NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly

Parliamentary Record

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Part I—Debates

PART I

DEBATES

Wednesday 7 June 1978

Mr Speaker MacFarlane took the Chair at 10 am.

Mr SPEAKER: As some honourable members on both sides of the House are under some obligation to attend a funeral this morning, the Chair will be resumed at 11 am.

Sitting suspended.

Mr SPEAKER: Honourable members, nineteen bills were passed to be ordinances during the sittings which ended on 11 May. The last three ordinances to be printed were delivered on Tuesday 6 June. Nine ordinances have already received assent; action is believed to be imminent on two, leaving a balance of eight which are ready for presentation.

DISTINGUISHED VISITORS

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of two members of the Victorian Legislative Assembly, Mr R. Suggett and Mr W. Templeton. On your behalf, I extend to these distinguished visitors a warm welcome.

Members: Hear, hear!

TABLED PAPER

BORROLOOLA LAND CLAIM REPORT

Mr EVERINGHAM (Majority Leader) (by leave): Mr Speaker, I table the report of the Minister for Aboriginal Affairs and the Minister for the Northern Territory on the Borroloola land claim.

Mr ISAACS (Opposition Leader): Mr Speaker, I move that the paper be noted and seek leave to continue my remarks at a later date.

Leave granted.

WORKMEN'S COMPENSATION BILL
(Serial 48)

Continued from 3 May 1978

Mr ISAACS (Opposition Leader): The Opposition welcomes the amendments to the Workmen's Compensation Ordinance but we are rather intrigued by the comments of the executive member who introduced this bill. He made reference to the committee of review into the Workmen's Compensation Ordinance and indicated that the measures being introduced were a result of those deliberations. As usual, he got the story about 25% right. Certainly, the committee has met and certainly it has made recommendations but that is probably about as far as it goes. It is true that some of those deliberations and recommendations of the committee have been incorporated - I think three in number - while some 70 odd recommendations have been made. There is also a curious addition to the recommendations in the bill before the Assembly which has no genesis in that committee at all, although in his explanation the executive member tried to indicate that this was the case. I will deal with that matter in a moment.

The bill before us is a result of the deliberations of that committee established by the government but it seems to me a shame that, when legislation is introduced into this Assembly, that committee of review is not given the opportunity to have a look at it again. At least my inquiries certainly indicate that that is the case.

The item in the bill referring to the definition of "overtime" is welcome and in fact has been recommended by the committee. The alteration to the definition of people who are casually employed frankly leaves me baffled and I wonder if the executive member could explain to me the meaning of paragraph (d) in the amendments to section 6(1) of the principal ordinance. Perhaps I might just read it to the Assembly. Talking about people who are not entitled to workmen's compensation or rather who are not covered by the definition of "workman", it says:

> (d) a person whose employment is casual (that is for one period only of not more than 5 working days) and who is employed otherwise than for the purposes of the employer's trade or business;

That rather baffles me, I must admit. Perhaps the executive member in his infinite wisdom could explain the meaning of that section to the Assembly.

Clause 5 of the bill refers to the Workmen's Compensation Tribunal. It is at this point that I am rather amazed at the statements of the executive member. He says that it comes from a recommendation of the committee concerning the time of sittings and the fact that it is difficult for the tribunal to meet as time sometimes prevents members of the tribunal sitting together. The recommendation of the committee was that we should appoint more people to the tribunal - that is, create a larger pool from which members could be chosen. The great problem which the committee had in front of it was not so much with the non-judicial members of the tribunal but rather with the magistrate's time to sit and hear these workmen's compensation cases. That is the problem: the question of time available to the magistrate, not the question of the members of the tribunal. That is easily arranged; you just appoint more. In fact, more have been appointed.

What clause 5 of the bill does is to delete the proposal to have a tribunal of three or more and simply have a magistrate hear workmen's compensation cases. That is, the practice which has been adhered to in the past of having a magistrate, plus two other people from the industry normally - one from the trade union and one from the employer - but not necessarily, sitting on tribunals has been abolished. There is no reason given by the executive member, nothing from him to say that that is the recommendation of the committee, because he knows it is not; nothing to say that it is a recommendation of the department which has control of it at the moment because we know that is not true either. Apparently, it has come about because the magistrates feel they are able to consider the cases on their own. If that is the case, I would rather have had the executive member say so and then we could have debated that, but all we know is what he said in his second-reading speech when he referred to the question of time.

I would have thought the only way to get around that would have been to appoint more magistrates. We have already been told that the magistrate's time is hard pressed anyway. I believe the Assembly should not pass the amendments to clause 6 in relation to the tribunal until the executive member explains properly why it is that we should have this change. I do not believe he has done it; in fact, I believe on a number of occasions - certainly on the few occasions on which I have sat on the tribunal - it has been the case where

the magistrate has looked to the people from industry for their assistance and guidance in the resolution of some of these matters. In the resolution of matters of law, certainly, it seems to me that the lay people have nothing whatever to say; it is determined by the magistrate. But it is true that in the ratification of many agreements put before the Workmen's Compensation Tribunal the lay people are able to make a significant input to that matter. I believe it is a sad thing when the executive member deletes the three-member tribunal and replaces it with a magistrate only, without giving the Assembly the courtesy of the real reasons for doing this.

Clause 7 of the bill streamlines the proceedings of recording an agreement and expedites the payment to workmen of their proper award. For that reason the executive member is to be congratulated for implementing that recommendation of the committee.

Clauses 9 and 10, again, are sensible and practical recommendations from the committee, relating to the payment to a workman where he has to make extensive renovations to his house as a result of an accident he has suffered - perhaps the widening of doors to allow wheel chairs to go through, perhaps the erection of a ramp or something like that. The old ordinance was quite impractical in that it made available a certain amount of money. The purpose of new clause 9, as I read it, is a practical one in that it gives the court the capacity to make a determination on the basis of the various alterations that have to be made to the house.

The same is true of clause 10 where a person requires constant assistance from a nurse or another person. Again, under the prescriptions of the old ordinance, an amount of money was made available which was quite insignificant in relation to the cost of this sort of constant attention and, again, the court is now to be given the power to make a determination of a weekly rate considered reasonable by the tribunal. It is a very worthwhile amendment to be made to the ordinance.

My colleague, the honourable member for Arnhem, will be dealing with clause 14 of the bill. This relates to the application of workmen's compensation to Aboriginals who might have, by custom of their law, more than one wife. I will not speak to that clause except to say it is a clause which has caused me some concern, although I have never really read it properly to find out just what it meant. Having discussed it with my colleague, the honourable member for Arnhem, it is our view that that clause ought to be deleted. As I say, the honourable member will be applying his mind to that subject when he speaks in this debate.

Finally, may I say this in regard to the ordinance. Many, many more recommendations were made by the committee of review which have not been implemented in this bill. I trust the executive member is looking at those mastters and I hope that in the very near future we will see further amendments to the Workmen's Compensation Ordinance in line with the various recommendations made by that committee of review.

Mr PERRON (Finance and Planning): The bill before us does make a significant contribution to the people in the Northern Territory who may be injured or incapacitated at their work place. Under the existing legislation there are anomalies and weaknesses, and before us we have a bill proposing amendments to redress some of those problems.

Honourable members are aware that this legislation has not been developed in isolation to the problem itself. As my colleague, the Executive Member for

Transport and Industry has pointed out, these amendments result from a review committee which included representatives of employers, unions, the insurance industry, the government and the legal profession. It is the view of the Majority Party that the task set for the committee to make recommendations to update the existing legislation has been performed in a satisfactory manner.

Unfortunately however, due to lack of resources I understand, the full extent of the committee's recommendations has not been able to be turned into legislation at this stage. It is of concern to me as well that the 60-odd recommendations made by the committee - and I believe there were some more that were brought to light at a later date - many of these have not been able to be dealt with at this stage. Whilst I have not been closely connected with this exercise recently, I understand that the lack of resources, both drafting and departmental, is the reason why some of these recommendations have not been touched on at this stage.

The Leader of the Opposition inferred that there was some impropriety in the fact that a clause had been inserted in this bill that had not been dealt with by the committee. I do not think there is any impropriety in this at all. It is obviously up to the sponsor of the bill, or under the existing arrangements the department if necessary, to put forward proposals. There is an arrangement, as you know, Mr Speaker, that until self-government arrives, the Majority Party of the Legislative Assembly has undertaken to introduce legislation that the Commonwealth government wishes to have introduced into the House.

The aspect which the Leader of the Opposition dwelt on in relation to paragraph (d) of section 4 of the Ordinance, relating to a casual person who is employed otherwise than for the purposes of the employer's trade or business - if I recall it correctly, this was designed specifically to cover a situation where an electrician or a greengrocer or whatever may engage a person, for example, to mow lawns. The new provision in the bill is to make it clear that the employer must take out workmen's compensation to cover all persons in his employ, even if they may not be employed in the principal trade of the employer.

I understand this aspect was discussed somewhat by the committee which made a recommendation in relation to this section of the principal ordinance that the definition of "workman" in the New South Wales Workmen's Compensation Act should be adopted. I have not referred to that New South Wales Act to see whether this is a direct take from it. The recommendation by the committee was that the definition of "workman" in the New South Wales Workmen's Compensation Act should be adopted, particularly in relation to casual workers not being included if employed for one period only of not more than five working days. That aspect certainly seems to be in the bill before us.

The bill before the House provides for the procedures of the Workmen's Compensation Tribunal to be speeded up considerably and it will enable more than one case to be heard at a time. Limits on the payout of compensation to a worker requiring alteration to his home and car or for specialised appliances, because of injury or incapacity, have been removed.

There has been some criticism of the tribunal in the past, inasmuch that some of the matters flowing from having a three-man tribunal have in fact caused delays in some cases. This was the principal reason why it was felt that, as is the case elsewhere in Australia and in some other places where a magistrate is the adjudicator in workman's compensation cases, there should be a streamlining of the procedures in the Northern Territory to adopt a similar practice.

Mr Isaacs: Read from recommendation 4. I've got the same document.

Mr PERRON: I do not claim to have any secret documents.

The thrust of the bill in many ways is aimed at ensuring that, where a worker is eligible for compensation, his personal losses are minimised. For example, it could be no great comfort to anyone who loses a leg to know that his maximum benefit for home alterations and for prosthetic devices is $700. That ceiling is removed under this legislation to allow the Workmen's Compensation Tribunal discretion in setting a figure.

No parliament can legislate to prevent foolishness or human error. While that is not possible, we have a public duty and an obligation to the electorate at large to legislate for the protection of those unfortunate enough to fall victim of an accident whilst they are engaged by their employer. Whilst we have that responsibility as elected representatives and accept it, it is equally clear that the employer is in a similar position. It should be said that from time to time a lot of nonsense and criticism is levelled at employers but it is my belief that most employers understand and accept their responsibility in regard to workmen's compensation. In general, employers are not foolish. They will not deliberately continue a work situation where the accident rate is high or where accidents are inevitable. They have a vested interest in reducing accidents in the work place both as a matter of concern for humanity and as a matter of sound business practice.

Honourable members may have noticed, like myself, that the name of the bill and that of the principal ordinance is somewhat askew in this time of liberation and sexual equality. While it may not be a matter of great moment, it does bear drawing to the House's attention because some may suspect that its provisions do not apply to workers who are not workmen but women who work.

Mr COLLINS (Arnhem): The bill is certainly welcome. The two particular provisions of it that I like very much are the amendments to sections 11 and 12 of the principal ordinance. The present provision allows for alterations to a person's house up to a certain limit. For example, for a paraplegic or a quadraplegic to have $700 is, of course, completely unrealistic. The installation of ramps or perhaps even electric lifts in a house and things like that would certainly not be provided for by that amount of money. The decision by the executive to leave the amount open is a very commendable one, and the same commendation applies to the amendment to section 12 which allows for an open-ended expense for nursing care and so forth.

Before I move on to the particular section of the bill that I am interested in, I would like to support, if I could, a few of the points that were made by the Leader of the Opposition. As the honourable executive member would well know, the Leader of the Opposition can speak on the deliberations of the advisory committee with some authority. I feel it is rather a bold statement for the honourable executive member to say in the opening remarks of his second-reading speech that the amendments are the result of the work of a review committee comprising representatives of employers' organisations and so forth, when in fact only about three of the many recommendations of that committee have been adopted. I really do not feel the explanation that was given by the honourable Executive Member for the Treasury fully accounted for that.

I must also support the criticism of the Opposition Leader that this bill, for which the honourable executive member himself has given credit to the advisory committee, was not referred back to that committee for its opinion. I

think common courtesy, if nothing else, would have dictated that this action be taken.

I spent a lot of time looking at the definition of casual worker and, like the Leader of the Opposition, I am afraid I simply do not understand it. I would ask the honourable executive member if he could elucidate this particular section slowly and carefully for my benefit, if for no one else's.

In relation to the amendment which provides for the appointment of a one-man tribunal instead of a three-man tribunal, I would like to read recommendation 4 that was made by the advisory review committee. It says:

> At present, the Workmen's Compensation Tribunal experiences difficulties in convening to adjudicate or determine claims. This is aggravated once the tribunal has convened for a particular case because of the difficulty of having those same three tribunal members available at one time. It is felt that this difficulty may be alleviated considerably if more members were appointed to the tribunal, perhaps as many again as already exist. It is recommended that the Assembly press for the appointment of more members to the tribunal.

In view of that very substantial recommendation and in view of the fact that, instead of doubling the membership of the tribunal as recommended by the review committee, the executive has cut it from three to one, I really think that accrediting this piece of legislation to the work of the review committee is a very bold statement indeed.

I agree with the honourable Executive Member for the Treasury that it is only a small point but I too would like to see, in any further amendments to this ordinance, the word "workmen" removed and the word "worker" substituted. It would seem to be in line with current thinking these days. I think everyone appreciates the substantial part that women now play in the work force which they did not when this ordinance was first promulgated. Despite the fact, as I am well aware, that the Interpretation Act allows for the meaning of "women" to be taken wherever the word "men" appears, I think that even though it is a small amendment I would support that recommendation.

The particular part of the bill that interests me is clause 14 which refers to the amendment of section 27B of the principal ordinance. The honourable executive member in his second-reading speech gives the reasons for this amendment and I have no argument with them at all. He said it was considered that the meaning of this section was not entirely clear and might be construed to mean that compensation is payable only to Aboriginal natives of Australia who have more than one wife. The addition of the phrase "one or more" clears up this point. I agree with the honourable executive member that that particular section of the principal ordinance is a bit confusing and it could in fact be construed in that way.

In speaking to this particular clause I am foreshadowing an amendment which I intend to make to the bill in the committee stage. I feel that section 27B of the principal ordinance is both anachronistic and discriminatory. I would like to read it out in full because it is of great relevance to have the original section read out and the amendment then added to it.

> Notwithstanding any other provision of this Ordinance where, in respect of a workman who is an aboriginal native of Australia not married according to the law in force in the Territory but married to

> more than one person according to the custom of the group or tribe of aboriginal natives of Australia to which he belongs, compensation would, but for the operation of this section, be payable in respect of each of those persons, the amount of such compensation that shall be payable is the amount that would be so payable if the workman had contracted only one such marriage.

Mr Speaker, I do not feel that in 1978 this clause is morally supportable. The dependants of an injured workman are the dependants of an injured workman and it makes very little difference to the health and well being of that family whether the dependants are wives or children.

The honourable executive member has given his reasons for making this amendment in his speech. They are very clear. He says:

> Section 27B of the principal ordinance is taken into account for compensation purposes of custom and polygamous tribal marriage as practised by some Aboriginal tribes in the Northern Territory in order to ensure that the number of the dependants compensated is not doubled or trebled.

It is clear that the concern of the honourable executive member is that an excessive amount of money is not going to be paid out to an Aboriginal person who has more than one wife, despite the fact that these wives are truly dependants of that person and would appear to me, Mr Speaker, to need the same food, clothing and various other things that wives of any other Aboriginal might have.

The anomaly that the honourable executive member is trying to remove already exists in the ordinance. I certainly do not think the honourable executive member would move to further amend the bill to remove the provision under the principal ordinance, as it is presently constructed - that is, a worker who is injured receives for the first six months an amount of money equivalent to his normal wage. For the first six months of his injury he cannot receive any more than that amount. Let us assume that the man is earning, say, $150 per week. I do not know many Aboriginals who are earning that much but let us assume he is. After six months he receives an amount of money for himself of $80 per week, for his wife $21 per week and for each child $10 per week. So a man - and I will quote the situation of a person I know at Maningrida who has two wives and two children - would be getting $80 for himself, $42 for his wives and $20 for his children, making $142 per week. So after the expiration of the first six months, during which he is getting $150, his income would then drop to $142.

Let us take the case of an injured worker who has ten children. Let us forget about his colour; he could be any colour. People have been known to have ten children. I know someone who has nine...

Mr Dondas: He will get $50 a week more than he was getting while he was working.

Mr COLLINS: Thank you very much for making that point for me. If the honourable member for Casuarina would like to listen to my speech instead of participating in it, he would find out that ...

Members interjecting.

Mr SPEAKER: Order!

Mr COLLINS: I do not need any help, Mr Speaker. That person would be receiving a sum of $201 per week which would be an increase of $51 on his salary.

Mr Speaker, with this section 27B retained in the ordinance, we would have in the same community in the Northern Territory the situation where a man at Maningrida, an Aboriginal with two wives, for example, would be receiving $8 or $9 less than his normal wage and a person somewhere else who has a large number of children getting $50 a week more than his normal wage. No one would argue with that - the last example I have given. If a man has ten children, those children have to be fed and clothed. If the man is injured and incapacitated, then he needs a necessary sum of money to feed those children. The more children the man has that need feeding and clothing, the more money he should get. What I am saying is this: the difference in compensation provided, between a wife and a child, is $11 a week. I would be horrified if the executive were so penny-pinching that it would begrudge $11 per week to a man simply because one of his dependants happens to be a wife rather than a child. As I said before, dependants are dependants. An Aboriginal man who has more than one wife could easily need more help than someone who only has one, and certainly that wife would eat the same amount of food and need the same amount of clothing as any other wife a man has and would have to be financially supported.

I would suggest to the honourable executive member who has passage of this bill that he take note of the points I have laid out. I reiterate that section 27B is anachronistic and discriminatory and it would result in a great deal of imbalance in the payment of compensation for injured workers. I hope the executive will see its way clear to having this particular section of the ordinance deleted.

Debate adjourned.

CONTRACTS BILL
(Serial 76)

Continued from 3 May 1978

Mr PERKINS (MacDonnell): I rise to indicate that the Opposition supports in principle the Contracts Bill as introduced by the honourable Majority Leader and will be cooperating with the passage of this bill in the committee stages.

As I understand it, the bill is a simple and short bill which will give effect to the contractual capacity of the Northern Territory government on and after 1 July. It means that the Northern Territory government will have attached to it the necessary legal capacity to enter into contracts. The Opposition is not opposed to this proposal.

I am concerned, however, to note some aspects of the bill which were raised in the second-reading speech of the honourable Majority Leader. I would like to draw members' attention to the fact that he said the bill is expressed in wide terms. I think that is so - in fact, I could not agree with him more - and this is the problem which concerns me. I believe the bill as it stands is expressed in terms that are a bit too wide at this stage. Perhaps the bill could have been a bit more on the definitive side, so far as the powers it proposes are concerned, and I also believe the bill could have been subject to some legal technicalities at this stage. In particular, I am concerned to note that under the Contracts Bill it would appear that ministers would have

large powers to enter into contracts on behalf of the Northern Territory government.

I note that under the bill there is no requirement that the approval of the Administrator in Council be obtained for large contracts and I think it ought to be, particularly in respect of contracts where hundreds of thousands of dollars of the taxpayers' money is involved. I think in those cases there ought to be a provision that the approval of the Administrator in Council be required. In those instances the ministers will be dealing with large amounts of money and I think we should be mindful of the fact that it is the taxpayers' money. In these particular circumstances where they have to decide on these contracts, and they involve large amounts of money, there ought to be better controls and some better safeguards over those kinds of decisions.

Mr Speaker, there is another matter which I would like to raise in relation to the bill. I would draw it to the attention of the honourable Majority Leader in the hope that he also may consider it. I note that there are also no controls over the powers of delegation in clause 6 of the Contracts Bill. What I would like to see is that the power to delegate, in relation to entering into contracts, be limited and that there be better controls over the delegation of powers, particularly in instances which involve hundreds of thousands of dollars of the taxpayers' money. If the honourable Majority Leader is not interested in limiting the powers of delegation which the ministers will have under this ordinance, then I would ask him to ensure that the ministers exercise due caution in relation to delegating such powers in relation to contracts, particularly in cases where there are huge amounts of public money involved.

I have had an opportunity, Mr Speaker, to look at the amendments that have been circulated in relation to the Contracts Bill. Unfortunately, I do not think the amendments cover the concerns which I have just raised. I think we ought to be on guard in this Assembly against legislation which is expressed in wide terms and we should be mindful of the fact that there ought to be a proper regard, in the drafting of legislation and the intention of legislation, to ensure that we are not providing for situations where ministers or other people of the government have those wide powers of delegation for entering into contracts.

In conclusion, I would like to say that clause 7 is a sensible clause. Clause 7 reads:

> Nothing in this Ordinance prevents or inhibits the power of a statutory corporation or body to enter into contracts within the competence accorded to the statutory corporation or body by any law of the Territory regulating its powers and functions.

I am concerned, however, about the issues which I raised just a few minutes ago, Mr Speaker, and I would like some indication from the honourable Majority Leader as to his thoughts in regard to the matters raised.

Mr DONDAS (Casuarina): I rise briefly to support the bill and to make some mention of its historic significance. I will let the Majority Leader reply to the questions raised by the honourable member for MacDonnell.

This bill, in itself, is in some ways as important as the many other bills that have been before this House in our small steps towards self-government. The significance of the step that is made in clauses 4(1)(a) and 4(1)(b) of the bill is definitely historic. When has an elected representative of the

Northern Territory - let alone his delegate - ever before in our history been able to negotiate a contract of any kind on behalf of the persons to whom he is responsible? Never! I believe the sponsor of the bill has proposed amendments which will strengthen this section even more. The Northern Territory has been created a body politic under the Crown and this legislation is a clear indication not of the small steps taken but of the giant step that will be taken on 1 July.

Mr Speaker, this bill before us replaces legislation which was introduced 55 years ago to deal with contracts for the Commonwealth. I am sure many of the other old bills that are still in existence will be replaced and that the government printer will be kept extremely busy for the next few years. I support the bill.

Mr EVERINGHAM (Majority Leader): Mr Speaker, in reply I would like to thank the honourable members for MacDonnell and Casuarina for their remarks in respect of this bill. I will certainly listen with interest in the committee stages to see what proposals the honourable member for MacDonnell might like to put forward in relation to making this legislation more specific.

It would seem to me however, Mr Speaker, that with great respect to the honourable member for MacDonnell, where contractual powers are being granted by the Assembly, it should do everything it possibly can to ensure that the persons whom it is authorising to enter into the contracts and the parties at the other end of the contract are adequately covered. It is for that reason that I would have thought the powers should be as broad as possible, because if you look at the situation of how the governmental process works, this particular piece of legislation is not as frightening as it might first appear. We are told that huge sums of money will be spent under the provisions of this legislation and indeed there will, but those sums of money will first have had to be appropriated by a Northern Territory budget to the particular department of state which will be spending the money and, of course, the minister of that department is the person made responsible by the Assembly for the administration of that department and for the spending of the money. The purpose of this legislation is merely to give him a vehicle under which he can operate to spend the moneys for the purposes for which the moneys have been appropriated by this Assembly. I am sure this Assembly would not want the ministers, or their delegates for that matter, or the parties at the other end of the contract, to suffer through some narrowness or defect of that type in the legislation.

The minister, of course, if he chooses to delegate his powers, will still be responsible to the Assembly and responsible to all of us in that, if he authorises by his delegation some act which is carried out contrary to the will of the Assembly as expressed in the appropriate legislation, then surely that minister will be the person against whom a motion of censure or no confidence will be moved. That, of course, is the remedy for any problem in relation to delegation.

But it is absolutely essential that there be powers of delegation, because I should imagine this goes down to the stage where people will be signing progress payment forms and all the rest of it and, if you are going to have the minister himself signing all these particular chits, then people are going to wait a long time. In any event, we all know from our experience of life that these things are done in this way and, by and large in the course of our history, it has all worked out pretty well and when it has not worked out well, we have certainly heard about it. So whilst I am quite prepared to listen to any specific suggestions that any honourable member might like to

make in committee, I do believe that the legislation is of a type which is really non-controversial and I certainly would commend it once again to this House.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

New clause 2A:

Mr EVERINGHAM: Mr Chairman, I move amendment 57.1.

This provides for a new clause 2A, relating to the date of commencement of this particular piece of legislation.

New clause 2A agreed to.

Clause 3 agreed to.

Clause 4:

Mr EVERINGHAM: Mr Chairman, I invite the defeat of clause 4 as it now stands because it has been decided to replace it with a new clause 4 which considerably expands the scope for both parties to the contract.

Clause 4 negatived.

New clause 4:

Mr EVERINGHAM: Mr Chairman, I move amendment 57.3.

This inserts the new clause 4 in place of the old one.

New clause 4 agreed to.

Clauses 5 to 7 taken together and agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

MINING BILL
(Serial 86)

Continued from 3 May 1978

Mr TUXWORTH (Resources and Health): The reason I have got to my feet promptly to stifle debate is that we do not intend to proceed with this bill whose main purpose is to amend the provisions of the Mining Ordinance controlling the issue of mining leases to allow for a formal instrument of lease to be issued, notwithstanding that a survey of the subject land may not have been carried out. I appreciate that this is an important matter and I am conscious of the particular remarks made by Mr Justice Fox on this issue during the course of the Ranger uranium environmental inquiry.

The Majority Party considers that the lack of surveys on large numbers of mining tenements is not an acceptable state of affairs and should be remedied

as soon as possible. However, since the introduction of this bill into the Assembly, I have given the matter further consideration and thought, and I am not convinced that the proposals put forward in this bill offer the best solution. It is evident that, whilst the proposed amendments will provide for formal instruments of lease to be issued if this legislation is passed, we will have conveniently overlooked the real crux of the problem and propagated a situation which lacks the essential determination of the boundaries of the land to be held under lease. This is not acceptable to the Majority Party and requires further examination. Consequently, I advise honourable members opposite that the Majority Party does not intend to proceed with this legislation until a further review has been completed when I would hope to submit to the Assembly a more effective solution to overcome the problem of mining surveys.

Finally, whilst I have indicated that we do not intend to proceed with this bill, I would foreshadow that the Majority Party intends to proceed with the amendments proposed in clause 4 of the bill by the addition of a new clause to Mining Bill, serial 85, during the committee stages of that bill. This proposed amendment has already been circulated. Clause 4 refers to the proposed amendments to section 87A, part II, of the Mining Ordinance to exclude all reference to the Atomic Energy Commission from that section in order that only a mining lease may be forfeited without the need to have a prior recommendation from that commission.

Mr SPEAKER: It would appear that the best way to manage this, honourable Executive Member for Mines and Energy, is to let the bill pass the second reading and the Assembly can then decide its fate.

Mr TUXWORTH : Perhaps I could seek your assistance, Mr Speaker, on a point of procedure. It was our intention that we move for the committee stages to be later taken so that the bill would fall off the notice paper at the end of this sittings and prorogation, rather than go through the process of defeating the bill in committee.

Mr SPEAKER: The question is that the bill be now read a second time.

Bill negatived.

MINING BILL
(Serial 85)

Continued from 3 May 1978

Mr COLLINS (Arnhem): In the Ranger report, Mr Justice Fox recommended that amendments be made to the Northern Territory Mining Ordinance to allow for the provision of covenants on mining leases, so that some form of restoration work can be carried out after mining has been finished and conditions can be put on the way in which the mining itself is carried out. Honourable members will remember a previous bill, serial 29, introduced by the honourable executive member to amend the Mining Ordinance as a result of the House's attention being drawn by the honourable member for Nightcliff to the depredations of quarry people in the Howard Springs area. This bill represents a continuing and, I trust, increasing interest by the Majority Party in protecting the heritage of the Northern Territory in the best way possible.

The bill is comprehensive. It covers the way in which mining is to be conducted. It includes provisions against the risk of soil erosion, the pollution of air and water, and the pollution to the environment by noise as

well which is, of course, just as important. It places conditions on the construction of earth works such as settling dams and so on, and the retaining of waste from mines. It provides for the Administrator to be satisfied that mining is being carried out in a proper manner and that proper regard has been paid to the provisions of the ordinance. It then imposes penalties for failure to comply with the ordinance.

As the honourable executive member said in his second-reading speech, the executive did move to comply with the request of Mr Justice Fox, by introducing regulations to govern what Mr Justice Fox wanted to see brought in. A subsequent opinion was that this did not give sufficient authority and that has resulted in the introduction of this bill.

I feel the provisions of the bill are good and to be commended. However, I would suggest an amendment to the honourable executive member in the section of the bill which provides for penalties. Proposed new section 73D(1)(c) in clause 3 of the bill says:

> impose a fine not exceeding $1,000 either as an alternative or in addition to action under paragraph (a) or (b).

The Opposition has no objection at all to the use of the word "alternative". There would, of course, be cases where a fine would be more appropriate if, particularly in small-scale mining, a person did not carry out work to the satisfaction of the Administrator. But could I suggest, Mr Speaker, to the honourable executive member that an amendment be made to this section to provide the same kind of penalty as is allowed for under the town planning legislation, whereby a day-to-day penalty would be applied for any failure of the lessee to comply with sections 73A, 73B, 73C and 73D. Could I suggest that possibly an amount of $100 would be suitable so that the provisions would then read: "impose a fine not exceeding $1,000 or $100 per day for every day that the lessee fails to comply" with the sections I have just mentioned.

As I said before, the bill does represent a continuing trend of interest in the environment and it is very welcome to see the bill in the House. I trust it will not be the last such bill that we see here, providing conditions and restrictions on the performance of mining companies. The Prime Minister of Australia has indicated in the federal parliament that that honourable gentleman is quite happy to see areas of protection given over to the control of states or territories where the ordinances and laws of those states or territories are equal to or more stringent than the laws of the federal parliament. This gives the Northern Territory a good opportunity to provide environmental regulations and protection that could be a model for the rest of this country. The Opposition supports the bill.

Mrs LAWRIE (Nightcliff): I rise with much delight to indicate support for this legislation. There are only a couple of points I want to mention. One has just been spoken of by the honourable member for Arnhem, and that is in the area of penalties. I am of the same opinion. In looking at the penalties under 73D, we see that it is an extreme penalty to cancel a lease - a step which I think would be taken as a last resort. The other penalty provided is a fine not exceeding $1,000, either as an alternative or in addition to cancelling the lease. 73D(1)(b)(i) which says that the Administrator should "cause the required action to be taken without cancelling the lease" is obviously the first step. Then it would seem that there is a fine if action does not ensue, the third and ultimate being the cancellation of the lease.

I think it would be practical to amend that penalty section to allow a continuing and accruing fine for each day the person refuses to obey the lawfully given instructions of the Administrator. Unlike the honourable member for Arnhem, I would not put a ceiling of $100 on it. I would leave it at $1,000 and, in determining the penalty, of course, due recognition would be made to the magnitude of the harm being caused and the magnitude of the mining opportunity. If it was a small mining operation and the harm, whilst worthy of a penalty, was not perhaps irrevocable, a smaller day-to-day fine would in my opinion be preferable, both to a flat $1,000 or to the extreme step of cancelling the lease, because I do not believe that third step would be taken in very many cases. So I am asking that a wider discretion be given in the imposing of penalties.

The other point I wish to raise is in proposed section 73B(1):

> Subject to this section, the lessee of a mining lease, in using the demised land for mining purposes shall not do anything that unnecessarily or excessively, having regard to the purpose of the lease -
> (a) increases the risk of soil erosion;
> (b) injures plant or animal life...

This has my complete support. But I wish to advise the honourable executive member, if he is not already aware of it, that until at least a couple of years ago, although we have a soil conservation section within the Department of the Northern Territory, not one soil conservation order has been issued. Now I would hope times are changing and that, having this legislation, cognisance will be taken of it and staff will be provided so that if a soil conservation issue comes up, the necessary steps will be taken in that particularly important conservation area in the Northern Territory.

It is an issue which should, of course, apply to other industries and not just mining. The pastoral industry itself has at times been criticised for lack of proper soil conservation procedures. We have had an awakening awareness of conservation issues. I simply ask the honourable executive member having passage of this bill to reassure the House that within the limits of capability adequate expert staff will be provided to ensure that the provisions of the legislation are carried out. We can have the best legislation in the country but if we do not have the people to police it and to give the advice to the mining company which is specifically mentioned in this legislation, we might as well not have the legislation. There is in the legislation, as I said, the ability for the Administrator to cause expert advice to be given to mining companies as to how they shall minimise damage, rectify damage or otherwise return the land to a proper state.

Mr Speaker, having made those two points, may I say the bill has my full support.

Mr OLIVER (Alice Springs): Mr Speaker, I join the honourable member for Arnhem and the honourable member for Nightcliff in supporting the bill. It will afford the Northern Territory government the ability to apply those controls on all mining activities ensuring the utmost protection to the environment of the Territory.

As the honourable Executive Member for Mines has indicated, the consideration of environmental protection was a matter of concern for Mr Justice Fox in the Ranger uranium report. This bill results from the recommendations in that report. I am convinced that its terms will satisfy the

requirements of Mr Justice Fox. The bill is sufficiently broad and general to cover all aspects of mining, be it sand mining or uranium mining.

If I might turn to something that the honourable member for Nightcliff said about no soil conservation control order having ever been issued, there has been none in the mining sector as far as I know, but certainly there has been in the pastoral area in Alice Springs...

Mrs Lawrie: It must have been recent.

Mr OLIVER: About two years ago.

Mr Speaker, we are looking more and more to mining in the Territory as one of our major industries and every endeavour must be made to encourage that activity. However, we must also protect the land and this bill will ensure that mining is carried on properly and that any damage done to the land is properly repaired.

Ms D'ROZARIO (Sanderson): Mr Speaker, I rise briefly to indicate my vigorous support for the measures specified in this bill. I am pleased to see the support on both sides of the House. This bill rectifies a long-standing deficiency in the Mining Ordinance. An attempt was previously made to rectify it but that attempt failed.

I recall in the previous debate the honourable member for Alice Springs and myself had some basic disagreement about the conduct of miners. I am happy that in this debate he tends to agree now that conditions are necessary and it is necessary to make sure that not only can conditions be applied upon the issue of these leases but they can also be enforced at law. In the past people have been able to carry out quarrying and mining for commercial profit with no obligation to undertake restorative work. There has been an implied obligation by the application of conditions to such things as miscellaneous licences but these, of course, have not been as successful as was hoped because there was no means of enforcing them. The only method of enforcement that remained to the Crown was to cancel or revoke the licence which, of course, was not any great penalty because the land was no use to the licensee after it had been quarried. There are still large areas in the Top End and, I believe, in Central Australia where disused mines and borrow pits still occur in large numbers and none of these have been restored.

Of course, this bill applies only to the Mining Ordinance and it is worthwhile to note here that quarrying does take place under other ordinances of the Northern Territory, notably the Crown Lands Ordinance, and these provisions will not apply to forms of tenure that are issued under the Crown Lands Ordinance. I can only hope that the honourable Executive Member for the Treasury will take similar steps to those taken by his colleague, the sponsor of this bill, and produce analogous provisions for tenures under which mining can occur under other ordinances.

It is a step in the right direction that rehabilitative work be undertaken on mined lands and I support the insertion in the Mining Ordinance of measures that will both permit the work to be specified and also ensure compliance with the specification. I endorse the remarks relating to penalties that have already been made by the honourable members for Arnhem and Nightcliff and I would like to commend the honourable sponsor of the bill again for the step he has taken here.

Mrs PADGHAM-PURICH (Tiwi): Although I fully agree with the principles of this legislation I think the whole Mining Ordinance should be looked at. But because of certain mitigating circumstances, it cannot be done that way at this time.

This bill is to amend the Mining Ordinance which was borrowed from Western Australia in 1939. Western Australia has either long since thrown out the legislation from which we are still working in the Northern Territory or they have greatly modified it, so that they now have modern, up-to-date mining laws suitable for our modern age. I think I would be right in saying that it is the wish of the mining interests to have totally new mining legislation introduced into this House as soon as possible. But it looks as though for the time we are still plugging up holes and patching over cracks.

I am sure these days everyone is aware of the need to provide controls over actions that can cause environmental problems, and the mining industry is aware of this as well as anyone else. Forty years ago the present Mining Ordinance was quite adequate for that time. The word "environment" was hardly ever heard and when it was, at least it was used in the proper sense, not like nowadays when ignorant people seem to use it as a replacement word for bush, parks or countryside, air or water. As I said, the Mining Ordinance was quite adequate in those days and the mining industry, the miners and prospectors knew exactly where they stood with regard to the law, the community and other business interests, and what they could do and could not do. Nowadays, however, the mining industry is blamed for every bad and undesirable thing that happens or that we see around us and for most of the troubles that happen to people. It is the universal scapegoat or it seems to be in the Northern Territory.

Mining is by its very nature a disruptive operation and this applies equally to gold, diamonds, iron, aluminium or uranium. Let us not forget, though, that it is making use of nature's resources for the use of mankind, the final arbiter of this statement being that the people put a price on the extract from mines and are prepared to pay the price to get it or mining would not go on. Mining has been going on since Egyptian times, thoughout the bronze and iron ages of early Britain and in the times of the Incas. As long as there are people in the world there will be a search for and recovery of metals, ores and gem stones by mining.

The mining industry is adaptable and because of this present state of concern of all people for greater protection of all natural life and beauty of the countryside, the industry wants to be given the proper rules and regulations within which it can operate. It has complied with the laws in the past and will do so in the future. It is up to the people through this Assembly to say how they want this done and this bill, as I see it, is an expression of what the people want.

This bill appears to me to give the widest discretion ever yet bestowed upon some poor and unsuspecting public servant, through the powers of delegation of the Administrator. He is going to have to use his own judgment on what is unnecessary or excessive. He is going to be called on to tell mining people how to carry out their operations and after it is all over, he is going to have to decide what is a satisfactory restoration of the land. He might be a person who is easily satisfied while, on the other hand, he might be a person who is hard to satisfy.

Mr Speaker, what is contained in this bill is good but the way it is expressed may not be very useful to an industry that requires strong and clear

guidelines on what it needs to do to carry out its operations and clean up afterwards. To me, this is a bill that is good but I hope there are no problems in the exercising of the powers it proposes, because all the requirements could be subjective and the officers administering this are going to have to be objective. It is going to be difficult to exercise fairness for all lessees when precedents will be set and some may be treated harsher or easier than others. I feel perhaps there could be a provision for appeal.

Mr TUXWORTH (Resources and Health): I think this is the second time I have had cause to make an amendment to the mining legislation and seek to meet the accord of both sides of the House. It is a pleasing matter to do it again today. However, I would like to touch on a couple of points that were raised by respective speakers about the bill.

The first one was in relation to covenants. The hard, cold truth of the matter is there has never been a concept in our mining legislation before for such things as covenants. They came only in recent years in the states and because our legislation is so antiquated, we have not had them and we have just got to introduce them as best we can until the new legislation is introduced to cover the total mining industry. In fairness to both the industry and the government I would like to say that the present legislation, as far as both government administration and the industry is concerned, is about as helpful as a pushbike with square wheels. It is an extremely difficult piece of legislation for both parties to have to work to and it is certainly not helped by the deficiencies we have, because such simple things like covenants are not included in the ordinance.

In relation to the reference to penalties, several speakers indicated that they would favour a minimum penalty to be imposed and that this penalty be accruing. We have discussed minimum penalties in this House on many occasions. I think one such occasion was the introduction of the drug laws and it was felt that it was not reasonable to take away the right of the courts to set penalties. I believe this is one of the reasons that it has not been included here. However, I do not have any objection to the concept of an accruing penalty. I believe we have given an indication of our good faith in this regard in the last piece of legislation that related to the sand and gravel miners, where we introduced a penalty I believe of $10,000 with $2,000 a day accruing for every day that the offence continued.

One point I would like to make for the benefit of honourable members is that the proposed law that we are looking at now will enable us to write conditions into leases that are issued as of this moment. It will not be retrospective. Any lease that we are likely to write now is not going to see any operation on the land inside of five years and, for that reason, it was not felt necessary to go into the detail with this particular penalty section that we did in the sand and gravel legislation where the moonlighters are working at this very moment and we had an operation to curtail. So there has been no intent, Mr Speaker, to move away from the principle of strong fines and accruing fines for people who do not adhere to the intent of the law and the letter of the law. As far as our party is concerned, we are quite happy to see the bill adjourned and the committee stages taken later so that this can be cleaned up now, if that is the will of honourable members.

The honourable member for Nightcliff also commented on the soil conservation orders. I would like to make two comments in this regard. The Mines Branch does have an environmental geologist on staff who has been walking around the operations of mining companies in the Northern Territory for some two years and while he does not have the capacity to instruct or

enforce conditions of covenants that should be in leases, he has been getting a great deal of cooperation in having areas restored to a more satisfactory level so far as the environmental aspect is concerned. I am well aware of areas in my own electorate where this restoration has been carried out by the company at the request of the environmental geologist.

Mr Speaker, I would also like to make the comment concerning the soil conservation area that it was in fact the awareness and the initiative of the soil conservation officers that sponsored the previous amendments to the ordinance that we handled some months ago to introduce penalties for the sand and gravel operations.

The honourable member for Nightcliff also touched on the issue of staffing and how this printed word was not worth two bits if we did not have the staff to supervise it. That point is well taken and discussions were started some months ago with the Public Service Commissioner over the issue of staff appointments for this area so that on 1 July when we become responsible we can move into the field of surveillance of environmental conditions in the mining industry.

Mr Speaker, I believe the honourable member for Sanderson also raised the issue of miscellaneous licences and how they have not been successful. I believe that is probably not quite a fair comment. The thing that was most unfortunate about the concept of miscellaneous licences was that they were being issued with gay abandon by three separate departments under three separate ordinances without a great deal of respect for one another. That was probably more of a weakness in the system than in the miscellaneous licence itself which in many cases did have environmental aspects built into it.

The honourable member for Tiwi indicated that the industry was interested in strong, clear guidelines that were written into the law. I just might touch on this point, Mr Speaker, by saying that needs and attitudes change from time to time throughout the community and they vary greatly within the boundaries of the Northern Territory. To write into the law very clear, strong and well-defined notions of environmental consideration for the industry to apply to itself or to have the government apply to the industry is very difficult. We already have the instance where such a thing did not exist 15 years ago but today it does. Today we could put something into law that is clear and well-defined, given today's circumstances, and it would not be worth very much in perhaps five or ten years time when attitudes change.

I thank honourable members for their support for the bill and would hope that we can resolve the accruing fine situation when the committee stages are taken.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

CONSTRUCTION SAFETY BILL
(Serial 59)

Continued from 4 May 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the Construction Safety Ordinance is an ordinance on which I have spoken before in this Assembly and it is worth while once again I think to go through its history. Might I say at the outset that the Assembly is in a most strange position in that we are

amending an ordinance which is not yet law. This Assembly seems to be great for setting precedents. We set a precedent at the last sittings by validating the result of an election even though the returning officer acted illegally. We are now amending an ordinance which is not as yet law. I have done some research into the matter to find whether there are any other examples of this in Australian parliaments. I have yet to turn up one.

Mr Robertson: Have a look at the federal parliament.

Mr ISAACS: Perhaps the honourable executive member might be able to inform me whether or not there is any precedent for this. But it is a strange thing when we are amending an ordinance that has not yet been assented to. Perhaps I could help the honourable Executive Member for the Treasury out. It may be that some ordinances which are recently passed get amended before they are assented to. It may be correct.

The old Construction Safety Ordinance has had rather a checkered career. It was introduced by the then executive member, Mr Ryan, on 15 October 1975. It was passed by the First Assembly on 4 December 1975 and it was reserved by the Administrator on 5 May 1976. It is now two days after the second year and three months anniversary, if you can put it that way, after the passing of that bill that we look at it again.

It is a most extraordinary situation where, for the last two and a quarter years, the bill having been passed by this Assembly, when members made such magnificent remarks about it which I recall in the last debate that we had on the matter - and I refer to the remarks made by the now Majority Leader and the now Manager of Government Business in relation to it - and yet this Construction Safety Ordinance still is not law. I only hope, Mr Speaker, that these new amendments to the Construction Safety Ordinance will not take another two and a quarter years before they are assented to.

I also understand that there was a second Construction Safety Ordinance introduced into the Assembly on 13 October 1976, passed on 17 November 1976 and reserved by the Administrator on 14 December 1976. So you can see that, despite numerous attempts to get the thing going, nothing has happened.

This new bill to amend the Construction Safety Ordinance is quite sound in general. It seeks to do a number of things. One good thing, of course, is that it has a clause in it relating to a commencement date. I suppose that is an improvement on the last two attempts that this Assembly has made. It says in clause 4 of the bill that the principal ordinance is amended by inserting after section 1 the following section:

> This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

I suppose we will all believe it when we see it. However, true to form, whenever the Executive Member for Industrial Development has spoken on these matters, he tells us it is not his fault; it is always the fault of somebody else or his department. So I suppose we cannot be too rough on him, Mr Speaker.

Mr Steele: It's up to you.

Mr ISAACS: Mr Speaker, there are three matters I wish to raise in relation to this bill. In the first instance, I refer to clause 8 of the bill which amends sections 71 and 72 by omitting the word "Administrator" and substituting the words "Executive Member". If you go to the original

ordinance, you find that it is the Administrator who appoints the chief inspector of construction safety, "who shall, subject to the direction of the Administrator, be responsible for the administration of the ordinance." And the Administrator also appoints inspectors. The purpose of this amendment is to have the inspectors and the chief inspector appointed by the executive member.

From my investigations into similar legislation existing in the states, the chief inspectors and inspectors are appointed by their departmental head. It is unusual, I think, to say the least, that a person of technical qualification - that is, an inspector or chief inspector - should be a political appointment. Having it as the Administrator, I would interpret that as meaning it would be the departmental head who would make the appointment. I think that is appropriate. I do not believe it is appropriate to have the inspectors and the chief inspector - people, as I say, who would need technical qualifications - being appointed by the political head of the department. So I would ask the executive member to give an indication as to why that change should be made.

Clause 10 of the bill relates to people who are not required to give notice of intention to carry out work. I might just read the relevant section in the ordinance, which is section 12(2). It reads:

> The notice and the payment of a fee referred to in sub-section (1) are not required with respect to two categories.

One is the erection or use of scaffolding or a hoisting appliance on the rigging of a ship or other floating structure - we have no argument about that. It is not required also in the case of construction work in which the only scaffolding used is a structure of step ladders and planks that are used for light duty work - that is, a structure on which workers are not required to work at a height exceeding four metres above the ground or floor on which it is erected.

The purpose of clause 10 is to remove the requirement for a notice of intention of work to be given in the case of the erection of a single unit dwelling house. I believe that is a backward step. It also means that inspection fees will not be required in the case of such work.

Currently we have a most questionable practice going on within the department. There is a fee relating to cottage work in the industry; it is a $4 fee but the practice of the department has been not to recover $4 even though the provision must be made by the various builders in their general contracts for that inspection fee. The fee is significantly lower than in the states. The sorts of fees which are paid for this type of work in the states are around $10 for the inspection of timber-framed dwellings and for brick houses which require more frequent inspections a fee of somewhere in the vicinity of $12. It is not a fee which is going to break the builders in the Northern Territory; it would certainly not raise the price of houses astronomically. But it would pay for the inspection which is required and I think this is something that people having their houses built would want.

It seems to me that the impact of clause 10 of the bill would be to remove that. I believe that people who are having their homes built would require that section to be retained. I think it is a backward step. Just because the department has not been recovering the very small fee which is required at the moment is not a good enough reason for saying that we ought to delete it altogether. My own view is that it ought to be made realistic and it is for

that reason that I have put to the executive member the fact that in the states higher fees are charged on an average - that is, $10 approximately for a timber-framed dwelling and $12 for a brick dwelling.

The only other matter I wish to refer to is the question of staff. Again, I refer to the statements I made in the Assembly in relation to the construction safety legislation on 1 December last year when we discussed a statement which was made by the executive member at that time. I quote from page 345 of Hansard, in a letter from the Master Builders Association to the Executive Member for Transport and Industry, where the president of the Master Builders Association wrote as follows:

> We are also concerned that your government will not be able to properly service this ordinance and these regulations, and therefore request affirmative implementation of the ordinance until such time as adequate staff are able to administer it. In this regard we are concerned that with few inspectors, they will only concentrate on larger, more well known and accessible builders and will not reach the many other contractors.

I can only say to that: hear, hear! I would ask from the executive member the same assurance which was sought from the Executive Member for Mines and Energy in the previous debate, and that is that it is not much point us having construction safety legislation when we do not have sufficient staff. It is my understanding that we lack at least three building inspectors to adequately police the terms and conditions of the Construction Safety Ordinance.

I welcome the bill before the Assembly. As I said at the beginning, though, I hope it is not another two and a quarter years before the ordinance is brought into effect and I trust the executive member will seek to have this legislation finalised promptly.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, the amendments to the Construction Safety Ordinance and its regulations will be welcomed by the industry and the various contractors involved in construction work. However, the principal ordinance is not as yet in operation and I hope that these new amendments will speed up the process to make it law.

Speaking on the bill, clause 6 amends section 4 of the principal ordinance by including definitions of "cranechaser", "dogman", "mine", "mining work", "rigger" and "scaffolder". These jobs are defined so that each person, contractor, employer and inspector working under the Construction Safety Ordinance will clearly see the areas of his responsibility. Each job is a very important job in the construction industry, where a maximum of safety is to be observed and practised at all times.

Clause 7 amends section 5 of the principal ordinance. This is certainly long overdue. The main thrust of the amendment will relate to construction work in the mining industry. The Administrator in Council will have the power to declare a mine subject to specified provisions for a specified time under this principal ordinance. This will apply to all future construction work in the mining industry. There will not be the same demarcation which existed in the past where mining construction work was not included in the Scaffolding Inspection Ordinance.

The duties of the inspector under section 9 of the principal ordinance are amended by the addition of a new subsection (3A) which allows the chief inspector to waive strict compliance with the standards prescribed under rules

made under section 30 where it will not prejudice safety. Any directions by the chief inspector must be given to the constructor in writing. This, I feel, is very important as there have been instances in the past where a verbal direction has been given and perhaps misunderstood by the constructor and, consequently, caused work to be carried out in an unsafe manner. That provision will tidy up that unsatisfactory situation that has happened in the past.

Proposed new subsection (5) of section 9 is another sensible amendment where it is a defence for any constructor charged with an offence against any rule made under section 30, if he proves he has acted in accordance with the direction received from the chief inspector under subsection (3A). That clause is a protection for the constructor.

Clause 13, amending section 22 of the principal ordinance, relates to accidents being notified to the inspector. This includes all accidents on a construction site and it will be the responsibility of the constructor to notify the inspector. Once again this is a very commendable amendment because often a minor accident to equipment could cause a serious accident to a person if the equipment was not inspected or reported after an accident. However severe the damage that may have been caused to such equipment, I hope this will lessen the number of accidents caused by damage to equipment.

The executive member foreshadowed an amendment which will provide that regulations mentioned in section 17 should include rules made under section 30 of the principal ordinance. I would agree that to set up in detail standards for protective equipment and other safety matters in relation to construction work will be best left to the chief inspector making the rules. Moreover any such rules made must be confirmed by the Administrator in Council otherwise problems could arise relating to the law. I think that is a very important thing because the inspector could go off in an ad hoc manner and make up rules that could cause certain problems. That takes the onus off the inspector by having them confirmed by the Administrator in Council.

Any amendment introduced into the Assembly that will help to overcome the incidence of accidents in industry, particularly during any construction or work program, will always have my support. We know too well that the loss of work hours by the workforce in Australia is often caused by accidents in industry and not always by unsafe working conditions. However, on the other hand, it is further known that the majority of accidents are brought about by some unsafe act or working conditions, faults in plant and equipment which cost millions of dollars each year in compensation. Moreover this involves a loss of human life which is more worrying to me as this cannot be replaced. I support this bill.

Mr HARRIS (Port Darwin): So much has been said about this bill that perhaps I should just say that I support it and sit down. I was going to speak in relation to its history, as the Opposition Leader did. From previous debates which took place on those occasions, it was made quite clear that there was an urgent and pressing need to have such an ordinance in the Northern Territory. There is no doubt that this is the case. It is an ordinance which has had input from the Master Builders Association, the Miscellaneous Worker's Union and officers of the Department of the Northern Territory. It has also called on input from the other states and the ACT. The regulations of the original bill followed very closely those of the South Australian Construction Safety Regulations.

It was also interesting to note that in 1975, when consideration was given to the uniformity of safety regulations throughout Australia, it was stated that further lengthy delays would have been encountered whilst their suitability to the Northern Territory was established and this would deprive workers of urgently needed legislation. I ask, how many more delays are we to have before adequate protection is given to people in the construction industry and to the general public?

The amendments which have been made to enable construction work on mines to be covered, to allow the chief inspector to vary rules on a particular site, to exclude house builders from notifying or paying an inspection fee but still being controlled by this ordinance and regulation, and to provide that all accidents on construction sites be notified by the constructor all add to this legislation. Workers in the construction industry need protection; the general public needs protection - so let us give them that protection by supporting the Construction Safety Bill before us.

Mr STEELE (Transport and Industry): I am very pleased at the support of members and I am not going to offer any excuses for the two and a quarter years delay. It would mean that I would be apologising for other peoples' actions and I am certain that the Leader of the Opposition would not want me to do that.

I do take his point about the delay. It is of major concern to us because it is not just this bill that has been hanging around for quite some time; there are quite a few others. There are quite a lot of bills that have yet to be treated in a manner which is in keeping with the requirements of the community. Certainly, ordinances like this have to be looked at on a continuous basis and made flexible to suit those needs.

Referring to the main thrust of the honourable member's criticism. I am not too sure why it is desired to remove the function from the Administrator and give it to the executive member but it seems to me that that would be a delegated function going further down the line. It is certainly not another piddling little piece of paper that I would want to sign every day of the week, so I leave the matter back in his court. I think it is fairly common practice that these powers are delegated to the departmental head.

In respect of the fees, certainly I think the fact that they have not tried to recover $4 is probably an example of stupidity in the size of the fee. Certainly, it does not apply to houses as such, but in other construction fields. Obviously, if you are going to charge a fee, you would not charge anything so small. This is something that exists in a lot of other ordinances yet to be brought up to date in this regard.

As one of the members mentioned, there will be an amendment coming up for a new clause 10A. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 10 agreed to.

New clause 10A:

Mr STEELE: Mr Chairman, I move for the insertion of new clause 10A.

This clause is introduced to enable the requirements of protective equipment and safety measures to be placed in the rules, along with other standards of safety, rather than having safety requirements in different parts of the ordinance, regulations and rules.

Mr ISAACS: Could I merely ask the honourable executive member, in talking about regulations, whether or not it is his intention that the regulations will be printed in Greek and Italian as requested in that letter from the Master Builders' Association that I read at the last sittings which indicated the agreement between them and the Miscellaneous Workers' Union. Can he just answer that specific question? Will they be printed in Greek and Italian, as well as obviously in English, and could he also answer the question whether or not the regulations have been completed?

Mr STEELE: I cannot give an assurance on the question of printing in foreign languages. I would be misleading the House if I said that we had a system that would allow that to happen. As to the regulations being printed, I can only hope that they are so close to it that there will be no further delays.

Mr ROBERTSON: I cannot let the opportunity go. There is indeed such a program by the members on this side of the House, through the Office of Ethnic Affairs which will be established within my department. I want honourable members to understand that it will not only be Greek and Italian. We would be looking at about five of the most commonly used languages, called demand languages, in Darwin. I think there are two languages in Katherine; there are three in Tennant Creek and I think five again in Alice Springs. It is surprising the diversity of languages throughout the Territory. For instance, very few people would know that one of the demand languages in Katherine is French. My office would be seeking to make available information of this type to the widest ethnic community so they have access to government regulations and are in the same position of understanding as all Territorians.

New clause 10A agreed to.

Clauses 11 to 15 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

CLAIMS BY AND AGAINST THE GOVERNMENT BILL
(Serial 75)

Continued from 3 May 1978

Mr PERKINS (MacDonnell): I rise, Mr Speaker, to indicate that the Opposition will support this bill. The bill will mean in practice that the new Northern Territory government can sue and be sued in the courts. This is a capacity which attaches to all other state governments in Australia.

I am concerned, however, with a few aspects of the bill which I would like to comment upon - particularly clause 5 which deals with the method of making the Territory a party to an action. I do not think this particular provision is clear. I am wondering whether, in fact, it means that the party is to be "the Territory" or the Northern Territory of Australia. I would ask the Majority Leader to clarify this particular situation.

There is a further clause I would also like to comment on, Mr Speaker, and I refer to clause 7(1). It refers to there being no execution against the Territory and says that when a judgment is given against the Territory, the Master of the Supreme Court or a clerk of the local court shall give to the successful party a certificate outlining the terms of the judgment. I have no quarrel with that, Mr Speaker, but I also note that the form of the certificate is not set out in that particular section. I think it would be a good idea for the form of the certificate to be set out. This would assist people to understand the formal procedures involved. I would also suggest that perhaps the form of the certificate ought to be a schedule to the ordinance.

I am concerned with a third aspect of the Claims By and Against the Government Bill. I would like to draw the attention of honourable members to clause 7(2) which refers to the fact that the Treasurer is to satisfy the judgment out of money which is legally available when he receives the certificate. Here again, I think it is important to note that there is no indication of a time limit as to when the Treasurer ought to be able to satisfy the judgment out of the money which he has available. I think it is important that there ought to be a time limit imposed on the Treasurer for payment when we consider the usual delays which are associated with government payment.

As I have indicated, the Opposition supports the bill in principle and we will be cooperating with its passage in the committee stage.

Mr ROBERTSON (Community and Social Development): In rising to support the bill, I am quite certain the honourable Majority Leader was able to hear what the honourable member said but perhaps I might just pick up a couple of points in any event. In respect to his concern about clause 5, the honourable member will of course be aware that there is a circulated amendment, which will be considered in the next stage, which answers the query he raised.

In respect of the certificates and the form of the certificates to be used, the honourable member would be well aware, I would think, that the form of the certificate would be that of the court of competent jurisdiction having regard to the amount of money at stake or the nature of the action before the court. In other words, there is a standard form of certificate used in supreme courts.

In relation to imposing a time limit upon the Treasurer, in the notes that I made here and looking at the bill generally, the only difference between the Territory and a person lies in what the honourable member for MacDonnell mentioned - that is, of course, that we can have a system of redress against the citizens but there is no mechanism provided in the bill for redress against the government. Of course, it becomes a rather ridiculous exercise if you did have redress. In answer to the honourable member's question, I think this comes back to a matter of credibility of the government. We have heard in this place many times the spirit of the words in which the honourable member spoke, as far as tardiness of government payments of accounts is concerned. Certainly I think now, with an Opposition - although I doubt whether there will be one next time but, nevertheless, for the next two years there will be an Opposition - who will refer those things to us on the floor of this place where such delays become excessive, I doubt that it will happen. It is an area where I am quite sure my colleague, the Executive Member for the Treasury, will be very aware. The fact of the matter is that the legislation says he shall pay it from funds legally available to him. Well, obviously he is not going to do it from illegal sources, and I am quite sure that when a judgment of a court is handed down, he will expedite that matter.

Mr Speaker, looking at the spirit of this legislation - and that is what is important - it not only recognises the Territory as a body politic in civil law as, of course, the federal government is recognising it by way of the self-government act and ourselves through the transfer of powers legislation, but it also recognises that the Territory government is a person in civil law in the same manner as the people who comprise it, and I think quite rightly so. I support the legislation as it will now place before people the identity of their local government as being something to which they not only have a responsibility to pay their taxes but something which is responsible for its omissions to the people at large.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

New clause 1A:

Mr EVERINGHAM: Mr Chairman, I move amendment 56.1.

This provides a date for the commencement of operation on this piece of legislation.

New clause 1A agreed to.

Clauses 2 and 3 agreed to.

Clause 4:

Mr EVERINGHAM: Mr Chairman, I move amendment 56.2.

This invites the defeat of clause 4 as a new clause 4 which I have proposed has been circulated.

Clause 4 negatived.

New clause 4:

Mr EVERINGHAM: Mr Chairman, I move amendment 56.3.

This new clause 4 is to make it clear that an action can be brought by or against the new Territory government and that if this action is brought in the Supreme Court, that the Supreme Court has jurisdiction to hear the action.

New clause 4 agreed to.

Clause 5:

Mr EVERINGHAM: Mr Chairman, I move amendment 56.4.

This amendment satisfies the query raised by the honourable member for MacDonnell. It merely sets out the formal full name of the Northern Territory of Australia as the name by which actions may be brought by or against the Territory.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

INSPECTION OF MACHINERY BILL
(Serial 71)

Continued from 4 May 1978

Mr ISAACS (Opposition Leader): I will be very brief. The bill introduced by the executive member has been explained in his second-reading speech. It is a short bill and the Opposition has no objection to it. The two significant features of it are to apply metric conversion in so far as weights and measures are concerned - that is set out in the schedule - and to delete the references to "winding engine drivers" who are to be covered by another ordinance. The Opposition supports the bill.

Mr BALLANTYNE (Nhulunbuy): The amendments to the principal ordinance have been outlined in the bill before the House by the Executive Member for Transport and Industry. They are amendments of necessity due to the introduction of the Mines Safety Ordinance previously presented to this Assembly. All sections relating to "winding engine drivers" in the principal ordinance are deleted as those provisions are contained in the Mines Safety Ordinance and are usually relative to mining operations.

However, clause 5 does include definitions of "crane" and "hoist" which are added to this Inspection of Machinery Ordinance as they are equipment more commonly used in other industries.

If I may speak on clause 9, proposed section 37(1) of the bill spells out the method of determining fees for inspection of boilers and paragraphs (a) and (b) of subsection (1) and subsections (2) and (3) differentiate between the various types of boilers - whether they are steam generating boilers which are heated for furnaces or electrically heated steam-generating types. Moreover, it defines the fee charges for the inspection of the larger heated-surface boilers - those which are determined by the internal diameter of the boiler, such as autoclaves and sterilzers and such other units.

Section 66 of the principal ordinance is repealed and replaced by a new section which empowers the chief inspector to keep a register of all inspections and of certificates granted, issued, suspended or cancelled. This is very, very important particularly in boiler operation. There are many reasons for this, particularly for safety, and more importantly it also provides a detailed history of the operational life of such boilers and equipment, and gives some sort of a history of mechanical faults, liability of design, characteristics of the various boiler makes and associated equipment.

Clause 11 relates to metric conversion which is detailed in schedule 1. This is an updating amendment which has been carried out in most legislation brought before this House. It just shows the new metric units for boiler operation and such other equipment. Clause 12 amends schedule 2 by way of omission and substitution of all the clauses in the principal ordinance relating to "winding engines" and the Mines Regulation Ordinance 1939 and Mines Safety Control Ordinance. There is nothing more I can say, except that I support the bill.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

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

Bill passed the remaining stage without debate.

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL
(Serial 77)

Continued from 3 May 1978

Mrs O'NEIL (Fannie Bay): It is with pleasure that I rise to speak on this bill. I welcome its introduction and indicate the strong support of the Opposition for it. I congratulate the executive member and indeed the staff of the correctional services unit on this positive attempt to provide more humane and effective methods of dealing with criminal offenders than imprisonment.

The spirit of this bill goes back to the report of the 1974 Legislative Council select committee which was appointed to inquire into prisons and prison legislation. That report acknowledged, as did the executive member himself, the debt we owe to the Hawkins and Misner report on the Northern Territory criminal justice system. Those reports were, of course, commissioned by the federal Labor Minister for the Northern Territory in 1973.

The Hawkins and Misner report, in recommending systems such as periodic detention, work relief and attendance centres as alternatives to imprisonment, pointed out that:

> The use of all these alternatives will demand not only legislation but also the supporting institutions to assist the courts in determining what program is best suited to the offender.

It is therefore most important that adequate moneys, which will be saved by the hoped-for decrease in prison population, will be diverted to support these new schemes, by providing sufficient personnel and resources for them to function properly.

In its early days there will be people in the community who will look for faults and failures in this sort of legislation. Since its establishment under the Parole of Prisoners Ordinance, the Parole Board has been hampered by a lack of parole officers. This must not be allowed to happen again or these two new schemes may not receive the necessary community support.

The Hawkins and Misner report also criticised strongly the lack of Aboriginal involvement in the criminal justice system in the Northern Territory. It is not entirely European in concept but no real attempts have been made to involve Aboriginal people in it, except of course as defendants, apart from the appointment of one special magistrate.

The police force, the court staff and prison staff are all European but hopefully now these attendance orders and community service orders can be implemented in Aboriginal communities and that will involve, presumably, the appointment of Aboriginal supervising officers. Perhaps also the executive member might find it possible to involve Aboriginal people at the advisory committee level, in addition to trade union representatives and others.

Trade unions have in part been rightly opposed to the use of prison labour to undertake work at low cost which could be used to employ the general work-force. On the other hand, they have always and are still anxious to see prisoners properly recompensed for any labours that they may undertake.

Together with the Leader of the Opposition, I have spoken to Trades and Labour Council representatives about this bill. I was surprised last week to find out that the executive member whose responsibility it is had not spoken to them at that time, although he did make reference in his second-reading speech to the need for their support. The union movement would like to be reassured that these orders will not be used to get convicted persons to undertake dirty work for no reward. They seek an explanation of the type of work which will be undertaken, as well as the composition and functions of the advisory committees which the executive member would like the unions to be involved in. I think that is a reasonable request and I have conveyed it to the Executive Member for Community and Social Development.

There is one provision of the bill which I believe is worth commenting on and I am surprised he did not mention it in his second-reading speech. That is the provisions in sections 9(3) and 20(3) for the orders to be used to award reasonable damages for injuries or compensation for loss. I have no objection to that concept. But I believe it should be brought to the attention of honourable members and I would myself seek some explanation from the executive member as to the need for this, in view of the existing provisions of the Criminal Injuries (Compensation) Ordinance.

Finally, Mr Speaker, I would like once again to indicate the strong support which the Opposition gives to this bill. I would point out one small drafting error for consideration in the committee stages. In clause 8(b), amending subsection (3) of section 6 of the principal ordinance, the reference to subsection (2) should, I believe, be to subsection (1).

Mr HARRIS (Port Darwin): Mr Speaker, as outlined previously this bill will divide the Criminal Law (Conditional Release of Offenders) Ordinance into six parts. It will enable the courts to use a variation of sentencing practices. In many cases, the person who has committed an offence and who has been sentenced to a term of imprisonment is not the only one to suffer. That person's whole family is liable to feel the effects of such a sentence and that is not the intention of imposing penalties.

The two alternatives which are established under this bill are, firstly, the attendance orders in proposed new section 9 in clause 9 by which a court, instead of sentencing a person who has been convicted of an offence, is able to make an order requiring that person to carry out certain activities. There is also provision in that section to limit the number of hours to be specified in the order.

In new section 10 we have the circumstances under which attendance orders may be made. As with every successful rehabilitation program, the offender must consent to the making of an order and must also agree to the terms of that order. The court is also required to make sure that the offender is a suitable person to carry out the nominated activities and to make sure that suitable types of activities are available.

New section 15 deals with any breach of the terms of the order by the offender and provides for the method of arrest and the requirement that the member of the police force who makes the arrest must take the offender before a justice. The bill also makes provision for review.

The second alternative to being sentenced to a term of imprisonment is the establishment of community service orders under part V. This move is to be welcomed because it aims at giving the person the opportunity of playing a constructive part in their particular community. The formula for the establishment of the community service orders in part V of the bill is similar to that of establishing the attendance orders. In new section 28 we see that an offender, whilst working or travelling under the community service order, is deemed to be a workman employed by the Crown for the purpose of the Workmen's Compensation Ordinance and that ordinance shall be deemed to bind the Crown.

In new section 31 we have provision for the appointment of advisory committees. I hope the members of these committees will come from a wide section of our community. To me, success or failure of the community service orders will come from the evaluation of projects and jobs of work available. We must make sure that every effort is made to make community service orders successful in the Northern Territory.

Mr Speaker, for years now a great many people have been looking at offering the courts alternatives to imprisonment. Now society has progressed towards a system which aims at rehabilitation - a system which allows a person who has been convicted of an offence a chance to play an active part in his or her community. This bill is a step forward and I hope we are able to continue to introduce such legislation into our system. I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to indicate support for this legislation. I wonder how many members of the Assembly will be aware that imprisonment was introduced in America by the Quakers as a measure against the cruelty then existing when people who were convicted of crimes were flogged, branded and deported. Many offences were considered capital offences with the consequent penalty. Disliking this barbaric form of punishment the Quakers devised the now infamous penitentiary where people were to be penitent and do penance, and from that good beginning our present dreadful prison system grew.

I say "dreadful" because all reports, all surveys indicate that it has been little more than a dismal failure. The practice of taking people, locking them away from the community, incarcerating them in a completely unreal environment and then at the end of some arbitrarily determined period turning them loose on the community has had disastrous effects not only for the community but for the people involved. It has not shown any great rehabilitative prowess. In fact, one of the saddest places I visited when I was a member of that select committee that journeyed around Australia looking at the various prisons was a geriatrics prison in New South Wales. It was full of old people who were totally unable to survive in anything other than that institution or a similar one. They had been totally and completely institutionalised. It would have been a cruelty to try and eject them from what had become their home.

The honourable sponsor of the bill, in introducing the legislation, spoke of the high cost of imprisonment which adding to the social disruption and upheaval which I have just categorised has been a catalyst in turning the attention of people to enabling society to be protected from wilful misdemeanours and wrongdoing but attempting a different form of rehabilitation, if in fact prison was ever considered to be rehabilitative.

Mr Speaker, I am one of the people who think that those who say others are sent to prison for their own good are playing with words. We put people in prison to punish them. It is a retributive process and to pretend otherwise is sheer nonsense.

The Australian Crime Prevention Council which received a mention in the sponsor's speech has for years been agitating for alternatives to imprisonment in our society. Of later years, it has paid particular regard to the problems of young adult offenders and juvenile offenders. The age group from 16 to 30 is the one where people are most likely to offend against our present judicial system. On visiting South Australia I was impressed by the measures they have taken there and schemes introduced elsewhere in Australia, as the sponsor mentioned, for these attendance centres. They seem to work particularly well with young adults, the very young adult or the older juvenile offender. The reason is that by requiring a young lad or a girl to attend specific hours per week and perhaps at weekends, they are removing what in many cases are weak-willed people - not particularly vicious or bad, but people subjected to undue influence by their peers - from that unfortunate association and putting them in a different environment which hopefully will have a better influence. It certainly seems to have worked well. The least we can do is to try it here.

I was also very pleased to see that the people operating under those orders receive protection under the Workmen's Compensation Ordinance.

I think the honourable member for Fannie Bay queried why reparation should be introduced in this legislation when there is provision in other legislation. My understanding is that the other legislation only allows for compensation for personal injury and not property. I think this property point at least will be covered in the present legislation.

The honourable sponsor said that these recommendations had been supported by a public meeting convened by the Northern Territory branch of the Crime Prevention Council. They certainly did receive full support. I will read the recommendations which came from that meeting as I think they all bear consideration from the Majority Party and the honourable executive member who is responsible in particular.

Recommendation 1 was that:

> The attention of authorities be drawn to a potential situation for an increase in crime with the development of the uranium province and that immediate steps be taken to formulate a program involving the Department of Aboriginal Affairs, the Department of the Northern Territory and those sections of the Northern Territory Public Service which have a responsibility in the area to the immediate requirement to plan for an organisational unit to be available as soon as development starts.

The meeting intended that attention be drawn to the social upheaval which can occur when one introduces into a very isolated community development at a high scale. The meeting supported the appointment of probation and parole officers not only in urban communities but in isolated communities. There was a recommendation to proceed to amend the legislation to enable the immediate implementation of alternatives to imprisonment such as work orders, weekend detention and work relief. The meeting supported the appointment of additional probation and parole officers in urban areas and it is significant that there were the two separate recommendations regarding additional probation and parole officers, for the urban and more particularly for the isolated communities. The meeting also recommended the establishment of a statutory authority to investigate the causes of crime in the Northern Territory.

Following discussions from a Mr Donnelly, a Mr McDonald and a Mr Ashe, the meeting recommended legislation to enable the establishment of attendance

centres. Some of these points have been covered in the legislation in front of us which has my support. Recommendation 7 may be of relevance in that it says:

> ... legislation be amended to allow the press to report proceedings at the Juvenile Court other than names which are to be withheld unless specifically directed by the magistrate, the magistrate having the discretion to ban publication of any part of the proceedings.

I think that particular recommendation deserves consideration, together with the alternatives to detention and imprisonment in the high-risk age groups - the senior juvenile offenders and the young adults.

I have nothing but praise for the legislation. Again, I hope that adequate staff will be provided to enable its implementation and proper practice.

Mr DOOLAN (Victoria River): The Opposition welcomes this bill as it is in line with modern thinking on the subject and follows broadly guidelines recommended by many different committees in several countries in that it offers alternatives to imprisonment.

Terms of imprisonment in many cases not only punish the person guilty of some offence but result in unwarranted punishment being inflicted on others through loss of income and frequently result in broken and destitute families.

Even in the case of single people without family responsibilities, imprisonment often has little effect except to embitter the imprisoned. It is well known that prisons often serve as a "university of crime" where small-time criminals graduate to bigger things and the novitiates learn the rudiments of their future trade.

I have done no research on community service orders but the concept as presented by the Executive Member for Community and Social Development in his second-reading speech seems to me to be a most sensible and practical idea and the performance of the types of work suggested, which includes such things as picking up litter and clearing grounds for community parks, would at least give offenders the opportunity of seeing some results from their efforts. As an added bonus, we may yet finish up with Darwin becoming an attractive city, free of beer cans along most of its major roads. The work suggested, such as gardening for pensioners and assisting handicapped people, would certainly be worth while and may hopefully assist in the rehabilitation of people who find themselves in trouble with the law.

I do not, however, entirely agree with the suggestion of community participation by the use of volunteers to supervise the offenders at work. It sounds to me a bit like going to the zoo to poke sticks at the monkeys. I would suggest that a great deal of care would have to be taken in the selection of suitable persons to act as field supervisors whether they are paid or unpaid.

It has been my experience that many people who lack the brains and ability to ever obtain a position of even minor authority in normal circumstances will rush to volunteer for something which gives them some small authority. When they get it they react quite stupidly and people that are normally meak and mild types become little Hitlers overnight. If this happens, of course, the usual result is that we have an upset group being supervised and not infrequently a thick ear for the supervisor. Apart from the matter which I just mentioned, I find nothing to criticise in the bill and I commend it as a

step forward and something which is overdue in the field of correctional services in the Territory.

The only further remarks which I would make concern what has been said by the Executive Member for Community and Social Development in relation to providing the opportunity or means of dealing with tribalised Aboriginal offenders by means that are seen by them and their communities as more relevant than the forms of sentencing which have been applied by European law in the past.

I am most sincere in saying this. I am pleased the executive member has said that consultation with Aboriginal communities will proceed in this regard because this is an area where an enormous amount of continuing consultation will be necessary if any good is to come of the scheme. We do not know the answer and can rest assured that Aboriginal communities do not know the answer either. It needs some pretty wise heads from both sides to have a long, hard look at the problem before any kind of a solution may be reached.

At every Aboriginal community which I visit in my electorate I am asked, "What can we do about the problem?" I will read you a short extract from a letter I have here:

> It has been a cause of some concern that the Top End lacks a centre for the secure detention of juveniles. In recent times this community has referred juvenile offenders to the courts as an expression of their inability to cope with their repeated offences. On each occasion bonds have been imposed and at this end the usual noises and warnings made about the possible consequences in terms of imprisonment for breach of bond.
>
> The exercise has become something of a farce since, when the young gentlemen do in fact breach their bonds, the courts are unable or unwilling to fulfil the terms of bond, in the main due to their natural reluctance to send juveniles to an adult jail.
>
> The community recognises its primary responsibility to impose discipline. However, cases will always arise where due to the intransigence of the individual, conventional methods of discipline become meaningless. There comes a time when one is faced with repeated and defiant acts of vandalism, car stealing and assault and the only alternative for the welfare of the community is to place the defendant in some form of custody.
>
> In most cases the defendants concerned are in need of analysis and rehabilitation. A community such as this lacks the expert facility for this time consuming work.

This letter is not from Alice Springs.

> The community recognises the unsuitability of places like Fannie Bay for adequate handling of these individuals. Much comment has been made about the lack of facilities but we see no evidence of concrete action, except past experience with officers of legal aid which seem to indicate that where they might appreciate the need for some sort of detention, they would be reluctant to accept something as far distant as Alice Springs, as this would imply a sentence long enough to make the cost and effort worth while.

This situation I might say, is fairly typical in Aboriginal communities throughout the Territory and the same feelings have been expressed to me by concerned people at other centres.

For a while some progress was being made through a mutual arrangement between mission authorities at Milingimbi and Port Keats who agreed to exchange young lads who were causing trouble. However, transferring from one mission to another entailed changing planes and a stop-over in Darwin and it was not long before the kids had organised themselves to such a extent that they were not in custody and as they were not in custody, they not only disappeared at the airport but arrived back at their home mission within a week. That scheme has now been discontinued.

The Aboriginal communities in general are most upset that they cannot seem to handle things. Another short extract from this letter says:

> We have not been happy with the decisions of the court, when people who have been on bonds are only fined or given a further bond. We are not happy when we see damage caused to our community property or people seriously assaulted and the offenders go unpunished or given a slight penalty, like $200 or a bond.
>
> We want a way of being able to give punishment here, when legal aid has worked successfully to the individual but has not satisfied the community with the decision of the court. We do not think it good for our community when people can break into stores, steal cars, smash vehicles, buildings and seriously hurt people and get off free. This is not good for our young people because they loose respect for the law and for the local council.

Significantly it says:

> Judges should ask us to help them to decide on the punishment for people we know who are just using legal aid to help them in the wrong way. They know they have done the wrong thing but they know Darwin court decisions are weak most of the time.

These, I think we all agree, are serious problems and deserve serious consideration. I am not suggesting that these problems are not already getting serious consideration but in some communities things are completely out of hand and if there is to be a solution, it will not be reached by some community flying into a settlement for a few hours consultation or by flying Aboriginals to Darwin for a day or two. I would suggest that any such committee, if it is to achieve any success, would need not only expertise in law and anthropology but expertise in communicating with Aboriginal people and a hell of a lot of patience. I would suggest that it involve people I have mentioned as well as Aboriginals and I think it would be vital to include settlement staff members but only those staff members whom the Aboriginal people invite to attend meetings. The problems that face Aboriginal people and the law are many and varied, and hopefully this may have some effect, but they are problems that must have long and detailed investigation.

I could give one word of warning. Should such a committee find a solution of some description in one settlement, please do not imagine that it is going to be the solution to apply to all settlements because they vary and their problems are separate and different.

I commend this, I think, excellent idea. I do not think these problems are insurmountable but I think they warrant a full-time committee of inquiry into all aspects of the problems which confront us and more particularly into the problems which confront Aboriginal people in dealing with crime, both adult and juvenile. Anything I have said is not meant to be in any way critical of this bill but I point out the extent and diversity of the problems which exist particularly in relation to Aboriginal people, adult and juvenile. I commend this bill.

Mr TUXWORTH (Resources and Health): Mr Speaker, I rise to support the bill and commend my colleague for the concepts that are in the bill itself. I would just like to touch briefly, Mr Speaker, if I could on the issue of costs. I believe it is an important factor in the bill. I am not particularly referring to costs so far as the government is concerned, although that is a cost that has to be borne in mind, but the cost that is often incurred by families.

I am aware of this from the situation in a small place like Tennant Creek where one breadwinner has been sentenced to seven days inside and has been transferred to Alice Springs to spend his seven days because we are not allowed to keep anybody in Tennant Creek lock-up for more than 48 hours. While he is away, he loses a week's salary and the family, as in most cases, suffers that blow. In many cases very few families recover from such a blow because they live a hand-to-mouth situation. Because this particular party only gets seven days, he is not away long enough for the family to go through the machinery of government and recoup the $100 or $150 which they might get on a benefit. In many cases the misfortune that befalls some families in this situation is one that could be avoided and this particular piece of legislation will enable us to do something a little more constructive in this area.

These work orders that we are about to look at were first introduced in Tasmania in 1972 and after four years of operation an assessment was done of the whole program. It worked out that the cost of implementing the work order scheme was $4.50 per man per week which was considerably less than the estimated cost of imprisonment of $117 per man per week. The work order concept was saving the state $1,175,000 a year. At the same time, by introducing the work order concept the equivalent of 25 man-years of work were provided annually for charitable institutions and individuals in the community.

That particular exercise in cost saving was fine, but we have an additional one here in the Northern Territory which I believe we will all benefit from and that is the one I have just mentioned of transporting people to and fro, to places like Alice Springs and Darwin, because smaller centres are not able to keep people in their gaols for more than 48 hours. We have the cost of transportation for some 300 or 400 miles, the cost of living away from home allowance for the sergeant or the constable who happens to drive the man to the larger centre. I would estimate that just broadly the cost of sending a prisoner away from Tennant Creek to Alice Springs must run close to $300-$400 per week. If we looked at the work order concept, the concept of allowing a person to do three weekends in gaol instead of taking him away from his home and his work for the whole week, we would have done ourselves a favour as well as the man.

The point has been raised by the Opposition of the interest of the unions in this particular concept. I think it is something we could possibly put to the unions that not only governments and parliaments are needing to be a bit more enlightened in these days but perhaps also the attitudes of unions. I believe they are quite right in protecting their members' interests but the

attitudes of these people should also be a little more enlightened than they have been in the past and perhaps we could look forward to a little cooperation from them in this particular field.

I commend the bill.

Mr PERKINS (MacDonnell): I rise also to support in principle the concept of the attendance orders and the community service orders, as proposed in the bill. I believe these concepts of attendance centres and community service orders are good alternatives to imprisonment. However, we need to be mindful of the fact at this stage that the success of these alternatives is not unqualified.

I also support and fully endorse the sentiments of the honourable members for Fannie Bay and Victoria River in relation to their comments on the bill. The success of this bill depends on the availability of facilities and support staff. I do not think this bill would be worth the paper it is printed on unless the good proposals in it are able to be implemented effectively by adequate and proper facilities and staff to carry out the ideals of the attendance centres and the community service orders.

It is in this respect that I would like to raise a few issues which concern me in relation to the bill and which I think are relevant overall to this matter. It is important to note at this stage that we have in the Northern Territory a situation where there are insufficient social workers and welfare officers in relation to the preparation of assessment reports on, for example, juvenile offenders. The magistrates quite rightly want to have an assessment report from a social worker or a welfare officer before dealing with matters in the children's court. Unfortunately, with the present lack of staff this means that children's court matters are being adjourned time and time again because reports are not available. The problem is even more emphasised in relation to Aboriginal juvenile offenders who live in Aboriginal communities, on Aboriginal reserves and Aboriginal missions.

I would like at this stage to point out - as I believe it is important - that the honourable executive member ought to take into account that there are two solutions in the short term which ought to be considered and acted upon in relation to this particular problem. The first one is the appointment of additional social workers and welfare workers to be based in Alice Springs to deal with juvenile offenders in the Alice Springs area. The second action which should be taken is the appointment of Aboriginal liaison officers or trained Aboriginal social workers, either living on Aboriginal reserves and missions or who are able to visit the Aboriginal settlements and missions on a regular basis.

It is a well known fact, Mr Speaker, that these are problems in the Northern Territory at the moment which have to be overcome. They were the subject recently of a press release by representatives of the Law Society of the Northern Territory in Alice Springs and are matters which have caused considerable concern. At this moment I am aware that there are in excess of 25 Aboriginal children in Alice Springs waiting for the court to pronounce sentence in their respective cases but the magistrates have asked for reports from the social development branch of the Department of the Northern Territory. Unfortunately, the cases have to be adjourned in order that the reports can be received. That particular section of the department, as I understand it, is demoralised. They are short staffed and are unable to provide what is known as the pre-sentence reports which are required by the courts.

I would like to point out another problem and that is the virtual non-existence of a probation service. I am sure the honourable executive member would be aware of that particular situation. I am sure he is aware of the situation in relation to Giles House which honourable members may know is the remand centre for children who happen to come into conflict with the courts in the Alice Springs area. At this stage they are unable to use all their facilities at Giles House because they are not permitted to put on the staff they need and unfortunately the capabilities of Giles House are limited. There is also some problem as to whether the facilities there are able to provide for tribalised Aboriginal children.

I have had consultation with my Aboriginal constituents and the main point that arose out of that consultation is that Aboriginal people are not aware of the concept of attendance centres and community service orders. To a great degree, for the Aboriginal communities in my electorate in particular, the concepts which have been provided in this bill are alien to their particular way of life and their understanding of the European legal system. It is important that the honourable Executive Member for Community and Social Development should take into account this particular factor.

It is important for me to raise this point - and this is the same point that was mentioned earlier by the honourable member for Fannie Bay when she raised the issue of the lack of Aboriginal involvement - it is vitally important that Aboriginal people be involved in the consultation process in relation to this particular bill and other matters associated with it. I think it is important also that Aboriginal people be involved in an advisory capacity along with the trade unions and other groups. If the honourable executive member wants this particular bill to work, then I would suggest he needs to consult with Aboriginal communities to have a look at the situation first hand and to talk to people who work with Aboriginal people in the legal aid services and other Aboriginal programs in order that there might be some understanding as to how the concepts of attendance centres and community service orders can work, particularly in isolated Aboriginal communities.

I would undertake at this stage to assist in that process because I think the concepts that have been provided for in this bill are worth a try. I would be happy to participate in the consultation process in order that these systems can be tried. However, I think it is important that Aboriginal people be consulted about the actual concepts provided in order that the system can work or at least have the semblance of working in Aboriginal communities.

As I understand it, from the second-reading speech of the honourable executive member, it appears that at this stage there has been no consultation with Aboriginal communities. I do not think I can stress enough the importance that he ought to consult with Aboriginal communities and other people associated with Aboriginal programs and Aboriginal development. A vital question in relation to this particular matter is, I think, how is it envisaged that it will operate in Aboriginal communities?

There is another matter I would like to raise. There is no indication as to whether there will be staff employed or whether there will be facilities provided to implement the proposals in the bill. In fact, there is no indication of a total budget or an understanding of just how much expenditure would go into the implementation of this sort of idea.

As I indicated earlier, Mr Speaker, I think it is important that for the proposals of this bill to work there ought to be a definite indication on the part of the honourable executive member and the Northern Territory executive

as to whether they will provide the funds for adequate staffing and facilities in order to implement these alternatives to imprisonment. As I have indicated in the earlier stages of this debate, I support in principle the concepts of attendance centres and community service orders. However, I feel that we ought to be mindful of the fact that in order for these concepts to be carried out effectively, any government - the Northern Territory executive in particular - has to act to ensure that there is adequate staff and facilities, that there is adequate and proper consultation with Aboriginal people and that there is adequate involvement in an advisory capacity of all those people, including trade unions, who are involved in these kinds of matters.

The Hawkins and Misner report which was handed down for the Territory indicated the importance of involving Aboriginal people in these kind of matters. To date there are several Aboriginal justices of the peace in the Territory but unfortunately not enough of them have been involved in court procedures and in matters of these kinds. It would appear that their main task has been just to witness and to sign statutory declarations and things like that. I would suggest to the honourable executive member that, if he is interested in the effective implementation of this bill, he should also have a look at a situation whereby the Aboriginal justices of the peace could be involved in the court itself and in the other proposals associated with the bill.

Mr EVERINGHAM (Majority Leader): Mr Speaker, I did not intend to speak on this bill but I was very interested to hear some of the remarks made by the honourable member for Victoria River. I have visited Aboriginal communities throughout the Northern Territory and it has gradually been dawning on me that Aboriginal people are not terribly impressed by the system of white justice that presently prevails. I though that perhaps it was just these people saying something to me that they thought I wanted to hear, because you have to be very careful that Aboriginal people who are, I believe, very polite do not agree with you, although I certainly was not putting this proposition to them.

It is interesting to hear from what the honourable member for Victoria River has said that the feeling appears to be widespread. In fact, the Port Keats community where I was some time ago the feelings were expressed very strongly. Most of the adult members of the Aboriginal communities virtually hold the courts, both supreme and magistrates courts, and their procedures in contempt and regard them as of absolutely no effect. In fact, to be sent by the police to be dealt with by the courts in Darwin is often regarded by the younger offenders as a terrific experience which boosts their reputation in the eyes of other younger members in the community and amounts to a free paid holiday at the expense of the government. They know they will get a bond and will be sent back to the community and they think the whole deal is just one big laugh. Quite frankly, I was appalled at the severity of some of the suggestions made by some of these people in relation to the ways in which they would themselves deal with some of the offenders in their communities. That is really what concerns me.

I have been giving some thought to the whole matter. Until it was voiced here I just wondered whether it was not something that I had perhaps misconstrued, although it is pretty general in settlements in the Centre and settlements in the Top End. Now that it has been voiced by both the honourable member for Victoria River and the honourable member for MacDonnell in a way - and I see the honourable member for Arnhem nodding as if in agreement - the only thing that worries me is that if one were to devolve authority on Aboriginal justices in each community, the penalties they may mete out could be rather extraordinary to say the least. That is what concerns me. I believe

we have to look at greater involvement by Aboriginal justices in the administration of justice within their communities. It is something that is exercising my mind and it is also exercising the minds of other people to whom I have handed it as a problem to come up with some solutions or advice to me.

I would certainly be pleased to hear, on an informal basis, from any other honourable members in relation to this particular matter because it is certainly something I would like to act on as speedily as possible, in conjunction with recommendations of another committee that is working on improvements in Aboriginal and police relationships. I suppose it is not really on the point of this piece of legislation but it has been raised by two other honourable members this afternoon and it more or less gives me some comfort to believe that I have not just been told what people in these communities might have thought I was wanting to hear.

Mr COLLINS (Arnhem): Mr Speaker, I rise very briefly just to give a little more comfort and support to the honourable Majority Leader, and to clear up any confusion in the mind of the honourable Executive Member for Mines and Energy that I was not in fact nodding off to sleep, but I was ...

Mr Tuxworth: It is hard to tell the difference.

Mr COLLINS: ... nodding in agreement with the Majority Leader. The remarks the Majority Leader has made are quite correct. The penalties that Aboriginal people themselves would inflict, particularly on young offenders in these communities - and one particular area that older people do become incensed about is the area of petrol sniffing - would indeed be very severe.

Mr Dondas: What would they do?

Mr COLLINS: I will tell you later. One area in my electorate, Mr Speaker, where experience has proven what the Majority Leader has just said is Groote Eylandt. There is no doubt, from just a recent trip I have made to Groote - I was over there for a week - and talking to young people at Groote Eylandt, that going to gaol has become very much a part of the scene.

Police officers that have been at Groote Eylandt in the past have reported the same. The comments of one particular police sergeant, whose name escapes me at the moment I am afraid but who wrote a most forceful report on what he felt about the practice of prosecution and gaoling offenders at Groote, are very much to the point. I have forgotten the name of that police sergeant but I do have the report in my office; it is worth reading. He put forward the view, and it is supported by most people, that because of the decline in Aboriginal tribal life at Groote Eylandt, because the young people were becoming more and more contemptuous of tribal law and initiation ceremonies, they had replaced this type of thing with going to Fannie Bay gaol.

MMA - and this is part of the deal, I can assure you, Mr Speaker - run a very nice jet to Groote Eylandt which has nice hostesses who bring you cups of tea and it is a very pleasant flight, much more pleasant than the four hour flight by Connair I must say. That is all part of the deal and young Aboriginals themselves spoke to me about how much they enjoyed flying to Darwin in a jet, to go to gaol at Fannie Bay, and how much they enjoyed the flight back home again afterwards. They enjoyed the television which is virtually unlimited; they spoke highly of the screws, as they called them, the guards of the gaol who they said treated them very well and were very friendly. In fact, the real Garden of Eden appeared to be the Gunn Point prison farm which was absolutely idyllic.

I remember one young offender - and this is a long time before I got into the House - from Maningrida, who was an habitual criminal; he graduated from Essington House to Gunn Point. This young bloke, as a matter of record, as soon as he was released - he had a particular modus operandi - would deliberately go out and steal a car and drive it around Darwin until the police picked him up. The reason for that, he stated quite categorically, was so that he could go back to Gunn Point where he had a really soft life - put on at least half a stone in weight every time he went there, went fishing every weekend and so forth.

There is no doubt whatever, Mr Speaker, in my experience over the last 12 years that what the honourable Majority Leader has said is correct. This is definitely a relevant issue. There is a sad trend among young Aboriginal people that going to gaol is the thing to do.

The other point that I also support the honourable Majority Leader on is that the penalties that would be applied to young offenders by older Aboriginals would certainly be more traditional than contemporary.

Mr ROBERTSON (Community and Social Development): Mr Speaker, it has probably been the most useful debate I have heard in this Assembly in the nearly four years I have been here. I think that if we were to ignore some of the irrelevancies and inaccuracies, more particularly from the honourable member for MacDonnell - we can ignore a substantial part of what he said - perhaps also some of the inaccuracies brought out by the honourable member for Fannie Bay, however well intentioned they may have been, then it is the type of debate as a whole that I would attach my name to the bottom of and send to my department as their riding instructions. I think that what has come out of this debate has been of excellent value to us all. I think the information provided by the honourable member for Victoria River, the honourable member for MacDonnell in this respect, the honourable Majority Leader and last but not least the honourable member for Arnhem are matters which perhaps the officers of legal aid may take some account of and we would hope perhaps the presiding officers of courts might take some account of.

I think the information provided to me by the honourable member for Arnhem comes actually as a bit of a shock, not to say surprise - it certainly exceeds surprise. I had heard in Alice Springs on many occasions that juvenile Aboriginals would seek out a term in prison. I have in fact seen them waving down police cars myself. I have never heard it explained to me so clearly and precisely as we have heard here today.

The honourable member for Fannie Bay raised a question in relation to new sections 9(3) and 20(3), I think it was, which cover the provisions for compensation for criminal acts as being part of the community service order and made some reference to their effect on the Criminal Actions Compensation Ordinance which, of course, as the honourable member for Nightcliff quite rightly pointed out relates purely to matters of personal loss rather than personal injury. There was also a reason why I personally asked the draftsman to include this clause expressly in the bill. That is that it has been my belief for quite a long time - and I know this is shared by many draftsmen who certainly know more about this than I do, though not necessarily by all my cabinet colleagues - I tend towards liking a law that anyone can pick up and read, and have it all in front of him rather than having to refer back to other laws. So I thought it would be desirable to clear up that point as to what responsibility for compensation meant, within the terms of the ordinance and to have it in front of the magistrates so that they are not likely to overlook the presence of that law elsewhere in another piece of law.

Again, I must commend the honourable member for Fannie Bay in her observation in respect of the provisions appearing on page 5 of the bill which are in clause 8(b). We had a discussion later on in the course of the debate about the confusion that arose there and this again is where we get back to the problem in legislation in the Northern Territory of needing a reprint very, very badly. The confusion came from the Ordinances Revision Ordinance. Once we read that in conjunction with the principal ordinance, this piece of legislation then of course becomes clear and we see the wording contained in the bill before the House is quite correct. But I am afraid it does, as I say, Mr Speaker, highlight the necessity for us to obtain adequate printing facilities regardless of the cost - and they are very expensive - and proceed with reprints of legislation so that again, at the risk of repeating myself in another context, people can pick up laws of the Northern Territory and read them with precision and clarity.

Members: Hear, hear!

Mr ROBERTSON: The honourable member for Fannie Bay quite rightly points out - and this was picked up by the honourable member for MacDonnell although in a much more spiteful and unnecessarily inaccurate manner - that consultation is necessary with communities, with trade unions to make this work. It would seem to me though, Mr Speaker, that in a philosophic bill of this nature, there would be little point in going into in-depth discussions until we have a framework around which we can work. Had I been at all under the impression that the bill was not going to receive the wholehearted support of the Opposition, then of course it would be a case for going out and doing wider research before the bill was passed. We agree around the floor that, to use the words of the honourable member for Fannie Bay, all members strongly support, the ALP strongly supports the legislation, and now we can get stuck into the business of making it work. I do not imagine it is going to be a week-long exercise. It is going to be vastly longer than that. To make the legislation work in the rural communities and Aboriginal communities, in particular, is going to take the best will all around from the best of experts available.

It is worthy of note that many of the provisions of this bill become very relevant to the notice of the inquiry which I introduced into this place in the last sittings. That inquiry, of course, is into the delivery of welfare services - after all this is a facet of welfare - and of course, into juvenile crime. It is also worthy of honourable members' attention that the wording of that motion before this House at the moment includes the words "such other matters as may be referred" and provided we can come up with the best available commissioners, if you like to call them that, to make this inquiry, then there is no reason why further matters of this nature cannot be referred to it, provided of course they are relevant.

Again, I would like to thank honourable members for their concern in making such a detailed study of this legislation and giving it their very serious thought, researching it in the manner in which they have done, and for the very useful contribution they have made. As I say, leaving out several small parts, I think it is as good a policy statement as any parliament could make on this particular facet of correctional services.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

CROWN LANDS BILL
(Serial 78)

Continued from 3 May 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, very briefly I want to say on behalf of the Labor Party that this bill is supported. It deals with some procedural matters which, although they are quite simple in themselves, have quite significant implications.

In the early days of land administration it was considered a necessary and desirable thing to place restrictions upon who could buy land and subsequently when and how it could be transferred. In those days, perhaps, these restrictions were necessary; the supply of land was short - it still is in some of the Territory urban centres. But it became clear quite a long time ago that these absolute restrictions that applied to people who bought land at restricted auctions or bought land under the sale of government houses scheme did affect and cause hardship to people who encountered certain situations.

Whilst I am not in any way criticising the honourable sponsor of the bill for producing an amendment to the Crown Lands Ordinance which would ameliorate the difficulty that is encountered by people, say, whose marriages have been dissolved and who wish to tidy up property arrangements as a consequence of that, I would point out that there are similar provisions in the Darwin Town Area Leases Ordinance. Perhaps the honourable sponsor could correct me on this but I believe that similar amendments have not been made to that ordinance.

We often hear in this House of lengthy and ancient pieces of legislation being amended in this piecemeal fashion. I recall that in an earlier debate on another Crown Lands Bill the Majority Leader assured us that a subcommittee of his party was looking into the updating of land legislation. I wonder whether I could just place on record that I would be most interested to hear how far this committee has advanced and what aspects it has so far considered.

Having said all that, I still commend the honourable executive member for this particular amendment because, although it is a simple procedural one, as I say, it has a bearing on hardship that may be encountered in some circumstances. I would certainly not criticise anything that is done to remove these sorts of restrictions that were unforeseen at the time they were put in but have since been noticed to cause hardship and unnecessary delays for some people who have genuine reasons for wanting to transfer their land within the five-year limitation. I support the bill.

Mr OLIVER (Alice Springs): Mr Speaker, I too rise to support the Crown Lands Bill. As the honourable member for Sanderson said, there are some anomalies in the Crown Lands Ordinance and this bill today will at least remove some of them. The existing section 26(1A) generally allows the transfer of town land leases without the consent of the Administrator, except as provided under subsection (1B) where a building that was required to be erected was not completed at the time of transfer. This section is at variance with section 26A under which the lease is obtained through the sale of a government house and section 68K under which the town land lease is obtained at a restricted auction. Under these two sections the consent of the Administrator is required to transfer within the first five years of a lease, even though the building on the lease may be completed as provided in section 26(1A). The replacement section 26(1A) will remove that conflict and leave no doubt as to the intent of that particular area of the ordinance.

The amendment contained in clause 4 is relatively simple. Its inclusion in the ordinance is necessary so as to eliminate the restrictiveness of section 26A. In the past I have experienced the hassles of separated or divorced couples trying to have land transferred within the five-year period and I can assure members that for these people this is a most welcome amendment.

This bill is merely bringing sections of the ordinance into line one with the other and I think - if I can speak for the Majority Party - we most certainly will be having a look at this Crown Lands Ordinance. It is a massive task, but it will be done.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this bill to amend the Crown Lands Ordinance is again one of those bills which seeks to tie up the loose ends in legislation, but also it is introduced to make sure a system of fairness is observed regarding leases in the town area. To encourage people in their wish to come here and live, various ways have been found and used to extend encouragement to home owners and others. Section 26A makes reference to lessees of government houses on town blocks owned by the Commonwealth. These leases have been obtained on advantageous terms for a certain purpose and it is only fair that these cannot be disposed of in a short time, if this certain purpose no longer holds.

Section 68B in the main ordinance deals with blocks that have been bought at less than the reserve price with the generous allowance of time to pay extended to the buyer by the Commonwealth. It is obvious here that the buyer was in a favourable position for consideration and the block should not be disposed of until the full price is paid for it. Section 68K in the main ordinance refers to buying a restricted block. Again certain types of buyers are considered with conditions of purchase arranged to suit their needs in some way or ways. It is only right that these blocks be used for a minimum time for the purpose for which they were bought.

Proposed section 26A(1A) in clause 4 introduces legislation to prevent hardship in certain cases. In these instances, specified certain situations have arisen which would force a drastic change of plans on lessees which by themselves are not undertaken lightly or frivolously. So it ill behoves us as legislators to compound this possible misfortune. Therefore, I consider it a good thing to show consideration here in the lease terms.

Mr PERRON (Finance and Planning): Mr Speaker, I just rise to make one brief point in reply to a matter brought up by the honourable member for Sanderson. That was relating the provisions of this bill and its amending of the Crown Lands Ordinance to the Darwin Town Area Leases Ordinance. She will note, Mr Speaker, that in the last couple of lines of my second-reading speech, I mentioned that this amendment will also bring the provisions of section 26A of the Crown Lands Ordinance into line with section 28A of the Darwin Town Area Leases Ordinance so they are now in a situation of compatibility, and I just leave it at that.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr PERRON: Mr Chairman, I move amendment 63.1.

This is to omit from proposed subsection (1A) the word "Administrator" and substitute the word "Minister". This bill will not be assented to or come into effect until after 1 July and this brings the provisions of this section into line with other moves that we have made under the transfer of powers generally.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 63.2.

This is to omit from proposed subsection (1A) the word "purposes" and substitute "purposes)" with a closed bracket sign behind it. Obviously this is just a technical amendment.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

LEAVE OF ABSENCE
Mr R. Vale

Mr EVERINGHAM (Majority Leader): Mr Speaker, I suppose you have been wondering today at the absence of the honourable member for Stuart who usually makes quite a contribution to the proceedings of this House. It is my unpleasant duty to move that the honourable member for Stuart, Mr R. Vale, be granted leave of absence for today and the next couple of days because he is suffering from bronchitis and is confined to his bed. I understand a medical certificate is on the way and I will undertake to present that to you, Mr Speaker, as soon as it reaches me.

Motion agreed to.

ADJOURNMENT

Mr EVERINGHAM (Majority Leader): Mr Speaker, I move that the Assembly do now adjourn.

Mr COLLINS (Arnhem): Mr Speaker, I am sure that, if the honourable members opposite were at some time in the future convinced that the benefits of entering the nuclear age did not justify the costs, they would not be so much in favour of uranium mining as they are now. There is ample proof, Mr Speaker, that technology very often comes on so rapidly that the research into its effects on the community lags far behind its development. This could well be the case with nuclear energy and there are continuing disturbing reports from specialists in their fields that the ill effects of radiation could be much more dangerous than was previously supposed.

I would like to draw the attention of all honourable members, Mr Speaker, to this morning's edition to AM. On that session, a report entitled "A Study on Washington" was discussed. Washington State has the benefit of having the cleanest air of any state in the United States. Washington State is also the most dependent state in the United States on nuclear energy. Research in the United States has indicated that there has been a slight increase in the

background levels of radiation in Washington State. However, this is well within the current safety limits of 5 rems a year.

However, the research has also shown that Washington State has a greater rate of death from cancer than any other state in the United States, in fact greater than the city of New York which has an extremely serious pollution hazard, as everyone knows, but no radiation hazard. Perhaps I will have to retract, Mr Speaker, in view of the interjections I am receiving, the remarks I made at the opening of my speech.

The results of this research were then extended to the United States as a whole. The research was carried out between 1972 and 1975 and it produced some rather disturbing results. Cancer deaths in the United States are on the increase, particularly in the area of workers in nuclear industries and in areas where there are nuclear reactors in the United States. The study has shown - and it is a frightening revelation, to me anyway ...

Mr Tuxworth: Table it.

Mr COLLINS: I intend to table it. On that point I would like to say, Mr Speaker, that I have in fact sent a cablegram today to the United States requesting a copy of the relevant report. I would also like to say, for the benefit of members if they are interested, that I have been informed today by the ABC that AM intends to pursue this matter tomorrow morning and I am sure they will all be listening with great interest.

The report, as I have been trying to say, Mr Speaker, has shown that there is a direct correlation between the number, the size, the type and location of nuclear reactors and the increases in deaths from cancer. Where pollution is in effect this is multiplied and the reason for this, the researchers have postulated, is because the chemical and dust particles in the air themselves become radioactive. This is hardly a revelation. This has already been well known for some time. It is an established medical fact, as I am sure the honourable Executive Member for Mines and Energy would agree with me, that workers in the uranium industry are discouraged - and in some places there is a restriction placed on them that they must not smoke.

Mr Tuxworth: In every industry.

Mr COLLINS: The reason for that, Mr Speaker, as the honourable Executive Member for Mines and Energy knows full well, is that research has indicated a distinct link between smoking and death from cancer in workers in the uranium industry. There is no doubt that the risk of contracting cancer for a worker in the uranium industry is increased five or even ten fold if he is a smoker.

These reports are also disturbing in that, at the same time, the energy development and research authority in the United States has just announced that it is currently researching the floor of the Pacific near Hawaii for an area to bury nuclear waste. They are looking for what they call deep stable elements so that they can drill holes in the sea bed and bury the stuff. Mr Speaker, I will be speaking on this subject later on during the sittings. Unfortunately, and again I am sure it is something which the Executive Member for Mines and Energy is well aware of, the success that the energy research and development authority has had with waste disposal in the United States has been dismal.

Currently there is a congressional hearing in progress in the United States. It began on 24 January this year; it is a house subcommittee on health and

environment being chaired by Representative Paul Rogers. Evidence is currently being given before that committee and if honourable members opposite could read some of that evidence without being at least slightly disturbed, I would certainly have to retract the remarks I made at the beginning of my speech.

Some of the research which I will not discuss - it is a matter of historical record - has indicated in no uncertain terms the dreadful indifference and contempt with which governments in a democracy are capable of holding their citizens. It concerns evidence given of the deliberate exposure to the results of nuclear bombs of American servicemen by the American government. One hundred and sixty thousand men and women in the armed services of America were, as part of an experiment, deliberately exposed to the results of nuclear explosions by the United States government. For the benefit of honourable members opposite, Major Alan Skurka, the representative of the army's operation and plans nuclear division is the gentleman who is currently giving evidence before this committee. I might also add, Mr Speaker, that the Pentagon itself has instituted a program of search for survivors - the people that are still left alive - of those experiments.

The details of it are that on 1 November 1951, at Desert Rock in the United States, army ground forces - five thousand, two hundred and sixty-six of them - were deliberately stationed at a distance of seven miles from ground zero of a nuclear explosion. A limit of one rad was established as the maximum exposure rate. They were also carrying film badge monitors. In the next serious of tests, the maximum limit of exposure was raised somehow or other by the authorities, the army, from one rad to three. This time at an explosion which was named Desert Rock 4, the soldiers were moved a little closer - they had not successfully curled up and died the first time, so the army moved them from seven miles to four miles from ground zero. Again, film badge monitors recorded the radiation exposures. The evidence that has been given before this congressional committee, Mr Speaker, is that two thirds of the data that was collected from those film badge monitors has been lost; it is no longer in existence.

Subsequently, Mr Speaker, there were more nuclear explosions where the soldiers were moved closer and closer to the site of the nuclear blast. Finally, they were moved within five hundred feet of the blast site and parachutists were dropped from aircraft directly onto the blast site itself and liaised with the ground troops. Again, Mr Speaker, they had film badge monitors but a strange thing happened this time. Because the laboratory - and evidence has been given, Mr Speaker, to this effect - was overloaded with work in processing these film badges, only one film badge per platoon was issued on this occasion instead of one to each man.

All the radiation badge information from that particular explosion is now no longer in existence; it cannot be found, none of it. Evidence has been given that during that explosion, when a radiation safety level of three rads had been previously applied, the army, without any reference to anyone, raised the exposure level to six rads per man, doubled it. However, there was heavy fall-out in the area - there was a wind blowing across the area at the time - and evidence was given to the committee that troops in trenches were exposed to 14 rads of radiation. They were very hastily moved out of the area, or rather I should say, Mr Speaker, that an attempt was made to move them out of the area. Evidence has been given that the movement of the troops ran into great difficulty because it had not been planned and, in fact, the troops were in the area for a considerable period of time exposed to 14 rads of radiation.

Now, many many years after the event the United States government is trying, and not very successfully, to track down the maximum number of those 160,000 men and women that they deliberately exposed to nuclear radiation. I might point out that a substantial amount of the research data for which the whole test was designed has mysteriously disappeared; it is no longer in evidence.

Evidence before this committee has also been given by a number of other people, all specialists in their fields - Dr Thomas Manchuso, himself a research worker who was sponsored for 14 years by the American government until his research findings started to conflict with their political stance; Dr Thomas Najerian, who is a specialist in leukemia; and Dr Erwin Bross, who was studying the side effects of ordinary diagnostic X-ray radiation. Mr Speaker, I would like to talk first of all about the work of Dr Manchuso because it is an indictment of the United States government. All through this congressional committee hearing, evidence has been presented similar to the evidence that was given before the CIA hearing and, of course, the Watergate hearing - and that is of government interference and deliberate attempts by the government to suppress information. Dr Manchuso was employed by the American Atomic Energy Commission. They gave a reason for employing him. In 1962 he was awarded the National Cancer Institute award for his research. Dr Manchuso also received international recognition as the first researcher ever to link brain tumors with a study of rubber workers that he was carrying out. He is an expert, Mr Speaker, in industrial medicine.

In 1964, he was employed by the American government and at the time they made a statement that they had chosen him because he was the world authority on environmental cancer. Dr Manchuso then undertook a 14-year research program studying the health effects on workers at the Hanford Research Institute which, as I am sure everyone knows, is the institute in the United States which manufactures plutonium for American nuclear weapons. After 14 years of study, Dr Manchuso found that low levels of radiation which were presumed before to be safe were not. In fact, Dr Manchuso's work and the work of the other researchers that have given evidence before this committee have shown that the levels of radiation that were previously set, that is 5 rems, could be from 10 to 20 times too high. They should, in fact, be in the area of 0.25 to 0.5 rems per year instead of the current 5.

Mr Speaker, in 1974 Dr Samuel D. Millen who was carrying out a private research project for the Washington Department of Health released his findings that there had been a 5% increase in incidences of cancer among workers in the Hanford Research Institute. The American government, through the AEC, sent Dr Sydney Marks as their representative to Dr Manchuso and asked him to issue a press release which contradicted that of the doctor who had just released his research findings. Dr Manchuso refused to do this and after 14 years of being sponsored by the American government and having an international reputation as an expert on environmental cancer, Dr Manchuso's research grant with the United States government was suddenly terminated. The evidence that has been given, Mr Speaker, surrounding that termination was summed up by the chairman of that congressional committee when he said, in discussing Dr Manchuso's dismissal - and I am quoting from the committee report:

> It is the most disordered, unstructured mess that I have ever looked into in some time. The Department of Justice may have to be called in to sort it out.

Mr Speaker, the report of this congressional committee hearing and the research work that is currently being stepped up in the United States and other countries into the dangerous effects of low-level radiation does have

what could be a potentially disastrous effect on the future of the nuclear industry. The reason for this is very clear, and it is becoming clearer every day in the United States. The United States, like us, is a democracy which is run under law. There is increasing concern in the United States that military authorities, the United States government, private energy authorities, are now faced with the prospect of countless thousands of law suits for damages for illness or death by radiation induced sickness.

I again draw these matters to the attention of honourable members opposite. I think it would be a truly ignorant man, with a totally closed mind, that would not pay at least some attention to it. I commend to all honourable members tomorrow's AM because they have assured me that they intend to pursue the matter and to release more information of the studies they talked about this morning.

Mr DONDAS (Casuarina): I rise in the adjournment today and in doing so I would apologise because I am using it as a forum for an announcement. Last night I was contacted by a gentleman by the name of Mr Watt - nothing to do with the electric light watt, but he is an inventor and is going to appear on an ABC program in about two weeks' time. His particular invention is a voting machine - a semi-computerised voting machine which is transportable and actually operates off a twelve-volt battery.

Mr Collins: I hope it is not as bad as the Electricity Commission one.

Mr DONDAS: If you think of this twelve-volt battery, you would think it would have to be not a very complicated machine. I have not seen it, but it is going to be here in the vicinity of the Assembly grounds tomorrow at about 1.45. I invite members on both sides of the House to come and have a look at it; I do not have shares in it, but I was asked to bring it to members' attention to have a look because it could be important, especially when we take into consideration that with this machine you would have the candidate's picture.

I remember, during the last federal elections, there was some concern by both political parties that they wished to have candidate's pictures placed inside the polling booth in the rural electorates. Unfortunately, the Electoral Act did not allow it. But if this particular voting machine, as we will call it, is accepted in the future - I do not know whether it will be five years or ten years - at least let us have a look at it now, because many times on many occasions in the Territory we do things first. If this particular fellow's invention is worth while, then I am quite sure that members of the House will make their comments to the inventor and he can also have a talk to the Australian Electoral Office about it.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, today I would like to speak about the Society for the Prevention of Cruelty to Animals of which I am a member and also the current president. All of us here, and I speak from personal knowledge, know and like animals and would not knowingly and vindictively hurt animals. In the community there are not only the two sorts of people who either actively like or actively dislike animals; there is a third sort of person who, although professing a liking of animals, shows by omission and by neglect that they really do not like animals. These people are just as reprehensible as the animal haters who express an act of dislike. These two undesirable kinds of people are the ones who caused the formation of the Society for the Prevention of Cruelty to Animals, who are the cause of practically all our work and who rarely pay the price of their cruelty and neglect. These are the people who actively and sadistically maltreat animals,

who keep them in constrained and restrained situations in their own filth, who leave town with family pets left behind to fend for themselves, who actively encourage proliferation of animals without any responsible thought for the animals' welfare and future.

The Society for the Prevention of Cruelty to Animals is not an organisation to which people belong just because they have spare time to fill in and they just want to sit and talk. There would be no need to have a Society for the Prevention of Cruelty to Animals in the Northern Territory or a Royal Society for the Prevention of Cruelty to Animals in any state in Australia if people, because of their superior intelligence, did not have control of animals or if people did not maltreat animals. The SPCA is in this community because some of its members see a need to speak for the animals and to see that they get a fair go if people continue to have them in their care.

I would like to bring up a few points at random. Before the cyclone the SPCA only operated by the good graces of a local gentleman who owned boarding kennels and allowed his premises to be used as a base for operations. Whilst this operation was not the most satisfactory from everyone's point of view, still it was something. The present setup of the SPCA with a six-foot cyclone fence around our own block of land of some acres, with simple kennel and cattery accommodation for about 50 or so animals, small ancillary buildings, new modern accommodation for a manager, trees and garden - all this since the cyclone and by the good graces and concrete help of friends down south. Our facilities are not grand but they are comprehensive; they are simple and down to earth, put up by a lot of hard work, a lot of it voluntary help of kind individuals and groups, and I might say here we do not have many active friends who are willing to give us their time.

Now we come to the sort of people who are members of the SPCA. Are these people with nothing better to do? Do they own animals? Do they treat them properly? Are they little old ladies who keep a cat and canary like Grannie Sweet and are the joy of cartoonists? Are they young or old people and what occupation do they follow? To answer these questions - we have a catholic membership: both sexes of people of all ages who follow all occupations. They keep all sorts of animals and are active in their own community in their concern for the animals that may not be treated as well as they should to be conducive to their best welfare.

At our SPCA refuge we employ at least two people to care for the animals that come into our charge. To do this job we ask for special qualifications in our employees. We do not consider age, sex or educational qualifications as important rather genuine down-to-earth interest in animals shown by their personal attitude made apparent by their subsequent working for and with us. We are very fortunte now to have working at our refuge two young girls whose interest in their work and concern for animals and humanity is second to none.

I have been saddened by recent headlining of certain events to do with the SPCA by certain people and by questions asked this morning by the Opposition, from my understanding to try to discredit the SPCA. If there was a true concern for the welfare of animals in our community, political mileage would not be sought from this unfortunate situation but rather some constructive thinking would be bent to the problem. If there is a genuine personal concern by those outside this House and in this Chamber for animal welfare, I invite all members to join and become active members of the Society for the Prevention of Cruelty to Animals so that we can all work together for the true welfare of animals.

Mr PERKINS (MacDonnell): I would like to take up a matter with the Assembly today which I believe is pressing and urgent. It has to do with alcohol problems particularly with regard to my electorate. I do not think that this is a problem which is unique to my electorate; rather, the issues that it raises are familiar right throughout the Territory. But I think if we can all do something constructive together about it, then we might go a long way in helping to deal with this problem elsewhere.

I refer in particular to the policies adopted by the operators of the Glen Helen Lodge resort and the effect of those policies, and to the refusal by the operators of the Glen Helen Lodge to take any notice of the community opinion which prevails in the area in which they operate. At the outset, I would like to make a few points to set the matter clear. I do not think this is an issue which should be a party political issue and, to the credit of a number of members on the opposite side, it has not been treated as such.

I do not advocate a reimposing of discrimination in drinking laws against Aboriginal Australians. I believe that Aboriginal Australians ought to have the same rights and dignities as other Australians. I think that those who have raised the spectre of discrimination in discussing this issue are deliberately trying to cloud the central issue at point in this case - that is, the right of Aboriginal communities to decide what is and what is not acceptable behaviour within their communities. For the benefit of honourable members, Mr Deputy Speaker, I would like to give a brief history of this particular matter.

A certain Mr Mortimer took over operations at the Glen Helen Lodge which was then operating as a roadside inn and catering almost exclusively to the tourist trade, up till several years ago. At that particular stage a policy of discrimination against Aboriginals was enforced, as of course it is enforced in many other hotels and inns in the Northern Territory. In some cases Aboriginals are served in humiliating conditions - often it is through a hole in the wall. This has happened in such places as, for example, Barrow Creek and Ti Tree. I understand also that Aboriginal people have been refused the right to drink and the right of entry into places where they could drink. This has happened in places in the Ayers Rock area and in particular at the Red Sands Motel where it has been known that Aboriginal people have been refused entry into the hotel to drink.

About a year ago, I understand, Mr Mortimer changed his policy. I think he realised that where he was located was about a hundred miles to the west of Alice Springs and that he was surrounded by large Aboriginal communities, for example, Hermannsburg, Haasts Bluff, Areyonga and also Papunya. There was a large market available to him and he would be able to gain by being able to cater to it. I suppose this is fair enough, and in doing so he exhibited considerably less of the hypocrisy of other publicans who depend on but affect to scorn the money of Aboriginals.

I do not think at that stage he was doing anything wrong, nor do I think at that stage anybody objected to what he was doing. However, Mr Deputy Speaker, Mr Mortimer then embarked on a policy of aggressively selling take-away flagon wines, and in many instances a lot of these wines were fortified wines. He was - and he has admitted this - hoping to tap into the allegedly lucrative market in relation to flagons in Aboriginal settlements. Until then, it was sustained by the illegal flagon runners and later I will suggest that he tapped into this market in more ways than one. At this stage, however, all I wish to point out is that he made a change in policy, equally if not more significant than his original one, to seek out Aboriginal custom and in doing so he decided to rip off and exploit this custom.

The effect of the change in his policy is well known and I will not dwell on it here. I think it will be sufficient to say that in all the communities that surround him, there has been wide-spread community disruption, fighting, injuries and deaths. I understand that in Papunya alone seven people were killed last year in incidents that began with the participants drinking wine which was supplied by Mr Mortimer and the Glen Helen Lodge. The year before that, Mr Deputy Speaker, only one person died in alcohol related violence. As a result the women and children became extremely frightened. The problem of drunkenness became almost a permanent one at some of the settlements, at a time when drinking and drinking problems had been episodic and for most of the time the people were left in peace.

I have heard frequent allegation from reliable sources that Mr Mortimer is doing far more than providing fortified wines out of the Glen Helen Lodge operation. He was supplying some people quantities of flagons so great that it could not have been but for resale. He has also been bankrolling people, including Aboriginal people, to sell directly on Aboriginal settlements. I know of a number of people, Aboriginal people who have at times owed this Mr Mortimer up to $1000 or more and this is money that they can only repay by being able to run the grog for him. Of course, those he holds in such debts are under considerable pressure from him to take his part in the political struggle which has developed in recent months. He has also provided transport - and occasionally driven himself - for people taking alcohol onto Aboriginal settlements.

It is only a fairly small minority that has been involved in heavy drinking on Aboriginal settlements. However, their activities have contributed to the destruction, rather than the disruption, of the social and the economic activities of other Aboriginal people on these settlements. It is easy to say that the community ought to act against offenders; however, it is not that simple. In many cases most of the Aboriginal people in the community have absolutely no control over the offenders because they fall into different tribal groupings. In other cases the failure of the authorities to give sufficient authority to councils of Aboriginal communities and the effect of these policies that are breaking down authority structures in Aboriginal communities meant that the mechanisms did not exist. The police have not been able to enforce the law as it now stands because it is a logistics issue. There are some 30 roads in and out of Papunya, connecting to the Glen Helen area, so it is much more than a simple question of being able to set up a road block.

The communities have been concerned about these matters for quite some time and already this year I have received many representations from Aboriginal community councils in the electorate of MacDonnell, in particular the Aboriginal communities at Areyonga, Hermannsburg and also Papunya and Santa Teresa. Mr Deputy Speaker, I ask leave to incorporate this particular document into Hansard as an indication of the concern which Aboriginal people are expressing. It is a letter from the chairman of the Aboriginal council at Areyonga, Mr Joseph Mantjakura. It is a letter which was also sent to the honourable Majority Leader and also the honourable Executive Member for Resources and Health and the stipendiary magistrate at Alice Springs. It is a letter which has been sent also for information to the Prime Minister, the Minister for Aboriginal Affairs, Senator Kilgariff, Senator Robertson and to the Director of the Department of Aboriginal Affairs in Alice Springs. Again, Mr Deputy Speaker, I would ask leave to have this document incorporated in Hansard. I would also like to ask whether the translation of this document into Pitjantjatjara could also be incorporated into Hansard.

Mr DEPUTY SPEAKER: The English translation would be able to be incorporated into Hansard but not the Pitjantjatjara.

Mr PERKINS: The Pitjantjatjara is already translated there.

Mr DEPUTY SPEAKER: It has never been done before.

Mr Isaacs: There is always a first time.

Mr PERKINS: With respect, Mr Deputy Speaker, the translation is already provided.

Mr DEPUTY SPEAKER: Are you seeking leave or are you seeking my permission?

Mr PERKINS: Well, I am asking for leave to have it incorporated into Hansard.

Leave granted.

5 May 1978

I am Joseph, council president-chairman and community manager working at Areyonga.

Last Sunday I went to Alice Springs and waited, and on Tuesday went to court (to talk at the Glen Helen court). We heard the two lawyers speaking for us (lit. fighting for us).

Not just I, we were very many who went, woman and children also. They indeed are the frightened ones.

That's why they went to listen at the Glen Helen court.

He is the one whose licence they say over a month ago finished.

They say he has been selling liquor anyway (lit. "temporarily for fun"). In court they promised to give him a certificate (lit. "a little paper") to wait for another month.
Awa. Listen, you, our good leaders. You should immediately make another stronger law before that month is up.

Listen. We are beseeching you. We know that in other places they have strong laws (about this matter) Western Australia, South Australia, New South Wales, Queensland. Awa. In our country the Northern Territory only perhaps the law is completely weak.

But you this month make a stronger law for us to stand as our "Ngalkilpas" (lit. "fighters on our behalf").

We from Areyonga, all of us, think about this matter. We are greatly frightened when houses are damaged, motor vehicles hit, in other places people fall dead. (At ʔapunya a number of people have died from drinking from Glen Helen.)

Here there have been breakings, broken legs, broken arms, wounded heads requiring hospitalisation.

And they get better with legs somewhat bent, arms not the same and headaches.

That's what it is like here at Areyonga.

Please, we all desire you now to become our strong "Ngalkilpas" (lit. "fighters for us", perhaps "advocates").

Signed: Joseph Mantjakura.

Last year, Mr Deputy Speaker, the Aboriginal communities in the area asked the operators of the Glen Helen Lodge, and in particular Mr Mortimer, to stop the selling of flagons for off-the-premises consumption. At the time the Aboriginal people made it clear that they did not mind the sale of take-away beer or even wine for consumption on the premises. At a particular meeting which was held early in December last year, which I convened at the Glen Helen Lodge, these particular representations were made from very concerned people in the area. At first it appeared that Mr Mortimer was sceptical that the community as a whole actually wanted to stop him and he parried the suggestion about holding, for instance, a referendum. However, when put to the crunch, asked if he would be able to stop the sale of take-away flagons if it could be demonstrated that that was what the community wanted, he refused and he then said that this would be committing financial suicide.

I believe, Mr Deputy Speaker, there is no doubt about the Aboriginal community feeling. I have been to Aboriginal communities in my electorate and other places and seen it for myself, and I also believe that Mr Everingham can tell us about this because he sent Mr Creed Lovegrove to check it. There is clear indication that the communities want to stop the entry of flagons into their area. In fact there are some communities who are so frightened by what is happening as a result of the policies of the Glen Helen Lodge that they want to stop the entry of all alcohol onto the settlements altogether.

Unfortunately, Mr Deputy Speaker, the communities also feel helpless unless the operators of the Glen Helen Lodge are able to change their minds or unless we are able to change it for them. Ever since the issue became a public one, I understand that Mr Mortimer has adopted a series of tactics designed to confuse his opposition. I understand he has also paid the expenses of a friendly journalist from interstate to come and declare that the problem is not really all that serious. He has accused his opponents of advocating discrimination and he has also encouraged some persons in the communities, including both those in his debt and no doubt others who generally agree with him, to come forward and dispute that the community resolution is as strong as the community says it is.

Mr Mortimer lives in a community area of approximately two and a half thousand people, nearly all of whom are Aboriginals. As the law now stands none of these people has any say in the way in which Mr Mortimer can carry out his business. On the one hand the law actually permits him to owe no responsibility to the citizens of those communities and, of course, admits none. Every now and then, I believe, he lets his racism slip out. At a meeting which was held earlier this year at Alice Springs, for example, he was heard to say, "Well, you know what Aborigines are like; you can take them to a cliff, and you can tell them to jump off and they will."

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

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, the installation of new chairs in this Chamber marks the end of an era. The first chairs used in March 1955 when the Chamber was opened were incredibly uncomfortable. I am told they consisted of thin wooden arms about one inch wide and legs of the same size.

The seats and the backs were small squares of seagrass matting. The discomfort prompted many complaints and one member recited some verse, which he claimed he found on the floor of the Chamber. I quote from Hansard of 30 March 1955, page 114:

> Oh, I must get me a chair again, a padded chair with arms,
> And all I ask is a soft seat, with a minimum of charms.
>
> Oh, a stout chair and a strong chair, with no chance of breaking,
> And with firm legs for a man's use, without fear of quaking.
>
> Oh, I must get me a chair again, for the sake of my aching bones,
> For my neck hurts on its cricked back and my whole soul groans.
>
> And all I ask is a sprung back, and a little bit of tilting,
> And the sweet rest of an easy seat, to prevent me from wilting.
>
> Oh, I must get me a chair again, a real chair with legs,
> And not a chair like a spider's lair on insubstantial pegs.
>
> And all I ask is but half a chance of quietly reclining,
> On an easy chair with a head rest and a soft leather lining.

Mr Collins: Thank you, Ron Withnall.

Mrs LAWRIE: As a result, a specialist - in chairs, of course, attended and after inspection and measurement of members and many fittings, the chairs now discarded were made. Speaking for myself, Mr Deputy Speaker, neither my size nor anatomical detail make them quite appropriate but I have no doubt that for others they were the epitome of ease, particularly when the fans beneath the desks were active. Curiously enough, Sir, I myself this morning discovered some verse on a piece of paper on the floor of the Chamber, and I think I should read it to members:

> So they're takin' out the chairs, well, what a gall!
> And they're pilin' them in rows along the 'all
> Don't they know they're changin' 'istory
> And the legislative mystery?
> Don't they have a sense of 'oliness at all?
>
> Don't they know them chairs was made up by design
> To fit a certain legislator's spine?
> Have they thrown away all pity.
> For a member in committee
> Sound asleep while seeming only to recline?
>
> Well, I suppose they really want to start anew
> Without the Wards and Letts and all that crew;
>
> No Withnall and no Giese
> Who used to lie so easy
> Reclining back in everybody's view.
>
> So now they've got new seats with nylon hair
> When you'd think it really ought to be their care
> To promote the use of leather
> And not to think of whether
> Their bums deserved a ticklier affair.

But future legislation can't be good;
They're not sitting as all legislators should;
For even parliamentary wenches
Should be sitting hard on benches
Made of thinly padded cushions over wood.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I suppose the old chairs did have their place but I think the place for them is in the hall. The present chairs are much better and if it had not been for the conniving of an absent member, we would have had the chairs and the Chamber in much better shape much earlier than we did.

I like the old chairs but the one chair that I do not like is the one you are sitting in, Sir. I feel that, whether it is leather or hair or wool, it is the most uncomfortable seat I have ever occupied. I do commend the author of that lovely piece of poetry - I hope he is listening - and we will take note that the new chairs are better suited to spines than the old ones.

But I did not get up to talk about that. I was very interested in the honourable member for Arnhem's scare tactics about the American soldiers. He has not said a word about how many people were killed, how people were burned, how many people are suffering from radiation. He actually has not said a word. And I am not here to denigrate him at all. But I happened to be in Hiroshima two months ago and I had the chance to go round the Peace Park in the town and see the museums and look at the site right under where the bomb went off. Certainly the Peace Park is not the best; the grass is not growing too well. But do you know why? Because the Japanese tourists are there drinking beer most of the time. That is the main reason.

From the main museum you can see one of the few buildings that was not entirely destroyed by the blast. When you go through the museum there are wall after wall after wall of actual photos taken, of actual exhibits of half destroyed material. Truly, it is horrible; it really is horrible. It shocked me, and I was in action at that particular time in New Guinea. It shocked me to think it could have been dropped on us. It also brought home to me that it may have saved my life, because that is what it is all about - having what it takes to drop it. You will see in this museum in Hiroshima that the total number of people killed to date is 93,000, and they leave an adjustable place to put in new figures as they occur. That was a destruction with intent. Hiroshima, a town in 1950 of approximately 300,000 people, was right under where that bomb dropped, and the Americans I presume meant to kill every last one. And that is what has happened thirty years after, you have 93,000 people dead.

Now, the Japanese can give you those figures, but the honourable member for Arnhem cannot. Certainly he has given us lots of figures - have a look at them: 160,000 American troops, some were exposed to radiation at seven miles, some at four miles and, presumably, some a lot closer. But he has not given us any figures of how many are dead, how many are suffering from radiation, how many escaped scot-free.

Mr Collins: That is the trouble; they cannot find out.

Mr MacFARLANE: He has not given us anything, not a thing. All he has given us is something he heard on AM which may or may not be substantiated.

Mr Collins: Listen tomorrow!

Mr MacFARLANE: We will listen tomorrow, certainly, with interest, my word. If the honourable member has the figures, why didn't he quote them?

The third point that I was very, very interested to hear was the honourable member for MacDonnell speaking about the ravages of alcohol on the Aboriginal people. I remember appearing on TV with Mr Smiler Major, on a program when the main guest speaker was the honourable member's uncle, Mr Charlie Perkins, and I suggested that the main trouble with Aboriginal progress then was alcohol. And the guest speaker turned the question very smartly against me and said, "Yes, there are more alcoholics amongst whites than anywhere else". It is true, but six or eight years later you hear the same thing here. I suggest it is time we stopped this politicking, stopped the bitching, and did something about it.

I know the honourable member formed a committee to inquire into alcoholism amongst Aboriginals. I think it was himself, the honourable member for Victoria River and the honourable member for Arnhem. They were very scathing about the twenty-two or twenty-six committees that have been set up to inquire into alcoholism before, but I have not heard how they got on with their troubles. I would honestly and earnestly suggest that this Assembly does regard alcohol amongst Aboriginal people, as the honourable member says, as far more important than land rights and uranium because, as we all know - and there is no mistaking the authenticity of the remarks opposite - that is what is killing the Aboriginal people. That is what is destroying them. That is what is taking away their motivation. You can blame it where you like, but there is the true cause.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I had not intended to speak on this motion to adjourn the Assembly but I did feel prompted by the remarks made by the honourable member for Tiwi to say perhaps a few words about the recent incident that has caused some shock among people who dwell in the rural areas.

I do take exception to the implication of the honourable member that there was some party political motive behind the whole incident. I want to say at the outset that I, for one, have always been a great admirer of the work of the SPCA. I do not derogate in any way from the fine work they have done in managing a very difficult problem which, as the honourable member for Tiwi so rightly says, comes from the community at large.

The reason my colleague, the honourable member for Fannie Bay, raised this whole unpleasant incident in question time was not to cast any slur upon the work of the SPCA, but simply because we considered that the action taken by an employee of the SPCA did seriously prejudice public health. On reading the news report of that incident, I did feel some sympathy with the young lady employee who was involved in this incident and I gather she was very upset by the whole business.

I would like to say that I think this spells out a need to have some formal line of communication with health authorities in dealing with these sorts of matters. The problem that caused some alarm in that area - and I think I can say this with some authority - is that we were given to believe, and I believe this has not been disputed, that the carcases that were dumped there were the carcases of dogs that had suffered from hepatitis. This is a communicable disease and it is one of those diseases which has the unfortunate effect that the sufferer from it never actually recovers completely. You might throw off the disease but one's liver, I am given to understand, is always impaired afterwards and it can recur many years after one has had the initial encounter with it.

Having said all that, I do assure the honourable member for Tiwi that there was no party political motive in this at all. The SPCA has its premises within my electoral district and I am naturally quite interested in what goes on there. I believe it normally dumps diseased carcases in the Leanyer dump which also happens to be in my electorate. I would say with some conviction that the olfactory sense of all people is equally affected, whatever political view they might support.

I want to be a bit constructive on this issue because it is not usual for institutions like the SPCA to be denied, as I believe this one is, access to incineration facilities. I think that SPCAs should have some method for dealing with a mass outbreak of disease, as this obviously was, and that a permanent line of communication should be established with the Department of Health as to what should be done if some action has to be taken out of office hours. I do commend that suggestion to the honourable member for Tiwi who, I believe, is president of that association. If this were done, it would certainly rest a lot easier with residents who live adjacent to the dumps, as well as with the SPCA.

Mr TUXWORTH (Barkly): I just wish to speak briefly on the comments made by two of the honourable members opposite this afternoon. For my opening remarks I would like to say that the comments of the honourable member for MacDonnell were noted, and I noted too that we have the seeds of another vindicative attack upon an individual showing itself in this House. We have just finished one episode on a particular person for some reason and now we appear to have another guy that we can spend the next three to four months putting the hooks into. I sympathise with the feelings of the honourable member and I do not particularly condone the actions of the person he is referring to, but the fact is that in this particular incident, the law is the ass. The man is operating within the law and it is up to us to change the law, and change the law we will. Before these sittings are out, Mr Speaker, honourable members will have with them a draft of the new liquor ordinance which will enable them to go back to their electorates and seek the views of their constituents, to bring it forward as a piece of legislation not of a political nature but of social content - one by which we can try to improve the overall problem of over-consumption of alcohol, not by just one section of the community but by the total community.

One thing has been missing in the honourable member's comments so far, and perhaps in a continuing episode he might like to elaborate on it for us. That is a solution to the problem. There are thousands of people in the bureaucracy who have lived in the Territory all their lives and can tell us what the problem is. We need some pretty bright pontificating from people like the honourable member for MacDonnell who can tell us how to solve it. We are making a contribution towards solving it, so for the time being a little less of the knocking and the kicking and personal vilification would go down very well until we can get ourselves over the exercise of introducing the new legislation. If the honourable member can direct his efforts to that in the next six months, we will achieve a lot.

I would also like to turn to the comments made by the honourable member for Arnhem who has a particular dislike for this substance known as uranium and the by-product of it which is plutonium. The reality that he cannot come to grips with is that the world has got to have it. The honourable member started off again this afternoon, Mr Speaker, with a report of a congressional subcommittee, chaired by a Paul Rogers who obviously does not particularly agree with uranium either.

Mr Collins: How do you know?

Mr TUXWORTH: But the honourable member forgets to tell us whether this particular person in the congressional subcommittee is in fact, a politician from an oil state or a coal state, who just might have a vested interest in this whole energy business.

Mr Collins: We are talking about the evidence.

Mr TUXWORTH: Ah! We are talking about the evidence: AM evidence, PM evidence, Four Corners evidence. Table the evidence! Mr Speaker, where are we going to put it? "I will send a telegram for a report and I will put it on the table". Mr Speaker, I do not wish to be facetious about it ...

Mr Collins: You're doing very well.

Mr TUXWORTH: ... but when we talk about evidence, let us be rational. The honourable member says, "You know, there is evidence to say that 160,000 people were marched into the Valley of Death by the United States army".

Mr Collins: Oh, come on.

Mr TUXWORTH: Well, this is the sort of emotive clap trap that the honourable member is scaring the life out of people with. Evidence! Well, Mr Speaker, I do not mean to be joking, but that is how the honourable member comes across.

Mr Speaker, the honourable member for Arnhem tells us that there is indisputable evidence to say that there is a relationship between the use of uranium and atomic reactors, and the clean air states, and the dirty air states, and the number of people that die from cancer.

Mr Collins: And smoking.

Mr TUXWORTH: Perhaps the honourable member would like to table it all for us and perhaps we might get an opportunity to put it in the balance.

Mr Collins: You missed the point, didn't you? I suggested you might like to have a look at it.

Mr TUXWORTH: Mr Speaker, I have not missed the point. There are plenty of people in the world today who are peddling this nonsense that dupes people like the honourable member for Arnhem, and he gets up and repeats it in another place. There is plenty of evidence to suggest that if my auntie did not have boobs, she would be my uncle. That is the sort of argument the honourable member is putting over.

Mr Collins: That is all very clever, actually.

Mr TUXWORTH: Well, Mr Speaker, if the honourable member is going to pursue his argument, let us get away from the text of AM or PM and congressional committees, and get into some facts. The sooner he puts it through and we can all have a look at it, the better.

Mr Collins: Terrific! I will do that.

Motion agreed to; the Assembly adjourned.