noted this morning some discomfort on the opposition benches and I sympathise with those members who have been called upon to speak in support of the Opposition Leader's allegations surrounding documents he assured this House were unarguably genuine copies.

Although I can sympathise with some members of the opposition, I cannot find any sympathy for the Leader of the Opposition himself. There will be some people who do find themselves sympathetic to his position today. They may argue that the man was duped by some over-eager ALP loyalist. However, I cannot see that the argument carries any comfort to the much-embarrassed Leader of the Opposition today. In my opinion, and I know I am supported in this opinion by virtue of the responsibilities and long-established conventions of the parliamentary system which we have adopted, it is simply not good enough to state categorically one day that a tabled document is a genuine one and later to alter that statement - and he did mention that he now has doubts about the genuineness of the document and that he tabled that dishonest

document honestly.

Members of this Legislative Assembly have a duty to make absolutely sure that documents that they table are genuine. Over and above that, there is another responsibility upon us: in a case such as this, where there must always be room for doubt about the reliability of one's informant and the documents obtained in such unconventional manner, it is imperative to present a tabled document as honestly as possible. If the Opposition Leader had said in the House words to the effect that "to the best of my knowledge these documents are genuine" or "I am assured that these documents are genuine", or even "my informant assures me that these documents are genuine", this House might have been more indulgent about his error. He did not; he stated time and time again that the documents were genuine and, in doing so, he excavated the very trap into which he has fallen.

It is the responsibility of any member to check, cross-check and double-check that any document presented before this Assembly is presented in its proper context. By virtue of that rule, established by precedent and enforced in the past by self-regulatory convention of the parliamentary system, we must make the assumption that, when the Leader of the Opposition tabled those documents initially, he knew whether or not they were genuine. The onus of responsibility as a representative in this House is clearly upon the person who tables the document. When one asserts in a forum such as this Assembly that certain propositions are undeniably true, one needs to be extremely sure of one's sources.

The Opposition Leader should have had more regard to his sources in this case. Presuming that the theft of the documents from the Master Builders Association office was not carried out by the Leader of the Opposition himself, and I accept that without question, he therefore knew that his informant was an untrustworthy, disloyal person or some other person of similar ilk. In my opinion, the Opposition Leader put his neck on the block when he not only repeated in this Assembly that the documents were genuine but also dared to call another person a liar when that person stated that the documents tabled were not genuine documents. To my mind, the Opposition Leader at that point used the privilege of this House in a reckless manner, demeaning the status of this House and the rules of the convention that surround it.

The person who carried out that composite photocopy and then deliberately duped a member of this parliament into tabling it as genuine was a person of no scruples who was apparently quite happy to betray his employer and mislead the Leader of the Opposition. He was a person that no employer should trust again. The Opposition Leader must have known that but he asked us to believe that, even with this knowledge of the type of man he was dealing with, he was prepared to blindly trust that person. I am sure that the Opposition Leader will not trust that man again in light of his statement today.

The Opposition Leader stated in the censure debate that, had a donation been made to the ALP and "pipelined through that well-known legal firm of Waters, James and O'Neil", members would have known about it and he would have known about it. The Opposition Leader cannot have it both ways. On his own argument, it follows that, at the very least he must have assured himself incontrovertibly of the genuineness of the documents in question. As his sadly misplaced colleague, the member for Arnhem, stated: "If I personally was not utterly convinced of the genuineness of these documents, I would not be taking part in this debate". The betrayed member for Arnhem will not be able to trust his leader again.

Incidentally, I accept the word of the honourable member for Arnhem

without question in relation to his genuine belief. He also stated that, in the United States of America, when a government was exposed as being corrupt for receiving kickbacks into party funds that were subsequently used for an election, the President had one defence to offer in the finish and that availed him nothing. This defence was to do precisely what the Chief Minister did: to stand up and look the camera in the eye and say, "I am not a crook; I did not do it and nobody else did either". If the opposition therefore expects the public to accept that the members of this Assembly on the government side had knowledge of the personal notes written by an officer of the Master Builders Association, then it should also expect that the public would believe that the opposition knew whether or not the documents he tabled in this Assembly were genuine. The rules must apply equally, Mr Speaker.

However, perhaps an obvious difference between the government and the opposition in this Assembly is that the government is prepared to take a reasonable stand on issues such as this. In other words, the government, knowing the documents tabled were fabrications and not genuine, is prepared to give the Opposition Leader the benefit of the doubt and to accept that he believed them to be genuine when he laid them on the table. The government accepts that but I do not know whether the public will. This might be an appropriate time for the Opposition Leader to study his conscience in depth and decide for himself what he would like the public to believe and what he would like them to accept as a reasonable explanation of the various issues surrounding this entire affair. By the Opposition Leader's own statement, we are forced to the inevitable conclusion that the Opposition Leader is a trusting fool. Mr Speaker, it is now a matter for the opposition members to decide whether or not the Opposition Leader has provided sufficient doubts in their minds about his ability as a judge of character and of tactics and to throw the whole question of his leadership into some doubt.

Mr Speaker, I said that I wanted to make a quick statement in relation to another matter relating to the same thing. This too demonstrates to the public and to the parliament the shallowness of the opposition attack on this government in respect of the John Holland affair. With the statement this morning and my statement, the whole fabric of their accusation against the government is beginning to collapse. I intend pulling the last card from under the pack and, of course, the house of cards will thereby collapse. I have here in his own handwriting - and I would be interested to know if the honourable member for Victoria River has done the statutory declaration in relation to his conversation with Mr Rettie that he claimed that he was going to do - a letter to the Chairman of the Territory Development Corporation by Mr Rettie and dated 10 October 1979:

> *I did not see anything sinister in the way your department or the government of the Northern Territory handled the negotiations with John Holland Constructions regarding the small ships repair industry in Frances Bay, Darwin. The report I made to you warning that the project had not been properly researched was made in ignorance of the feasibility study carried out by Peter Anderson. I did not indicate to Jack Doolan MLA at any time that I thought the project had been negotiated in an underhand or sinister manner. I can see the clear advantages to the Darwin community of the establishment of a small ships repair facility. I am distressed to learn that totally fictitious and libellous statements have been attributed to me by the Darwin press and expressed the opposite view to the above. I resigned from the government of the Northern Territory on account of ill-health unconnected with the above.*

In light of the Opposition Leader's statements which indicated that, having seen copies of the original documents - which he could have asked to

have seen at any time - he now himself harbours doubts as to the veracity of his original statement, the government is prepared to accept that he made the original statement in good faith. Therefore, Sir, I would seek leave of the Assembly to withdraw the letter which I wrote to you requesting that you refer this matter to the Privileges Committee. Mr Speaker, I think that it is high time this parliament got back into the business of being a proper parliament again in the manner in which the public want us to conduct ourselves and that the government be allowed to get on with the business of governing. I do not think this whole affair has done the image of this parliament any good and I think the sooner it is resolved the better. Therefore, Sir, I seek leave of the Assembly to withdraw my letter to you.

Leave granted.

Mr SPEAKER: Honourable members, I have listened very closely to both the Leader of the Opposition and the Manager of Government Business. It seems that both sides wish to have the complaint that was referred by me to the Committee of Privileges withdrawn and I concur with this. However, the present situation could have been reached on Wednesday or Thursday of the last sittings and I feel that the parliament has been brought into disrepute by the allegations and the counter-allegations. I agree with the honourable the Manager of Government Business that it is about time that this parliament, the highest court in the Territory, got back to what it is all about - running the Northern Territory. Parliament is only as good as its members and I hope that we will have no more of this disgraceful trouble.

WORKMEN'S COMPENSATION BILL
(Serial 354)

Bill presented and read a first time.

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

This is an uncomplicated and small bill. It is unnecessary to go through the bill clause by clause because it is similar to a bill presented in this House by the Treasurer. It differs in one vital aspect: it increases the payments made on the schedules to bring these payments up to 1979 standards.

This bill has the single and vital purpose of attempting to restore the value of workmen's compensation payments to the levels of 1976. Since the last action to raise these payments, inflation has caused a reduction in the value of the dollar by 36%. This has had a devasting effect on the living standards of injured workers and their families. I have personally seen the tragic circumstances of people forced to live on incomes way below the poverty line. I am sure all honourable members have had representations from workers whose lives have been wrecked due to work accidents. We can wait no longer to relieve the suffering of these people.

I repeat that this bill seeks to do no more other than to restore to accident victims the value of the scale of payments set by this Assembly several years ago. Before we are deafened by cries of "we can't afford it" from the insurance industry, there are several important points I would like to make for the benefit of honourable members. The first and important thing that members should note is that, while the payments to injured workers are currently pegged to 1976 levels, premium payments by employers to insurance companies are not; they are based on 1979 values. The simple fact is that payments to victims are regulated by this Assembly but, on the other hand, the premiums that are charged by the insurance companies are not and never have been regulated by this Assembly. The option is available to the government to

do this through the Premiums Advisory Committee but the government has chosen not to use it.

In the absence of government regulations, Northern Territory insurers have been free to set their own premium levels. They do this by charging a percentage of the wages paid by employers. This ensures that each year, as wages rise, the premiums paid by an employer to the insurer automatically rise. The current situation is very simple: compensation payments to the victims of accidents are at 1976 levels whereas premium payments to insurers are at 1979 levels. In fact, employers have had to meet premium increases in each of the last 3 years.

The second point for honourable members to note is that there will be no extra cost to employers as a result of the passage of this bill. However, it will reduce the windfall profits made by insurers over the last 3 years through workmen's compensation which are considerable.

The third point I would like to make is that fewer than 5% of injured workers will be affected at all by this bill. Members will note that the bill makes no alteration to payments made during the first 6 months of a worker's incapacity. Whilst I do not have statistics available, I can assure honourable members that the accepted figure within the insurance industry is that over 95% of all accident victims are back at work within 6 months. It is clear that we are acting on behalf of relatively few workers but, I reiterate, for those victims and their families who are still on compensation after 6 months, the restoration of payments to these levels is of the utmost importance. It will enable them to recover at least some of their shattered living standards and, consequently, their dignity. I commend the bill to honourable members.

Debate adjourned.

TERRITORY DEVELOPMENT BILL
(Serial 296)

Continued from 24 May 1979.

Mr HARRIS (Port Darwin): Mr Speaker, in the debate on the amendments to the principal act which established the Territory Development Corporation, there was no mention made by the opposition of the lack of accountability to the public; none whatsoever. Perhaps the reason for this lack of concern in this particular area was that statutory authorities - and the Territory Development Corporation is a statutory authority - are required under the Financial Administration and Audit Act to come under scrutiny.

When the member for Victoria River introduced this bill, he made mention that the opposition welcomed wholeheartedly the introduction of the corporation. That is fine; all of the speakers welcomed the introduction of the corporation. However, then he proceeded to give the reasons for introducing this bill into the Assembly and stated that the Territory Development Corporation had very little, if any, accountability to parliament and, through parliament, to the people. The member for Victoria River and the opposition know that that is not correct. As I have mentioned already, under the Finance Administration and Audit Act, statutory bodies are required to give account. I agree that there are still many questions to be answered in regard to statutory authorities. As the member for Victoria River mentioned, a Senate Standing Committee on Finance and Government Operations, which is chaired by Senator Rae, is looking at the whole statutory authority issue. The answer to the queries is not, however, to amend acts in this manner. I believe it is necessary for us to wait until these committees which have been

set up to look at statutory authorities come forward with their findings. I personally feel that statutory authorities should be required to automatically cease to exist after a certain period of time. The situation that we have today with the prevalence of statutory bodies is ridiculous.

I would like to stress the importance of waiting for the findings of such committees as the Senate standing committee before deciding on what we should do in the Territory. One of the problems that we will have, if we ever decide to establish parliamentary committees to oversee the actions of such authorities, is the size of the Northern Territory Legislative Assembly. By the time the Speaker and the 6 ministers are eliminated from active participation on those committees, the numbers as well as the representation will be reduced. Whilst the findings of the Senate standing committee may lead to recommendations which could solve problems in state parliaments, it does not necessarily mean that those problems will be able to be solved in the Northern Territory.

The setting up of a register, as has been suggested by the opposition, can really serve no constructive purpose whatsoever. In fact, I feel it could destroy what we have been trying to achieve and what the opposition has wholeheartedly supported; that is, the method where people are encouraged to become involved with and to have confidence in those they are dealing with. A register set up for the purposes suggested by the opposition will only help to breed mistrust. The information that is required to be given to the Territory Development Corporation is confidential and I think it should remain confidential. Registers of this kind are, in most cases, only used to make mischief. No one will bother to look at the registers to see what they can obtain money for when they can just walk into the front door of the Territory Development Corporation and ask. The government has encouraged - and I hope that it will continue to encourage - people to put forward ideas for development. A register will not encourage; it will only discourage those people who are genuinely interested in seeking assistance.

As far as the belief that a register such as this will provide a means by which a taxpayer is able to see where his money is being used, I do not believe that it would be used for that purpose. If he is interested enough, the taxpayer is able to find out where his money is being spent. That is what I am concerned about and that is what this Assembly should be concerned about: that he is in fact able to find out where this money is being spent.

There is no doubt that there must be accountability. That is not the argument in this Assembly. The Financial Administration and Audit Act requires statutory authorities to report to this Assembly and to the minister. It also sets the date for the end of the financial year as 30 June and there is accountability of the corporation itself to the minister. Despite the doubts of the opposition about accountability, the government of the day is responsible and is accountable to the people as every member of this House is. All the amendments which the member for Victoria River is seeking to have introduced, except the clauses which deal with the provision to provide a register, already exist. There is accountability. Why should we duplicate these provisions? Based on these facts, there is no way that I am prepared to support this bill.

Mr STEELE (Transport and Works): Mr Speaker, the honourable member for Victoria River has proposed a duplication of legislative requirements already passed by this Legislative Assembly. I expect that someone would have pointed out by now the provisions in the Financial Administration and Audit Act so he may take note. In particular, part IV of that act stringently requires the keeping of accounts audited by the Auditor-General and the

presentation of the annual report and financial statements to the minister and for such a report and statement to be tabled in this House. The Territory Development Corporation is a prescribed statutory corporation under the meaning of the Financial Administration and Audit Act and, accordingly, it is bound by the provisions of part IV of that act. Sections 66 to 68 of that act provide for the proper accountability, audit and reporting of the corporation as follows:

66. A prescribed statutory authority shall cause to be kept proper accounts and records of its transactions and affairs in accordance with the accounting principles generally applied in commercial practice and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the property of, or in the custody of, the prescribed statutory corporation and over the commitment of the money by the prescribed statutory corporation.

67.(1) The Auditor-General shall inspect and audit the accounts and records of a prescribed statutory corporation and shall forthwith draw the attention of the minister for the time being administering the ordinance that constitutes a prescribed statutory corporation to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any account or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each year, report to the Minister referred to in sub-section (1) the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or an authorised auditor is entitled at all times to full and free access to all accounts and records of a prescribed statutory corporation and to make copies of, or to take extracts from, any such accounts or records.

(5) The Auditor-General or an authorised auditor may require a person to furnish him with such information in the possession of the person or to which the person has access, as the Auditor-General or authorised auditor considers necessary for the purposes of the functions of the Auditor-General under this division, and the person shall comply with the requirement.

68.(1) A prescribed statutory corporation shall, within 6 months immediately following the end of the financial year or within such other period of time as the Treasurer determines, prepare for submission to the minister for the time being administering the ordinance that constitutes a prescribed statutory corporation a report of its operations during that financial year together with financial statements in respect of that year in such form as the Treasurer approves.

(2) Before submitting financial statements referred to in sub-section (1) to the Minister, the prescribed statutory corporation shall submit them to the Auditor-General who shall, within 3 months of his receipt of each financial statement or within such further period as the Administrator of the Northern Territory allows, report to the Minister -

(a) whether in his opinion -

(i) the statements are based on proper accounts and are in agreement with the accounts and have been properly drawn up so as to present a true and fair view of the transactions for the financial year of the prescribed statutory corporation and the financial position of the statutory corporation at the end of that year; and

(ii) the receipt and expenditure of moneys and the acquisition and disposal of property by the prescribed statutory corporation during the year have been in accordance with the ordinance that constitutes the prescribed statutory corporation;

(b) such other matters and things arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The appropriate Minister shall cause a copy of the report and financial statements referred to in sub-section (1) together with a copy of the report of the Auditor-General to be laid before the Legislative Assembly within 6 sitting days after their receipt by the minister.

By providing such accountability and reporting provisions within the Financial Administration and Audit Act, some standardisation of requirements and controls across statutory corporations is achieved. The duplication of such requirements within the enabling legislation relating to statutory corporations achieves nothing.

With respect to the provision of a public register of assistance provided to industry, no such provision applies. It is the belief of the present government that information provided to the Northern Territory Development Corporation and any resultant financial or other assistance provided is strictly confidential. It is considered that the disclosure of such information may be used to advantage by competitors or other interested parties. Other financial institutions do not disclose details of their loan dealings and it is not the intention of this goverment to have the Northern Territory Development Corporation do so.

Adequate safeguards are provided to ensure proper accountability. The Territory Development Corporation is subject to audit by the Auditor-General and any unsatisfactory matters would be reported on. Aggregate information statistics on assistance to industry will be provided in the corporation's annual report.

The honourable member for Victoria River said in his second-reading speech that the corporation should be subject to "sunset" legislation. I remind him that the administrative arrangements which took effect from 1 July have expanded considerably the activities of the Territory Development Corporation and I doubt that the government would look very seriously at making the Territory Development Corporation subject to an expiry term. Indeed the concept has been applied already in administrative arrangements to the Business Advisory Council. If that council cannot show just evidence of its effectiveness, it will expire at the end of 2 years. Mr Speaker, I do not support the provisions of this bill and I recommend that the bill be defeated.

Mr DOOLAN (Victoria River): Mr Speaker, I accept what both the honourable member for Port Darwin and the Minister for Industrial Development have

said but there are a couple of matters which I still feel concerned about.

I was under the impression that legislation should be clear so that people could look at it and know what it is all about. I am gradually learning that this is not so. I can see no harm in writing into the bill something by which people can see there is an accountability. I presented this bill on the advice of somebody who was concerned. Apparently, he had not read the Financial Administration and Audit Act and I had not read it either. However, there was nothing to indicate the accountability of the corporation.

The first matter of concern to me relates to proposed section 14C which says that the corporation "will furnish to the minister for presentation in the Legislative Assembly an annual report in regard to the functioning of the corporation and the working of this act". Neither of the honourable gentlemen who replied mentioned this. I think that there should be an annual report of the Territory Development Corporation presented to the Assembly.

Secondly, proposed section 14D relates to the register. The honourable member for Port Darwin said that there is something sinister about the general public looking at what happens to the funds and how the money received by the Territory Development Corporation is used. I can certainly see nothing sinister in it. As I mentioned in my second-reading speech, the Primary Production Ordinance contained a section that made it compulsory to maintain such a register which was available to the general public. I fail to see any good reason why there should not be a register. I think that the general public should be able to go to the Territory Development Corporation and peruse this register. I can see nothing whatsoever that would be sinister about it. This is public money. As the member for Port Darwin said, all you have to do is to go to the Territory Development Corporation and you can find out what is happening to taxpayers' money. I disagree. It is a very simple thing; nobody found it sinister in the old ordinance. I can see no reason why it should not be acceptable in this one. It makes it easy for members of the public to look at the register and see what kind of money is being spent and for what purpose. It would enable a member of the public to have an idea of whether or not he is likely to obtain a loan from the Territory Development Corporation.

Motion negatived.

CLASSIFICATION OF PUBLICATIONS BILL
(Serial 306)

POLICE AND POLICE OFFENCES BILL
(Serial 307)

POLICE ADMINISTRATION BILL
(Serial 308)

Continued from 24 May 1979.

Mr EVERINGHAM (Chief Minister): Mr Speaker, the government supports this legislation. We were more than happy to see the honourable Leader of the Opposition introduce his original bill in March this year. We gave it some consideration and it occurred to us that there were some shortcomings which had to be corrected. The honourable Leader of the Opposition has referred to the correspondence that was exchanged between himself and myself earlier this year, as a result of which a second bill was prepared. It is the second bill that we now support.

There is little that I can add to what the honourable the Leader of the

Opposition said in commending the bills to the House other than perhaps to draw to the attention of honourable members some of the reasons for our preference for this piece of legislation. It is based on New South Wales legislation. I do not think there is any difference in the philosophy embodied in the legislation but we believe that it can be best implemented by a threefold classification of written and pictorial matter.

Firstly, publications which are sexually explicit or which contain in whole or dominant part descriptions or depictions of extreme violence, horror or cruelty should be classified as "restricted". Secondly, publications which are considered to be hard-core pornography should be classified "direct sale only". Thirdly, publications which advocate or incite to crime, violence or the use of illegal drugs should be "prohibited". It is commonly agreed that publications classified "restricted" may not be openly distributed or advertised or sold to persons under the age of 18 years. Publications classified "direct sale" should be sold only by mail to adults and publications in the "prohibited" category are to be inaccessible to all. In January 1974, the Commonwealth states meeting of all ministers responsible for censorship, with the exception of Queensland at that time, agreed in principle that the Commonwealth government should be responsible for the initial classification of all publications but insisted that all classifications should in respect of the states - and here of course the Territory is regarded as one of the states - be advisory only. I am inclined to the view that, given Territory circumstances, we should look towards the New South Wales situation rather than the South Australian situation on which the honourable Leader of the Opposition's first bill was modelled.

In New South Wales, where classification of publications as "restricted" or "direct sale" is made by classification officers whose function is performed by the Commonwealth censorship officers on behalf of New South Wales, an appeal is allowed from a classification officer's decision to a Publication Classification Board and a further appeal may be taken to a judge of a district court. I understand that the Commonwealth classification officers process about 800 publications a week. Whilst you could appreciate that there would not perhaps be quite that many in the Northern Territory, to do the job on our own would be a mammoth task. Therefore, it seemed appropriate to us to have the initial classification undertaken by Commonwealth officers since they are doing the work anyway. Under this legislation, the board would be a review body reflecting community standards and hearing appeals on initial classifications.

The government tended to favour the New South Wales legislation in preference to the South Australian for these additional reasons: there are double penalties for corporations who breach classification orders; it deals more specifically and explicitly with the display of publications and not merely their publication; it attacks directly the question of "direct sale" publications whereas the South Australian legislation did not address itself to that question; it attaches personal liability to directors of corporations who breach the act; it allows expert evidence to be admitted as of right at hearings;it exonerates booksellers,distributors and newsagents from breach of contract in rejecting an article delivered to them on the ground that it has not been classified; it exempts certain libraries; and it provides a right of appeal to a court. For these reasons, the government believed that it was better for a new approach to be taken. I am very pleased to say that the honourable Leader of the Opposition has cooperated with us in that and presented the bill which is before us today. I understand that there are certain amendments to be moved. The government supports the bill.

Mr ISAACS (Opposition Leader): I would like to thank the government for

supporting this legislation. I think there has been general acceptance within the community of the principles in the bills. I addressed a meeting of the National Council of Women and an amendment has been circulated as a result of that meeting. There have been discussions between Commonwealth officers and local officers and I would like to thank officers of the Commonwealth and also the draftsmen who have been very helpful in the drafting of the bills. I thank honourable members for their support.

Motion agreed to; bills read a second time.

CLASSIFICATION OF PUBLICATIONS BILL
(Serial 306)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr ISAACS: I move amendments 127.1. and 127.2.

The changes in definition are necessary because of changes to clause 21. In order to be consistent with present Commonwealth classification practice, child pornography will not be classified as "prohibited" but merely termed "child pornography".

Amendments agreed to.

Mr ISAACS: I move amendment 127.3.

This inserts after the definition of "employee" a definition of "infant". There is a definition of "infant" in the Interpretation Act and therefore it is not necessary to insert it here. However, the amendment was requested by the National Council of Women. Their desire was to ensure that the bill is able to be read as a whole and people understand what "infant" refers to. For that reason, I seek to insert that definition.

Amendment agreed to.

Mr ISAACS: I move amendment 127.4.

This will ensure that video tapes are covered by the act. The definition as drafted may cover video tapes but, for the sake of certainty and the convenience of those reading the act, it is better that video tapes be specified.

Amendment agreed to.

Mr ISAACS: I move amendment 127.5.

This omits the definition of "prohibited publication" in line with the amendments we agreed to earlier.

Amendment agreed to.

Mr ISAACS: I move amendment 127.6.

This omits from subclause (5) the words "obscene or". In an earlier draft, the words "obscene or indecent" were used. When they were removed, this

reference to obscenity remained. It adds nothing to the act and creates problems of legal interpretation. The test of obscenity is outdated and, in case law, has been replaced by the test of indecency.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr ISAACS: I move amendment 127.7.

This will cover the possibility that the Commonwealth may not always use public servants as classifying officers.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr ISAACS: I move amendment 127.8 for the same reason that I gave for 127.7.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 12 agreed to.

Clause 13:

Mr ISAACS: I move amendment 127.9.

This is merely to ensure that the correct cross-reference is given. "Section 6" should read "section 8".

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14 agreed to.

Clause 15:

Mr ISAACS: I move amendment 127.10.

This change is necessary because the bill attempted to tie in with the Mental Health Bill. That bill is now substantially changed and it is no longer possible to be consistent with it. A general reference would cover the point.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 agreed to.

Clause 17:

Mr ISAACS: I move amendment 127.11.

This is to cure a possible ambiguity in the clause.

Amendment agreed to.

Mr ISAACS: I move amendments 127.12 and 127.13.

The purpose of these amendments is to insert a necessary procedural point into provisions dealing with the operation of the board so that if the chairman is absent the deputy chairman presides.

Amendments agreed to.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Clause 19:

Mr ISAACS: I move amendment 127.14.

This is to make it clear that the report is in fact an annual report of the previous year.

Amendment agreed to.

Mr ISAACS: I move 127.15.

This is to allow the minister to request a report from the board on a particular topic.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20 agreed to.

Clause 21:

Mr ISAACS: I move 127.16.

This change omits "obscene" for the same reasons as I gave for amendment 127.5. It also ensures that the decision of a classifying authority cannot be questioned on the point of correctness to the fact as the authority sees them. The test cannot be objective; it must be in the opinion of the authority.

Amendment agreed to.

Mr ISAACS: I move amendment 127.17.

This ensures that the classifying authority deals only with visual publications and is not concerned with classifying written material. Child pornography is outlawed because of the exploitation of children in making photographs. Written publications do not involve children in the same way.

Amendment agreed to.

Mr ISAACS: I move 127.18.

This is to achieve the deletion of the term "Prohibited publications" for the same reason as 127.1.

Amendment agreed to.

Mr ISAACS: I move 127.19.

This is a drafting correction to make the operation of the clause consistent.

Amendment agreed to.

Mr ISAACS: I move 127.20.

This is to ensure that a classifying officer working and living in Canberra will not be placed in the position of trying to assess Territory standards.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24:

Mr ISAACS: I move 127.21.

This again deletes the reference to "prohibited publication".

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 26 agreed to.

Clause 27:

Mr ISAACS: I move amendment 127.22.

This is for the same reason as 127.21.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 31 agreed to.

Clause 32:

Mr ISAACS: I move amendments 127.23, 127.24 and 127.25.

These are to correct drafting errors.

Amendments agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 37 agreed to.

Heading:

Mr ISAACS: I move amendment 127.26.

This omits the heading to the division and substitutes the new heading "sexual articles". This and the 2 following amendments are to alter one of the concepts in the bill. The New South Wales act refers to sexual articles. In the drafting stage, this was changed to indecent articles because it was thought that to classify sexual articles would lead to the necessity of classifying objects such as nightwear. However, on further reflection it is obvious that an article's indecent purpose cannot be determined at the time of sale. Indecency is a subjective test and refers to the time of use. However, the term "sexual" is objective and can be determined at the time of sale. The problem of nightwear and, more importantly, contraceptives are to be dealt with by regulations as they are in the New South Wales act.

Amendment agreed to.

Heading, as amended, agreed to.

Clause 38:

Mr ISAACS: I move amendment 127.27.

This is to make consistent the relative clauses within division 5 relating to sexual articles.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39:

Mr ISAACS: I move amendment 127.28.

This is for the same reason as the 2 previous amendments.

Amendment agreed to.

Mr ISAACS: I move amendment 127.29.

Perhaps the Chief Minister would comment on this. This new subclause will allow regulations to exempt contraceptives and any other articles that have a sexual purpose but should still be supplied freely to the public. This is the case in New South Wales. I would like some indication of the government's attitude as to whether or not the same regulations which apply in New South Wales will in fact be prescribed here.

Mr EVERINGHAM: It is often said of the government that they do not give much notice of amendments to the opposition but the opposition has given us no notice of these amendments other than to put them on my table this morning. It may be that some officers of the government assisted the Leader of the Opposition in the drafting of the amendments but, if so, they rightly maintained confidentiality between themselves and the Leader of the Opposition in relation to his amendments. Although I am agreeing to these amendments at the present time because of the administrative difficulties that may be involved, I will obviously have to inquire of departmental officials before I

can recommend to His Honour the Administrator that he assent to the legislation. I am agreeing to these amendments on the basis that, if they are impracticable, although they do not appear to be so, I may have to bring amendments before this House at a later stage. I am not prepared to give any undertaking or assurance to the honourable the Leader of the Opposition about the matter at this stage although I certainly would have attempted to have inquiries carried out had he given me earlier notice of his amendmemts.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40:

Mr ISAACS: I move amendment 127.30.

This is for the same reasons.

Amendment agreed to.

Mr ISAACS: I move amendment 127.31.

This is a drafting correction.

Amendment agreed to.

Mr ISAACS: I move amendment 127.32.

This is to allow the making of regulations to exempt advertising of sexual articles as in amendment 127.28.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clause 41 agreed to.

Clause 42:

Mr ISAACS: I move amendment 127.33.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clause 43 agreed to.

Clause 44:

Mr ISAACS: I move amendment 127.34.

This is to provide greater protection to the person who is under the threat of prosecution. It merely ensures that the police make a decision on prosecution within a reasonable time.

Amendment agreed to.

Clause 44, as amended, agreed to.

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

POLICE AND POLICE OFFENCES BILL
(Serial 307)

In committee:

Clause 1:

Mr ISAACS: I move amendment 128.1.

The reason for this amendment and the other 2 amendments is simply to change the name of the bill to "Summary Offences Act".

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Clause 3:

Mr ISAACS: I move amendment 128.2.

Amendment agreed to.

Clause 3, as amended, agreed to.

Mr ISAACS: I move amendment 128.3.

Amendment agreed to.

Title, as amended, agreed to.

POLICE ADMINISTRATION BILL
(Serial 308)

In committee:

Bill taken as a whole and agreed to.

In Assembly:

Bills reported, report adopted.

Bills read a third time.

REMUNERATION STATUTORY BODIES BILL
(Serial 360)

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

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

Scattered through some 40-odd acts in the Northern Territory are provisions relating to the fees, allowances and expenses payable to members of the various statutory authorities created by Territory acts. Some provide for payment in accordance with prescribed amounts. Others use various forms of statement providing for the Administrator to determine payment of one or

all of the members. The determination of the level of fees payable to members of the various authorities has been carried out on an ad hoc basis over the years as new authorities were created. Limited attention only was given to different levels of skill required or responsibility exercised by members of authorities.

Earlier this year, a detailed study was initiated into the whole question of fees payable to members of statutory authorities. By recognising that recompensed payments for the time devoted to the business of an authority should be applied to all authorities, the study considered also the skills required for membership of certain authorities and the nature of the duties and levels of responsibility to be exercised by a member of an authority. It also took note of the nature of an authority and its purpose. Certain authorities are, by their nature, an extension of professional associations and act as admission boards. Professional members of such authorities are there as representatives of their association and, while the payment of expenses may be appropriate, it is not necessarily appropriate that they be paid a fee for those services.

Cabinet has considered the results of the study and has accepted detailed recommendations for submission to the Executive Council for a general determination of fees, allowances and expenses payable to members of statutory authorities. Before that determination can be submitted to the Executive Council, it is necessary to rationalise the statements in our acts relating to such payments. This would require amendments to over 40 acts and some half a dozen regulations.

A more satisfactory alternative is the one detailed in this bill. It provides for a general power for the Administrator to determine the remuneration payable to a member of a statutory authority. It saves the remuneration of full-time members of authorities as shown in clause 6(2). It repeals all mention of remuneration in the act relating to those authorities as shown in the schedule to the bill as this will now be payable under the power expressed in this bill.

As a separate exercise, relevant regulations will be submitted to the Executive Council for repeal. The effect will be to give the Executive Council a single, clear statement of power to determine remuneration for members of statutory authorities, both existing and those to be created in the future. It is essentially a simple machinery piece of legislation and one that removes the possibility of conflict between different statements and different pieces of legislation.

As the decision to determine new and current rates of remuneration for members of statutory authorities has already been made, power has been included in clause 5 to make the first determination in retrospect to 1 October this year. This will ensure wage justice to members of the authorities which is a proposal that I am sure will be certain of support by the opposition. I commend the bill.

Debate adjourned.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 357)

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

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

This is quite a simple and straightforward bill. In a recent case, a

federal court judge held that a nolle prosequi in a trial on indictment could only be filed by the Attorney-General personally; that is, the document must be signed by the Attorney himself. A nolle prosequi is the method by which a prosecution is withdrawn after the indictment has been filed. This requirement of personal signature can cause inconvenience if the attorney is not readily available because a nolle, as they are referred to, must often be applied quickly to prevent a trial proceeding unnecessarily.

At present, an indictment can be filed by certain legal officers and this bill therefore makes it possible for authorised legal officers to withdraw an indictment. The Attorney-General is exercising one of his primary legal functions in the field of indictments and, just as only a small number of senior officers are authorised to file indictments, only a small number will be authorised to decline to proceed on indictments.

The bill also contains a transitional clause to allow indictments presented before commencement of the act to be withdrawn by authorised officers. Mr Speaker, this is a necessary practical change to the law and I commend it to honourable members.

Debate adjourned.

WORKMEN'S COMPENSATION BILL
(Serial 358)

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

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

The Workmen's Compensation Act 1979 made extensive amendments to the principal act, including a rewrite of many of the provisions of the second schedule to the principal act which is the schedule which details the level of compensation payable under the act.

On review, it was discovered that a minor but very significant error had been made in that act. Paragraph 1B(b) of the second schedule provides that the determination of the level of compensation payable to a partially incapacitated worker after the first 26 weeks of incapacity be either of 2 alternatives. There always has been and was intended to be the entitlement of the worker to receive the greater of those alternatives. However, the expression in the act as passed is "whichever is the lesser" instead of "whichever is the greater" and clause 3 of this bill will correct that. The law in its present form would work an injustice against the partially incapacitated worker in the period between the commencement of the provision and the amendment to be effected by this bill. Clause 2 of the bill therefore provides for this bill to apply retrospectively to the date of commencement of the Workmen's Compensation Act 1979. I commend the bill to honourable members.

Debate adjourned.

SUMMARY OFFENCES BILL
(Serial 361)

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

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

This bill deals with the contentious subject of loitering and results from many complaints by organisations and individuals concerning undesirable behaviour in public places to the detriment of the right of a person to go about his lawful activities without being subject to alarm or annoyance. There are loitering provisions in section 47A of the act but they are of limited value in dealing with some of the problems which seem to be a facet of modern society. In particular, section 47A empowers a member of the police force to move on members of a group of persons loitering in a public place if he has reasonable grounds for believing that offences as listed in sub-sections 47(a) and (b) are likely to be committed. Those offences are riotous, offensive, disorderly or indecent behaviour or disturbing the public peace. The terms of that subsection are restrictive. They apply only to specified offences in section 47A and to groups and not to individuals. The subsection is of value in dealing with the problems which are the source of much of the complaint made by persons whose normal pursuits are subjected to interference from unreasonable behaviour in public places.

I propose to omit subsection (2) of section 47A and replace it with a new provision based largely on the provisions introduced in recent years in South Australian legislation on this subject. The new subsection (2) proposed by this bill will apply to individuals or groups loitering in public places. It will provide that, where an offence - and that will mean any of the offences listed in section 147 of the principal act - has been committed or is believed on reasonable grounds to be likely to be committed, the police may instruct the persons loitering to move on and take their possessions with them. Additional grounds will be the obstruction of traffic either of persons or vehicles or of the safety of persons.

It is not my intention to empower the police to harass the ordinary citizen whenever he appears in a public place or when he chooses to rest and relax in a public place but I am concerned at the increasing incidence of behaviour that unreasonably interferes with the rights of members of the public to be free from harassment, apprehension or disturbance while going about their normal and lawful activities.

Most honourable members will have received complaints about such behaviour and some will have complained to the police and asked them to do something about it. Unless we give the police some power, there is little that they can do. It gives me no pleasure to introduce a bill of this nature into the House. In an ideal society where all people were concerned to observe and respect the rights of all others, such a bill would be unnecessary. It is a fact that the number of instances of behaviour in a public place which alone interfere or unreasonably annoy the ordinary member of the public who is going about his normal business are increasing. The purpose of this bill is to give the police reasonable powers to take action to prevent such behaviour and thus avoid troublesome situations which adversely affect the rights of the public.

I am sure all honourable members will have received complaints about disturbing behaviour in public places and I look forward to their support of these measures designed to prevent it. I commend the bill.

Debate adjourned.

TAXATION ADMINISTRATION BILL
(Serial 363)

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

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

This bill and the Stamp Duty Bill are designed to rectify some minor anomalies in the stamp duty legislation. The purpose of this particular bill is to redefine bills of exchange in order to render Australian traveller's cheques in Australian currency liable for duty. The bill also specifies the method by which duty on loan securities is to be paid.

From 1 July 1978, banks in the Northern Territory have lodged returns and paid stamp duty on cheque forms, including traveller's cheques, issued to customers. However, following advice from the Crown Solicitor that duty was not payable on traveller's cheques under the present legislation, the practice of levying duty on traveller's cheques was suspended from July of this year. All other states charge duty on traveller's cheques.

It is intended that the duty on Australian currency traveller's cheques issued by bankers will be dutiable at the time of issue. Schedule 1 of the Stamp Duty Act will be amended in the Stamp Duty Bill No 3 to effect this measure. Duty will be at the rate of 5 cents per cheque, that is, the same rate as applies to normal cheques. The cost of not levying duty on traveller's cheques is in the vicinity of $15,000 per annum.

I now turn to the bill itself. Clause 4 amends section 4 of the principal act by redefining the term "bill of exchange" in subsection (1). This broader definition is along the lines of the definition in the New South Wales legislation and as such includes traveller's cheques as bills of exchange. However, letters of credit are specifically excluded.

Additionally, the term "bill of exchange payable on demand" is defined to include an order for the payment of the sum of money on any contingency. The purpose of this definition is to ensure that traveller's cheques fall into the definition of "cheque" for the purposes of the act. Thus, duty will be levied under section 1A of schedule 1 of the Stamp Duty Act.

Clause 5 is an administrative matter which inserts a proposed new section 69A which specifies that duty on loan securities in to be paid by way of impressed stamp. I commend the bill to honourable members.

Debate adjourned.

STAMP DUTY BILL
(Serial 364)

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

Mr PERRON (Treasurer): This bill is designed to exempt from stamp duty the value of trading stock and livestock upon the transfer of real property. Under the present arrangements, stamp duty is payable on the total value of the transfer. Even if there are separate agreements that are part of the same transfer, the Commissioner may assess duty. In this provision, the Northern Territory practice differs from all other states except Queensland. To give an example of the effect of this measure at present, upon the sale of a business on a walk-in-walk-out basis, duty is payable on the value of the trading stock included in the sale. With this amendment duty will only be payable on the value of the real property and chattels other than the trading stock. The same principle applies to pastoral properties where the value of livestock will be exempted by this bill. The measure thus represents a very real saving for businesses in the Territory. The cost to the government of this scheme in terms of lost revenue cannot be estimated because of the erratic nature of these transfers. However, the measure does not alter the revenue estimate made in the budget.

This bill also amends schedule 1 of the principal act to effect the measures announced in the Taxation Administration Bill to make traveller's cheques dutiable. Clause 2 states that this act will come into operation at the same time as the Taxation Administration Act.

Clause 4 amends section 8 of the principal act by adding the proposed new subsections (2) and (3) and making subsection (1) subject to proposed subsection (2). Proposed subsection (2) states that the lesser value of or consideration paid for trading stock or livestock included in the transaction involving the conveyance of real property will not be subject to duty provided that the particulars of the trading stock and livestock are specified in the agreement or agreements and that the consideration is apportioned.

Proposed subsection (3) states that where, in the opinion of the commissioner, the value set out in the agreement is not the true value, he may determine what value or consideration is fair and reasonable for the purpose of charging duty.

In clause 5, item 1A of schedule 1 of the principal act is amended by adding the words "not being a cheque form expressed to be payable in a foreign currency". The purpose of this amendment is to effect the amendments made to the Taxation Administration Bill No 2 with regard to traveller's cheques. This amendment means that Australian currency traveller's cheques issued by banks are dutiable at the time of issue in the same manner as normal cheque forms. This brings our practice into line with other states. I commend the bill to honourable members.

Debate adjourned.

EDUCATION BILL
(Serial 359)

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

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

Mr Speaker, this bill is presented to the Assembly at the request not only of the Northern Territory High School Principals Association which first raised the matter with me but also at the request of a number of school councils who believe that the provisions in the existing act are inappropriate.

The bill relates to section 27 of the principal act and in particular to the subsection (2) which provides that, before a principal suspends a student from a school, the school council, where there is one, shall be consulted. If we remove subsection (2) then consequential amendments have to be made to subsection (1).

There is not only the concern of principals who are completely hamstrung in emergency cases - for example, suspension in the case of a child who has a contagious disease - but there are grave legal implications to school councils and to principals for the simple reason that, if a principal wrongly accused a student and had that student sent home and related the offence, which was subsequently proven to be false, to other people outside his own office, it would be possible that legal action could lie for defamation of character. Further, the school councils themselves believe that these are the sorts of matters which are properly left to the principals of the schools whose task it is to run those schools. For those reasons, I commend the bill to honourable members.

Debate adjourned.

ADJOURNMENT

Mr TUXWORTH (Mines and Energy): I move that the House do now adjourn.

Mrs LAWRIE (Nightcliff): I wish to raise a matter of which the Chief Minister has full knowledge. I also think that the Treasurer has some knowledge of this matter. I bring it to the attention of the House with the utmost concern. It concerns the present housing policy of the Northern Territory Public Service Commissioner.

There are 3 housing lists operating in the Northern Territory: the public housing list which is under the control of the Treasurer and is administered by the Housing Commission, the Northern Territory Public Service housing list and the Commonwealth Public Service housing list. The Commonwealth public service list does not concern me but, most definitely, discrepancies in policy between the Housing Commission public list and the public service housing list are causing concern and disaffection amongst certain persons.

It was brought to my notice that a Northern Territory public servant who had been on the Northern Territory Public Service housing list since January, who has a dependent wife and 4 dependent children, whose wife is expecting a fifth child in December and who is suffering from a severe physical disorder, applied for an emergency allocation of a NTPS house. The reason for his application was the medical distress being caused to his wife under her present circumstances.

The family is living in a caravan in a caravan park in Darwin. The caravan park is run very well but, because of her medical condition, it is considered by her medical advisers, by staff visiting her daily to give her injections, that the family desperately needs better accommodation.

The family applied for priority allocation and were advised that it was not possible. I understand that at least 2 Cabinet ministers are sympathetic to the whole family; namely, the Chief Minister and the Treasurer. The cases was put to the Public Service Commissioner for consideration and it is my understanding that he refused priority allocation to be authorised for the family and stated that the only priority housing was for key personnel. I also understand that the Public Service Commissioner stated that, if he helped this family, he might have to help others. Precisely, Mr Speaker! I think that is an admirable intent.

The availability of public service housing is one of the conditions implicit in the employment of public servants. The Chief Minister was at pains to assure public servants that, with the changeover to self-government, they would in no way be disadvantaged and that self-government would mean that the interests of the people of the Territory would be better served because there would be a closer appreciation of problems by members of this Assembly and by senior public servants. That is an admirable idea but it seems that, at least in this example of the availability of housing under the public service housing arrangement, self-government has meant a step backwards, not forwards. I can assure the House that, when housing was being administered under a Commonwealth public service scheme, allocations of priority housing could be made in cases of extreme distress. The Northern Territory Housing Commission public list does give priority allocation in cases of extreme distress.

Following representations made by this family and myself to officers of the Chief Minister's Department - the Chief Minister was absent at the time - a member of the Chief Minister's personal staff visited the woman in her

caravan. Prior to this visit, I had given copies of the medical certificates relating to her condition to officers of the Chief Minister's Department and I understand that he is well aware now of the medical opinion concerning her distressing case. A member of the Chief Minister's personal staff visited the lady in question and spent some hours examining her circumstances. Apparently, as a result of this visit, the same staff member visited the husband at his place of employment, the Northern Territory Public Service, and advised him to sign a piece of paper removing himself and his family from the public service housing list and placing them on the Northern Territory Housing Commission public list on the understanding that the family would be housed this week.

This all happened last Friday. The gentleman, whose main concern was for his wife's welfare, thought it was a good idea but indicated that he would like to speak to me first to seek my advice. I advised him that, if he could obtain a Housing Commission house, he should take it because his wife was so distressed and the circumstances were so necessitous. The structure of the family is such that they were on the public service housing list for a 4-bedroom house. The dates of birth of the 4 children are 1965, 1969, 1970 and 1974. The 3 youngest children are boys and the eldest child is a girl. This means that she needs a separate room and her 3 brothers would then share the third bedroom.

I think it is quite wrong that the public housing list should have to accommodate this family when the father is eligible for public service accommodation. The main issue is to get the family housed and everyone appreciates that. As I said at the outset, at least 2 Cabinet ministers do. But, why should the public housing list be disadvantaged by housing this family when it is properly the concern of the Public Service Commission's list? Be that as it may, I advised him to accept the second alternative. At no stage did he or his wife - and I have a declaration to this effect - consider that they were being offered anything other than 4-bedroom accommodation because of the needs of the family.

Having signed that piece of paper, he was offered a Housing Commission public housing list house. It is a 3-bedroom house. They cannot fit 3 mattresses on the floor of the bedroom to accommodate the boys. In other words, they signed under a misapprehension. My opinion is that the Housing Commission is doing all it can. I do not believe it is the role of the Housing Commission to house public servants in an emergency; that is the proper prerogative of the Public Service Commissioner. The position rests at the moment with the family halfway to nowhere, still in the caravan and physically unable to fit into a 3-bedroom home.

Honourable ministers opposite might say to me, "We agree that the family needs urgent accommodation. Put them in the 3-bedroom house and when a 4-bedroom Housing Commission house comes up they can go into that". Sir, her medical condition is such that she simply cannot make these moves. She will need assistance to make one move. Her medical condition is serious. I have the reports here on my desk and I will not read them into Hansard. Honourable members will notice that I have not identified the family; their names are known to those ministers who are concerned. All honourable members may come to me and view the documents containing the certificates and the declaration which the gentleman made concerning the events leading up to the removal of his name from the public service housing list to the public housing list. I might add that the family said that, if I thought it best, I could identify them publicly. I do not believe that is necessary. I can offer proof of everything I have said and I do not believe there is any dispute on the facts of the case between the 2 ministers involved already and myself. Any dispute

that arises relates to who should be housing this family.

The mind boggles at the Public Service Commissioner's statement - I did not hear it but I understand that he certainly made it - that he cannot house them because he might have to help others. Mr Speaker, housing is about people; it is not about houses. Self-government in the Territory is supposed to mean responsibility for the needs of the people of the Territory. If the Housing Commission can establish a panel of review to make decisions regarding emergency housing for distressed persons under the public housing provisions, why can't the Northern Territory Public Service Commissioner's office make exactly the same provisions for distressed persons who happen to be on the public service housing list? There is absolutely no reason at all. In fact, there is a committee which reviews priority housing for public servants. The trouble is it only reviews priorities for key personnel. However, the machinery is there already.

I am certainly not suggesting that the Chief Minister or the Treasurer should have to make these decisions from day to day. I am suggesting that, where there are these committees of review, they be told that they may also have to consider questions of extreme distress along with priority for key personnel. Some officers in the Treasurer's and the Chief Minister's departments have done all they can to assist the family within the limits of their power. In fact, the husband was told that, if he applied for the housing loan, they would do all they could to expedite the matter.

Mr Speaker, this man is a lowly-paid public servant; he is not key personnel. He is just a Northern Territory public servant whose name has been on the list since January anyway. He did not arrive last week; he has been waiting since January. He cannot afford to build or buy a place. He has 4 children already and his wife is pregnant and in extremely delicate health. She receives 3 injections daily and the health sisters are doing a tremendous amount in order to care for this family. Their concern has been expressed in writing. The wefare worker at the hospital is extremely concerned, has rung me, has spoken to officers of the Chief Minister's department and perhaps to the officers of the Treasury. Apparently, the only person who is not concerned is the Public Service Commissioner who says that he can authorise priority allocation of a house only in the case of key personnel.

There is no legislative bar to this; only one of policy. I ask the Chief Minister to ensure that that policy is changed, not simply in this case - although I think this is particularly deserving - but so that any person who may be particularly distressed can at least have his case for emergency allocation heard. I might say that, prior to the wife contracting this particular physical condition, they had not thought of applying for emergency accommodation. They were happy to wait in their caravan for the normal allocation of public service housing but, because of her symptoms and her aggravated condition, they are desperate. I ask the Chief Minister to change the policy so that self-government will mean what he said it means - government for the betterment of the people of the Northern Territory and not a step backwards as is occurring at the moment.

Mr EVERINGHAM (Chief Minister): The honourable member for Nightcliff has given us some of the facts in relation to this particular matter but perhaps I could draw out a few others.

I certainly had every sympathy with this particular family and I might say that I rather thought that the man and his wife had some call on moral support from me because he coaches my son at soccer. I did everything that I reasonably could to secure early housing for him even though I realised that he had left a house in Darwin in 1978 and, after going south, he decided

to return to the Territory and start from the word go again. In my capacity as member for Jingili, I made representations to the Public Service Commissioner regarding the possibility of these people being housed out of turn. The Public Service Commissioner put the argument to me that housing, in so far as the public service is concerned, is not a matter of welfare but primarily a condition that attaches to one's employment. The procedure is that everyone's name goes on a list and that, apart from key personnel, this list must remain absolutely untouched otherwise the rest of the public service personnel will believe that they are being cheated out of their rights and conditions. If people require emergency housing, it is the function of the Housing Commission - whether these people are public servants, taxi drivers, shipwrights, or whatever - to provide that emergency housing because the Housing Commission is the welfare housing agency. I must confess that the logic of those arguments seem fairly reasonable.

When I wrote to these people to tell them that I had been unsuccessful in securing a jump in the public service housing list for them, I told them of the new $44,000 home loan scheme. Being aware of the salary of the gentleman concerned and the fact that his wife was not working because she was pregnant, I indicated that, on the face of it, he had a very good chance of getting a loan. Without knowing all the details, he seems to comply with the requirements for a maximum loan and if he chose to have a look at some of the houses in the newspaper that are being advertised for less than $44,000 and perhaps to sell his caravan to obtain the equity of $1,000 needed to qualify for the $44,000 at 4%, he could buy himself a house with the repayments being approximately the same as the rent he would very likely have to pay the Public Service Commissioner anyway.

I understand that that proposal was unacceptable to the gentleman concerned because a member of my staff - I cannot swear to this - took him a loan application which was not signed. That was understandable because one cannot expect a man on a small income to enter a commitment for $44,000. Perhaps it would be frightening for someone in his position. Even though he would be paying virtually the same amount of money in rent and would be building up an asset instead of throwing the money away, he might still be fearful of entering a contract that would place a fairly substantial commitment around his neck. I thought that there was not a great deal more that I could do. He knew that he could approach the Housing Commission.

I was then contacted by the honourable member for Nightcliff who, in the course of her discussion with members of my staff, was rather peremptory. In fact, I am told by a member of my staff whom I have no reason to disbelieve that, on one occasion, the honourable member for Nightcliff told him that, unless the Chief Minister did something for this woman, she would call him a murderer if the woman died. That is hardly the sort of tone in which one would expect an honourable member of this House to deal with one's personal staff. Be that as it may, I could not let the character and disposition of the honourable member for Nightcliff deter me from continuing to assist. As a result of her representations, further steps were taken.

My staff spoke to the staff of the Minister for Lands and Housing and the suggestion was made that, if the case was serious enough and the person transferred from the public service housing list, the Housing Commission, in the exercise of its welfare capacity, could give the person priority. That proposal was put to these people and I understand that an offer of a 3-bedroom house has been made to these people which holds good for 2 weeks or something like that. The Housing Commission has a very small number of 4-bedroom houses and none of them are available at present although an indication has been given that one would be made available as soon as possible.

I know that these people are living in a caravan. To answer the argument of the honourable member for Nightcliff about the fact that there are not enough bedrooms in a 3-bedroom house because of the ages of the children, perhaps 2 of the boys could sleep in the caravan if the caravan was moved into the backyard of the house concerned. In any event, the grounds for early housing of these people is not the ages of the kids but the fact that the wife is ill. I would have thought that a 3-bedroom house, secured at virtually no notice at all, would be a very substantial improvement on a caravan however grand the caravan may be.

At this stage of proceedings, I have doubts as to the genuineness of this case because it seems to me that there are efforts being made to obtain a 4-bedroom house and nothing else. If 4-bedroom houses were readily available, there would be no concern about that but I just wonder about people who turn down a 3-bedroom house when they could put a caravan in the backyard. While this government will work towards a single housing list, it is committed to providing housing for public servants as public servants until at least the end of 1983. It will be impossible to do anything about that. The Public Service Commissioner who administers public service housing has a great deal of background in industrial and staff relations. It seems to me that I am certainly not in a position to overrule him on this particular case nor indeed can I question his logic. The Housing Commissioner is there to provide welfare housing. It has made a very good effort in this case and that effort, at the moment, has been turned down.

PERSONAL EXPLANATION

Mrs LAWRIE (Nightcliff): Mr Speaker, I wish to make a personal explanation. I believe that I have been misrepresented. The honourable Chief Minister said that a member of his staff had said that, if the woman died, I would call the Chief Minister a murderer. Either the staff member has lied to his minister - I categorically deny having used those words - or the Chief Minister is deliberately misrepresenting the conversation to this House.

Mr DONDAS (Casuarina): Mr Speaker, I rise in this adjournment debate today to talk about a poison pen letter that is floating around. It reflects on my character and it brings a shadow of disrepute on this House by virtue of the fact that I am a minister of the government. It has been circulated among other members of the Assembly and I noticed the honourable Leader of the Opposition reading it a few moments ago and passing it around. I would like to say that I categorically deny ever having used those words in public.

PERSONAL EXPLANATION

Mr ISAACS (Millner): I claim to have been misrepresented, Mr Speaker, and wish to make a personal explanation. The minister indicated that I was passing the document around. The document was passed to me, I read it and I passed it back to the person who gave it to me.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I wish to say a few words in the adjournment debate today relating to the crocodile attack on the young man in the Rainbow Cliff area on the Gove Peninsula last Sunday. Everyone was horrified by the circumstances surrounding the details and the reports relating to the accident. Sometimes I am a bit upset when I see the way newsmen report accidents such as this. However, in this case, the main point in those reports was that it could happen to any one of us who venture into the seas, rivers and estuaries of the Northern Territory. There is no doubt that there are certain dangers lurking in those waters.

For some time now, there have been quite a number of crocodile sightings

in the Gove Peninsula and I believe they have been tabulated. There have been warnings over the local TV station but I don't think that people really thought of the danger that was lurking in those areas. In the past, saltwater crocodiles have not been responsible for many deaths; I think I can recall 3 in the last 10 years or so. There has not been much known about other attacks. However, we have all been made aware now of the danger of swimming in areas where there have been regular sightings.

When I asked the Chief Minister about the catching and moving of crocodiles from known recreation areas in Gove, I realised it would be a very difficult task for his department but, if the officers could catch these crocs and remove them to other areas, it would be a very worthwhile exercise and it would relieve some of the people's tensions. I realise that it would be a very costly exercise to do such a thing but we must not forget that it is a worthwhile exercise. I am sure that some attempt will be made to give relief to the tensions that have built up over the last few days so that people can go into these areas without fear.

When the croc was caught and killed, it was brought into the township and shown to the school children. I think that everybody, within about half an hour of hearing about it, went to have a look. A surprising number of people came quickly. I think that most of them probably had seen crocs before. However, it was the first time for a lot of people and it was probably a bit of a shock to see the size of these crocs. It probably impressed on them very much that it is dangerous to swim in an area where there are crocs of 11 feet or more.

In one sense, it was an education to the people in my electorate to see the size of that croc and how powerful it was. Hopefully, that impression has been created and will remain there for some time. Northern Territory crocs can be killers and will attack human beings.

I would like to make special mention of the excellent work done by the Nhulunbuy police and the swift way in which they went about their task. They located the young man that night and I give special mention to Sergeant Hunt, Inspector Harvey and the officers from the station for their excellent work. It must have been a horrifying experience for them on the shore and, although it was in the course of their duty, it is something that they will probably not forget for a long time. I would also like to give special mention to the wildlife officers for the swift way they captured that croc and another smaller one. The croc was killed. I would like to give a special mention to Yunggalama, an Aboriginal man in that area who is a great hunter and fisherman and who actually helped the wildlife officers to capture the croc.

I only hope that this warning will be heeded by everybody in the Top End and that some information can be given to those people who innocently come to the Northern Territory. Many of us live here permanently and do not even mention to people that there could be crocs in that area. I think we could do it along the same lines as we do for our sea wasp season. Everyone knows the seriousness of being stung by a sea wasp. Perhaps the Tourist Board may be able to look at this because, in some ways, it could be detrimental to tourists. Hopefully, some information will come through the information centres, through the tourist promotion boards in the towns, and let the people be made aware that the Territory saltwater croc is a very dangerous species. I only hope that that warning has been heeded.

Mrs O'NEIL (Fannie Bay): I think that all honourable members find that housing problems, at least in urban electorates, consume a lot of their time. I have received many submissions of the sort mentioned by the honourable member for Nightcliff but, fortunately, not as serious.

I think that there are several points which she raised which have not been answered. There is the question of different entitlements between public servants and others entitled to non-public service housing. Certainly, the man in the street believed that, with the introduction of self-government, this would cease. This is what he thought was meant by a single housing authority: that we would eliminate the different entitlements of various people depending on their employment and combine the 2 different lists of stock. I think that people still hope that this will happen. Usually, the differences are to the advantage of public servants. In this case, it is in the other direction.

I think there were 2 points made by the honourable member for Nightcliff which are most important. Firstly, before self-government, cases such as these would have been entitled to priority allocation on a public service housing list. It is only since self-government that they are no longer considered for priority allocation. I think that that is most unfortunate and I agree with her that it should be changed. Secondly, I do believe that, while there are separate lists, the public list, which we all know is under great stress, should not be used to house public servants who are entitled to public service houses. That stock is already under great stress; there are long waiting lists. That is the point that the Chief Minister made in relation to a 4-bedroom house. He pointed out that there simply are not any 4-bedroom Housing Commission houses available on the public list at the moment. The member for Nightcliff advises me that there are vacant 4-bedroom houses on the Northern Territory Public Service Housing list. One is just around the corner from her own home.

I think those points are important and, if these inequities can be ironed out, it would be a benefit not only to people in desperate situations as this family obviously is but to the community generally and will certainly enhance the reputation of the various housing authorities.

Mr PERRON (Stuart Park): Mr Speaker, I have to enter the debate this afternoon to carry on with this housing issue in an off-the-cuff fashion. I think the point has been missed; that is, the alleged desperate situation of this particular family. The situation is one where I may be open to a charge of acting too expeditiously by not going into more detail in assessing the situation presented to me by the Chief Minister and others for my consideration. On the face value of this fairly desperate situation, I directed the Chairman of the Housing Commission to allocate the first available 3-bedroom house to the people in question. That was on Friday and on Monday an offer of a brand new 3-bedroom house in the northern suburbs was made.

Normally, these situations go before a Housing Commission Committee which has the very unenviable task of assessing the 30-odd applications per month for out-of-turn applications. Of these, usually only about 4 get through the system. It is most difficult to make an assessment that one family is in a more desperate plight than others who may have been on the waiting list for many months and who are perhaps in financial distress. Every out-of-turn allocation just jumps these people and pushes them that much further down the list.

To tell the Housing Commission that the needs of these people who have made representations to the government are far greater than those of anyone else that the commission had spoken to, when I did not know who they had spoken to nor the case histories of all the rejections and acceptances, could have been regarded as a bit foolish on behalf of the minister. However on compassionate grounds, I was prepared to wear any criticism and duly directed the Housing Commission, without regard to the others who have applied, to house these people forthwith.

The offer was made and it was rejected because the particular applicant wanted a 4-bedroom house. I question the bona fides of such people who claim to be in desperate situations. As I understand it, the wife's condition was of great concern because she had to move around a great deal by living in a caravan with separate ablution facilities. If a brand new 3-bedroom house is not an improvement, even with mattresses on the floor and with the other boys perhaps staying in the caravan in the backyard, and it is rejected, it will make me look very carefully at any future representations along these lines. I think that the government bent over backwards and seemingly wasted its time.

Mr COLLINS (Arnhem): I wish to touch on a number of topics this afternoon. I was very interested to hear the explanation from the honourable Minister for Community Development a few moments ago. I have not seen the letter because it has not been passed to me yet. However, the contents have been explained to me and I understand what is in it. After hearing the explanation of the honourable minister, all I can say is that I was in the park on that particular day and I must have defective hearing ...

Mr Dondas: Maybe you wrote the letter.

Mr COLLINS: I certainly did not.

This morning a petition was placed on my desk which I was unaware of unfortunately and therefore it was not presented to the Assembly but it will be at the next sittings. I do wish to spend a few moments talking about the subject of that petition. I commend the initiative of the honourable member for Elsey in giving it such wide circulation. I have certainly circulated the copies that were sent to me in my electorate and I have received some response. It involves the vexed question of radio communications in outback areas of the Northern Territory and a frustrating business it is indeed.

A week or so ago, while I was out at Maningrida, there was a particular ABC program on Sunday that I and many other people wanted to listen to. There cannot be too many people in Australia these days who sit in a room with 15 or 20 other people to listen to a radio receiver. It used to be a feature of life many years ago and it does still occur in some places today. It was very frustrating that we could pick up commercial radio stations broadcasting from Western Australia as clear as a bell but were totally unable to pick up Darwin at all. This is an experience that is common to many people in the Northern Territory. Unfortunately, I did not see this petition that was signed by a large number of residents of Alyangula in my electorate but I will be tabling it at the next sittings. The urgent and pressing need for a domestic short-wave service in the Northern Territory has been raised many times in this House and it cannot hurt to raise it again and again.

I heard this morning some mention of initiatives being taken by Territorians to promote exports from the Northern Territory to South-east Asia. I wish to add my congratulations to the commendation of the government to some of the people who are taking very exciting initiatives in this direction. I am particularly pleased to see that one of those gentleman is sitting in the public gallery at the moment - Mr Ron Hersey from Katherine. I think that the initiatives that are being taken by Territorians in this very vital area of Territory trade can only be given all possible encouragement and support by the government. The export of primary industry crops of the Northern Territory is something which I am watching with particular interest. Vegetable growing is a very productive and rewarding occupation. If I had stuck to growing vegetables instead of entering politics, I would certainly be 3 stone lighter and probably a lot saner as well.

At the moment, a series of articles is being published by the Weekend Australian relating to the much-publicised area of Aboriginal people and land rights. I was interested to see the same tired old sentiments being trotted out again in these articles. The initial article - and I understand it was only the first of what appears will be in a long series of articles - concerned the efforts of Aboriginal people, particularly the Aboriginal people at Oenpelli, in making a particular stand on issues that were close to them. The journalist concerned interviewed 5 people, 3 of whom were the Chief Minister, the Minister for Mines and Energy and the Secretary of the Northern Territory Chamber of Mines, Mr Joe Fisher. He obtained the usual well-balanced opinion you would expect from those 3 people. In fact, he described the Chief Minister as one of the most dynamic and exciting politicians in Australia today. That only goes to prove once again, Mr Deputy Speaker, that beauty is very definitely in the eye of the beholder.

The particular objection I have to that article revolves around one paragraph which contains the crux of the writer's argument: that land rights legislation is in fact the worst thing that has ever been done "to them". It will prove to be the worst thing ever done to Aboriginals because - and this is burnt on my brain - "it is going to turn the patronising tolerance of white people toward Aboriginals into, for the first time in modern history, hatred". The whole point of the argument, and it is a tired old argument, is that Aboriginal people, in their best interests, should abandon any claims they may have to being owners of property and any pretensions they may have of being able to achieve equal footing with non-Aboriginal people in the Northern Territory because, as a result of that new status, they are attracting the hatred of non-Aboriginal people. The argument is that, if Aboriginal people are stripped of these advances that they have made in the last few years, if they are put back to the status of being fourth and fifth class citizens as they were before, they will not attract this hatred and therefore will be much better off because of it. As I said, it is becoming a tired old argument and it is not one that stands up to close scrutiny.

I would like to conclude with a few remarks about some of the content of the recent address made by the Chief Minister to the Canberra Press Club. He spoke about enlistment or drafting of "some of the thousands of Aboriginal people who so desperately need training in engineering and other areas of technology". Once again, the Chief Minister has demonstrated his ham-fisted and carelessly-thought-out approach to Aboriginal issues and to Aboriginal people generally. I have no doubt that this sudden new inspiration of the Chief Minister to put thousands of Aboriginal people into the army came about as a result of seeing a photograph in a newspaper recently of a young Aboriginal bloke from Goulburn Island whom I have been very pleased to have had as a friend for many years and who has been very successful in a recent stint in the army. No doubt the Chief Minister saw that photograph and said, "What a great idea! We will have thousands of them enlisted".

The honourable Chief Minister was asked a question by a journalist and the question was as good as the answer the Chief Minister gave was bad. The question was: "What can the army offer Aboriginal people at the moment in the Northern Territory that the education services in the Territory can't?" The Chief Minister then embarked on what has become a characteristic of his performance which is, to quote a political analyst in published material in the Northern Territory, "long, rambling speeches". As we know, the Chief Minister also specialises in long rambling answers to questions which fail to answer the question. In fact, the Chief Minister seems to be rather pleased on occasions about the length of time he can speak without actually coming to the point. He did so again on this occasion when, in about a 5-minute monologue, he completely failed to answer the question at all.

I have been closely associated with the induction of Aboriginal people into the army recently because it is something that I follow with keen interest. It is largely as a result of the efforts of the town clerk at Croker Island, Mr Stuart Philpott, who has a keen interest in army matters and is a member of the army unit here, and of the genuine, close and personal interest of Major Pike that Aboriginal people are enlisting into the army. It has not proved to be an easy task at all. I commend highly the efforts of the army and non-army personnel in Darwin who have been closely associated with the careful, slow and successful results they have achieved in the approaches they have already taken. I believe that the Chief Minister's approach is the one which he usually adopts: brash, bull-at-a-gate, feet-first and unthinking. It typifies the Chief Minister's attitude towards Aboriginal people and their part in the Territory's development which, as I have said before in this House, can be summed up by saying that it is a question of "they either shape up or they ship out".

I would also like to go on record as saying that I believe that the efforts of the Department of Education in the Northern Territory, of which I am well aware, and the activities of the Darwin Community College particularly in the area of trade training of Aboriginal people in the Northern Territory are excellent and cannot be surpassed, replaced or even augmented necessarily by any attention by the armed services - that is assuming, of course, that Aboriginal people want to be drafted by their thousands into the army. As a recent recruiting drive has shown, like so many non-Aboriginal members of the community, they do not particularly want to be drafted into the army. However, the few Aboriginal people who have indicated an interest, and I am sure that as a result of their experiences it will be a growing interest, in joining the army have benefited very much from it. To seriously suggest the wholesale drafting of thousands of Aboriginal people into the army and to somehow or other train them in a way which cannot be accomplished by the normal channels of training, training which is proceeding adequately and successfully at the moment, is just utter nonsense. I believe that once again the Chief Minister has demonstrated just how ill-considered and badly thought out, if thought out at all, his approach to Aboriginal affairs is.

PERSONAL EXPLANATION

Mr EVERINGHAM: I claim to have been misrepresented and seek leave to make a personal explanation.

Mr Deputy Speaker, if the honourable member for Arnhem can direct me to the use of the word "drafted" or "draft" in my speech to the National Press Club or the use of the same words in my reply to the first question or any question that a journalist asked me on that day, I would be pleased if he would do so. I am certain that at no time did I use the word "draft" on which the honourable member's whole argument against the proposition seems to be based.

Motion agreed to; the Assembly adjourned.