

**NORTHERN TERRITORY OF AUSTRALIA**

**LEGISLATIVE ASSEMBLY**

**First Assembly**

**Parliamentary Record**

**Wednesday 20 November 1974**

**Thursday 21 November 1974**

**Thursday 2 January 1975**

**Friday 3 January 1975**

**Tuesday 7 January 1975**

**Part I—Debates**

**Part II—Questions**

**Part III—Minutes**

**Part IV—Bills Introduced**

**PART I**

**THE DEBATES**

## NORTHERN TERRITORY OF AUSTRALIA

### FIRST ASSEMBLY—FIRST SESSION

Wednesday 20 November 1974

#### ASSEMBLY CONVENED

The First Assembly convened at 2 pm 20 November 1974 pursuant to notice by His Honour the Administrator.

The Clerk read the notice summoning the Legislative Assembly into session.

#### AUTHORITY TO ADMINISTER OATHS

**His Honour Mr Justice FORSTER:** Members of the Legislative Assembly, His Honour the Administrator, not thinking fit to be present in person at this time, has been pleased to authorise me to administer the oaths or affirmations of allegiance to the Queen and the oaths or affirmations of service to the Assembly required by the Northern Territory (Administration) Act to be taken by members of the Legislative Assembly for the Northern Territory.

His Honour the Administrator desires me to inform you that, after all members present have been sworn and an eligible member has been chosen to be your Speaker, he will be pleased to have the member whom you have chosen presented to him later this day at a place set aside for that purpose within the precincts.

#### RETURNS TO WRITS

The Clerk laid on the table the returns to the writs for the election of members of the Legislative Assembly held on 19 October 1974. The following members named in the returns made and subscribed the oaths or affirmations required by law:

##### Electorate Name

Alice Springs—Bernard Francis Kilgariff  
 Arnhem—Rupert James Kentish  
 Barkly—Ian Lindsay Tuxworth  
 Casuarina—Nicholas Dondas  
 Elsey—John Leslie Stuart MacFarlane  
 Fannie Bay—Grant Ernest Tambling  
 Gillen—James Murray Robertson  
 Jingili—Paul Anthony Edward Everingham  
 Ludmilla—Roger Michael Steele  
 MacDonnell—David Lloyd Pollock  
 Millner—Roger Ryan  
 Nightcliff—Alline Dawn Lawrie

Nhulunbuy—Milton James Ballantyne  
 Port Darwin—Ronald John Withnall  
 Sanderson—Elizabeth Jean Andrew  
 Stuart—Roger William Stanley Vale  
 Stuart Park—Marshall Bruce Perron  
 Tiwi—Hyacinth Tungutalum  
 Victoria River—Godfrey Alan Letts

#### ELECTION OF SPEAKER

**The CLERK:** It is now the duty of the Assembly to choose for itself a Speaker. Could I have a nomination please?

**Dr LETTS:** I move that the Honourable Member for Alice Springs, Mr Kilgariff, do take the chair of this Assembly as Speaker.

**Mr EVERINGHAM:** I second that nomination.

**Mr KILGARIFF:** I accept the nomination.

**The CLERK:** Are there any further nominations? There being no other further nominations, I declare the honourable member for Alice Springs, Bernard Francis Kilgariff, elected as Speaker of this Assembly.

**Members:** Hear, hear!

**Mr KILGARIFF:** I wish to express my grateful thanks for the high honour the Assembly has been pleased to confer on me.

**Mr KENTISH:** Mr Speaker, I would like to congratulate you on your election to the chair. This new position bears some resemblance to that of the President of the Legislative Council but is itself a new position. This election of the Speaker of the Assembly bears its own recommendations and its own involvement. The person who is elected to this position is naturally the subject of careful thought and selection and the people who have elected you have given thought to the type of person they would want as Speaker—a person suitable for this office, and so the position itself bears a good deal of recommendation.

It should be stated that your service in this Council over the past number of years—for six years I have been serving with you here and you were here before that—demonstrated very well the qualities which have led to your election as

Speaker. It is well known that you have all those qualities that could be desired, of fairness and devotion to duty, and we are all quite certain that you will be an ornament to this position.

I tender my congratulations and also congratulate you on behalf of the other members.

**DR LETTS:** Mr Speaker, I would like to add my congratulations to the remarks of the honourable member for Arnhem.

I have known you ever since I came into the Northern Territory many years ago and I have admired your work in the previous Legislative Council over the past 15 years. I do not believe that there has ever been a more conscientious, energetic and dedicated member in this legislative body than you have proved to be. I have also admired the part you have taken in public life outside the legislature. I have admired very much the part you have taken in your own family life and, knowing these sterling qualities, I feel sure that your acceptance of this high position can only add lustre to the office of the Speaker.

**MR WITHNALL:** Mr Speaker, I wish to add my congratulations to the congratulations that have already been offered to you. I have no doubt at all that you will discharge the duties of your office fairly and with distinction. My experience of your attitudes towards the democratic institutions in the Northern Territory goes back a very long way, and I am satisfied that you are well equipped for the task upon which you have embarked. I would like also to add my sympathy that you are taken out of work on the floor of the house and elevated to a position where you will not be able to contribute as much as previously you may have contributed to the debates of the former Legislative Council. My congratulations, sir, and my assurance that I will certainly cooperate with you in every way in making this Legislative Assembly work as well as possible.

**MR MacFARLANE:** Mr Speaker, your election to this high position was premeditated, cut and dried. You stand head and shoulders above the milling multitude. With 9 years as a non-official member and

6 years as an elected member, your service is second only to that of the honourable member for Port Darwin who could be classed as the permanent head of the perpetual opposition. I know you are sorry to lose your place on the floor of the house. You have been engaged in many contentious, lengthy and important debates. However, with this experience, I feel sure that you will be able to control a Legislative Assembly comprised of mainly new members. Whether or not the Majority Leader has a docile team of Country Party members which he can rule with a rod of iron or whether you have an unruly Legislative Assembly that you will have to rule with a rod of iron, I leave to your wisdom and to your good humour. I wish you wisdom in your rulings.

**MR SPEAKER:** Members of the Legislative Assembly, I wish to thank you most sincerely for your kind words of congratulation that you have expressed. Perhaps I can do no more than say that I hope I can continue in the same manner as my two predecessors, the last two presidents of the Legislative Council. Indeed, I will be well satisfied if, when I depart from the chair, I am held in the same high regard as they are.

With regard to the policy that I will adopt in the use of the 2 votes that I now have at my disposal, I can do no better than to refer you to the statement on this matter made by the late Harry Chan on 16 December 1965. On that occasion, he said that the standing orders made it compulsory for him to use his deliberative vote and in doing so he intended that it should be in the interests of his electorate. He then said: "In the matter of the use of the casting vote, I will give some weight to parliamentary usage". Members will be aware that in the past this has led to the President having to give his casting vote in a different direction to his deliberate vote. This to an outsider may have seemed peculiar but, while the present arrangements prevail, I do not think there is any other policy to be pursued.

Thank you again for your kind remarks. I hope that your faith in me will be justified.

## PRESENTATION OF SPEAKER TO ADMINISTRATOR

**Mr SPEAKER:** I am informed that His Honour the Administrator will shortly be within the precincts and it is my intention to present myself to him. I shall be pleased if honourable members will accompany me on this occasion. The chair will be resumed at the ringing of the bells in approximately 30 minutes time.

(Sitting resumed)

**Mr SPEAKER:** I have to report that I have presented myself to His Honour the Administrator as the choice of the Legislative Assembly, and he has been kind enough to congratulate me on my election as Speaker.

## COMMISSION TO ADMINISTER OATHS

**Mr SPEAKER:** I have received from the Administrator a delegation authorising me to administer to members of the Assembly oaths and affirmations required by statute. This I now lay on the table.

## ATTENDANCE OF ADMINISTRATOR

**Mr SPEAKER:** I am informed that His Honour is within the precincts and it is his pleasure to attend now this sitting of the Assembly to declare the causes of his calling the Assembly together.

**HIS HONOUR THE ADMINISTRATOR:** In accordance with the conventions of the Westminster system of parliamentary government, I have accepted the advice of Dr G. A. Letts, the honourable member for Victoria River, that he is able to command a majority of votes in the Assembly, and it is my pleasure that he should be recognised as Majority Leader in the Assembly. On the advice of the Majority Leader, I have recommended to the Minister and the Minister has graciously appointed the following honourable members to be members of the Administrator's Council:

The honourable member for Victoria River, Dr Letts.

The honourable member for Jingili, Mr Everingham.

The honourable member for Fannie Bay, Mr Tambling.

The honourable member for Barkly, Mr Tuxworth.

The honourable member for Millner, Mr Ryan.

It is the intention of the majority group in the Assembly that the first session should be brief and without the formalities that might be expected to accompany such an occasion. Because of the far-reaching effects of the constitutional change that has taken place, it will be necessary for urgent discussions to be held between the Assembly and the Australian Government to determine the precise form that the future government of the Territory is going to take. The Minister for the Northern Territory and the Australian Government are anxious that these discussions should proceed with the least possible delay. Those attending the discussion will have the benefit of the report of the Joint Committee on the Northern Territory in their deliberations.

The first meeting of the Assembly has been summoned because there are a number of urgent matters of an administrative nature which must be dealt with. Among the foremost of these is the appointment of the various officers of the Assembly and of the various standing committees. Paramount is the need to adopt a new set of standing orders to reflect the constitutional changes that have occurred. The Majority Leader will be seeking the adoption of new standing orders with the least possible delay in order that the Assembly may function effectively from the outset. Although expediency will require that the debate on the adoption of the standing orders will be minimal, the Majority Leader will be providing the Assembly with the assurance that any member wishing to debate the order more fully will be given that opportunity when the Assembly next meets. It is probable that the present session will be prorogued after a short time and that a full and formal opening to the second session will take place early in the new year. On that occasion, it should be possible to indicate the results of the discussions held with the Australian Government and to disclose in some detail the future activities of the Assembly.

The Majority Leader will be announcing shortly the names of those members who are to be designated executive members. Those members will be responsible in this chamber for matters relating to finance and law, community development, education and consumer services, social affairs, resource development, and transport and secondary industries. As far as possible within the constitutional limits, they will carry out the functions and will accept full responsibility in this Assembly in the same manner as do ministers of state in the Commonwealth parliament.

### LEGISLATIVE ASSEMBLY (SPEAKER) BILL

#### (Serial 1)

Bill presented and read a first time.

**Dr LETTS:** I move that the second reading of this bill be made an order of the day for a later day.

Motion agreed to.

### ADDRESS IN REPLY

**Dr LETTS:** Mr Speaker, I present the address in reply to the Administrator's speech.

May it please Your Honour, we, the Legislative Assembly for the Northern Territory, desire to express our loyalty to our most gracious Sovereign and to thank Your Honour for the speech which you have been pleased to address to the Assembly.

**Mr TUNGUTALUM:** I second the motion.

Debate adjourned.

**Mr SPEAKER:** The chair will be resumed at the ringing of the bells in approximately 2 minutes.

(Sitting resumed)

### MOTION

#### Standing Orders

**Dr LETTS:** I ask leave to lay on the table a draft copy of standing orders and to move without notice that the standing orders be replaced and the draft standing orders which I have tabled this day be adopted as the standing orders of this Assembly.

Leave granted.

**Dr LETTS:** I move that the standing orders be replaced and the draft standing orders which I have tabled this day be adopted as the standing orders of this Assembly.

The standing orders of the Legislative Council provided the means by which we have been able to proceed this far today but all honourable members will realise that they must be replaced. Indeed, some doubts have been expressed as to the legality of their use today. For these reasons, I am forced to ask the Assembly to agree to this motion today with what would, in other circumstances, be deemed unseemly haste.

Two commentaries have been circulated to honourable members which give both a general and a detailed explanation of the changes made by the new orders. I regret that it was not possible to circulate them earlier. If any honourable member is apprehensive of passing this motion with the minimum of debate, and I recognise that this must be a natural reaction, I offer this consolation: these orders provide for a Standing Orders Committee of 5 members and, if that committee between now and the next session wishes to propose any amendments, I guarantee that they will be given every consideration.

**Mr WITHNALL:** I do accept the need for the provision immediately of a set of standing orders. Indeed, I share the doubts that were expressed by the honourable member for Victoria River when he spoke of the dubiousness of the application of the Legislative Council's standing orders. I do not think the words of the motion repealing those rules are quite accurate but I do not propose to make any point of that. I would, however, like to have an assurance from the honourable member broader than the one that he has just given. He said that there will be a Standing Orders Committee and that recommendations from that committee will be accepted. I would like an assurance beyond that because I am not at the moment able to understand what sort of committee is to be appointed and the extent of its powers and functions. I would like an assurance that any proposal for the amendment of these standing orders will at least be seriously considered.

**Mrs LAWRIE:** I share the reservations of the honourable member for Port Darwin. We are really presented with a fait accompli and are in no position other than to accept it. I too have serious reservations. I ask for a full and complete statement from the Majority Leader that all representations will be fully considered. I accept the reasons given, with reservation, and will be forced to vote in favour of accepting draft standing orders which I have not had the time to read. This in principle is very bad.

**Dr LETTS:** I have no hesitation whatsoever in giving the assurances sought by the honourable members for Port Darwin and Nightcliff. It was unfortunate that the standing orders could not have been circulated earlier; I have only seen the printed copy of the standing orders for the first time this afternoon when they were available on the desks before us.

I will broaden the terms of the statement which I made earlier. I hope that every member of this Assembly will, between now and our next meeting, study the standing orders closely. I invite them to make any representations they may have in relation to them to the Standing Orders Committee and I am certain that committee will offer the full time for discussion and take full notice of any suggestions that are made. If there are any amendments to be made, time will be provided at the next sittings.

Motion agreed to.

## STATEMENT

### Executive members and their functions

**Dr LETTS** (by leave): In pursuance of the standing orders which have been adopted, I wish to announce that the following honourable members have been designated executive members: the Deputy Leader and Executive Member for Finance and Law, the honourable member for Jingili, Mr Everingham; the Executive Member for Community Development, the honourable member for Fannie Bay, Mr Tambling; the Executive Member for Education and Consumer Services, the honourable member for Sanderson, Miss Andrew; the Executive Member for Social Affairs,

the honourable member for MacDonnell, Mr Pollock; the Executive Member for Resource Development, the honourable member for Barkly, Mr Tuxworth; and the Executive Member for Transport and Secondary Industries, the honourable member for Millner, Mr Ryan. As the seventh executive member, I as Majority Leader, will accept responsibility for Constitutional Development, Rural Land, Primary Industry and the Northern Territory Public Service.

Government departments and statutory authorities throughout the Territory have been informed that the introduction of legislation to the Assembly in future will be through the majority group. The legislative draftsmen will in future draft bills only on my authority. This authority will be delegated to a Legislation Committee of the majority group.

As staff and facilities become available to us, I hope that each executive will have an administrative officer or secretary who will, in cooperation with the officers of the various departments and authorities, provide a channel of communications between the executive member and the department.

I hope the conflicts of policy will be few and then, when they do occur, it will be possible to resolve them or to reach some form of compromise by discussions on the spot. In other cases, it may be necessary to discuss a problem at a higher level involving the federal minister. I have the assurance of the Minister for the Northern Territory that he will do all he can to facilitate such discussions should they become necessary.

The executive members undertake to provide answers to questions on notice and to questions without notice to the best of their abilities. I am sure that they can look forward to the fullest cooperation from all departments and authorities in obtaining the necessary information. As it will take some little time to establish the machinery through which this information will flow, I must ask honourable members for the time being to restrict their questions to those that are most important.

Although no provision is made in the standing orders for the recognition of a member as Leader of the Opposition, I

believe that such a position is necessary if we are to operate as a parliament. In the present circumstances, with only 2 members who can be said to be in opposition and each of them independent, I am afraid that the position must remain unfilled. Nevertheless, I would like it to be accepted that such a position exists and could be filled at any time in the future.

I feel that I should say one or two more words in addition to those in the formal statement, because there may be some misapprehension, particularly amongst government departments, that this allocation of portfolios and responsibilities at this stage represents an intrusion into their fields before further discussions have taken place in the light of the report of the Joint Parliamentary Committee on the Northern Territory. I can only say that is not the intention at all. As far as our intention is concerned, it will be necessary to have such members for the purpose of seeking answers to questions and providing those answers to questions in this house. It will be necessary to have such members for the purpose of discussing proposed legislation which government departments and members of this house may have to bring before us.

The short titles which I have given here today do not to any extent spell out in detail the family groups of functions which will be attached to each of these executive members. I do intend within the next 24 hours, and hopefully tomorrow, to have available a further document which will indicate the particular functions, statutory authorities and departments which will fall within the ambit of each of these executive members, in what I hope will be natural and acceptable family groups. Members will be more fully informed when that document is available.

#### **ELECTION OF CHAIRMAN OF COMMITTEES**

**Mr SPEAKER:** I call for nominations for the position of Chairman of Committees.

**Dr LETTS:** Mr Speaker, I propose that the honourable member for Elsey, Mr MacFarlane, be elected Chairman of Committees.

**Mr EVERINGHAM:** I second that motion.

**Mr MacFARLANE:** I accept the nomination.

**Mr SPEAKER:** I have pleasure in declaring the member for Elsey, Mr MacFarlane, Chairman of Committees and I offer him my congratulations.

**Mr EVERINGHAM:** It gives me some pleasure to rise to pay compliment to the honourable member for Elsey. I have known the honourable member for some years and he is well known to his friends and acquaintances as "Docile Mac". I do not think that we will see too much of this side of the honourable member. He served with distinction as member for Elsey in the former Legislative Council for a number of years and I am sure that he will continue to represent that electorate with distinction in the future. There are a number of honourable members in this Assembly who are quite without experience and it is members such as the honourable member for Elsey on whom we hope to be able to call for assistance in the future.

**Mrs LAWRIE:** In the previous Legislative Council, when the seating arrangements were different and perhaps more equitable than those applying at the moment, I had the honour of sitting next to the honourable member for Elsey. I say straight from the heart that I am going to miss in this coming 3 years the humour which was available to me during some of the more boring debates—and I advise honourable members that there certainly will be some boring debates.

Reference has been made to "Docile Mac". Thank God, Mac has never been that. I don't quite know how we are going to fit his humour and his forthrightness into the position of Chairman of Committees. It is an important statutory position within the Assembly and I congratulate him. But, I say again, straight from the heart, that it is a pity that Mac's debating qualities will be missed from the floor of the house during the committee stages. I am also going to miss his interjections during committee, which were always to the point and which rattled speakers to the



extreme. I wonder if this is why the Majority Leader is happy to see him sitting as Chairman. I congratulate you on your appointment, Mr Chairman, and I am sorry that you won't be here to cheer me in my hour of need.

**Mr WITHNALL:** I do congratulate the honourable member. He is a very old friend of mine and an old friend of this Council, and sometimes indeed an old opponent. To hear him described as "docile" is the last word! Anything less docile than the honourable member, both in debate and in his attitudes could not be expected. I trust and hope that he will be able to tackle the job properly; he is assured of my assistance in any debate involving the committee stage of a bill. I understand that there are to be new provisions in standing orders and that there won't be too many committee stages. I don't like to contemplate that and, as far as I am concerned, I can assure honourable members that there will be a lot of committee stages. I look forward to seeing the honourable member in the seat of the Chairman of Committees very frequently.

**Mr TUXWORTH:** I would like to congratulate the honourable member for Elsey on his appointment, particularly on behalf of the new and young members of the Assembly who are very inexperienced. The honourable member has a very fine record in this chamber, as the previous speakers have indicated, and is very well known in the countryside for his electoral work. The new and inexperienced members of this chamber will be looking to him for guidance. We will be very willing to listen and we can guarantee our utmost support.

**Mr MacFARLANE:** I thank all members for their kind words.

### MOTIONS

#### Appointments to standing committees

**Dr LETTS:** I move that Mr Speaker, Miss Andrew, Mr Vale, Mr Steele and Mr Tuxworth be appointed members of the House Committee.

Motion agreed to.

**Dr LETTS:** I move that Mr Speaker,

Mr Ryan, Mr Vale, Mr Ballantyne and Mr Everingham be appointed members of the Standing Orders Committee.

Motion agreed to.

**Dr LETTS:** I move that Mr Dondas, Mr Pollock, Mr Ballantyne, Mr Perron and Mrs Lawrie be appointed members of the Publications Committee.

Motion agreed to.

**Dr LETTS:** I move that Mr Tungutalum, Mr MacFarlane, Mr Kentish, Miss Andrew and Mr Withnall be appointed members of the Privileges Committee.

Motion agreed to.

**Dr LETTS:** I move that Mr Tungutalum, Mr Robertson, Mr Ballantyne, Mr Kentish and Mr Withnall be appointed members of the Subordinate Legislation and Tabled Papers Committee.

Motion agreed to.

### MOTION

#### Constitutional Convention

**Dr LETTS:** I seek leave to move without notice a motion in relation to the representation of this Assembly on the Australian Constitutional Convention.

Leave granted.

**Dr LETTS:** I move that Dr G. A. Letts and Mr R. J. Withnall be appointed as delegates of this Assembly to attend the sittings of the Australian Constitutional Convention and its committees and that, in the event of either delegate being unable to attend the convention, Mr P. A. E. Everingham be a substitute delegate.

Motion agreed to.

### STATEMENT

#### National Parks and Wildlife Conservation Bill 1974

**Dr LETTS:** The National Parks and Wildlife Conservation Bill 1974 was introduced into the House of Representatives on Wednesday 2 October 1974 by the Minister for Environment and Conservation, Dr Cass. The legislation makes provision, inter alia, for the establishment and

management by the Australian Government of parks and reserves in the Territory; for the redeclaration by the Governor-General of any of the Territory's existing national or public parks, bringing them all under the new federal legislation; for the creation of an Australian National Parks and Wildlife Service, headed by a director responsible for park administration, wildlife conservation, survey and research work and training.

It is clear that this proposed act would give the Minister and the Director new and wide ranging powers in the Northern Territory over matters which were formerly the responsibility of the Territory legislature, including the responsibility for the administration of national parks which has been in the hands of a local statutory authority, namely the Reserves Board. The regulation, management and research of wildlife has been the province of the Wildlife Section of the Department of the Northern Territory operating within the terms of the Wildlife Conservation and Control Ordinance. It is uncertain what role, if any, these bodies, this Assembly and the people of the Northern Territory will have in these functions in the future if the bill is passed; nor does the Minister's second reading speech throw any light on this.

No exception is taken to the high ideals and objectives stated in that speech in relation to the need for conservation and intelligent use of that part of our national heritage represented in parklands, flora and fauna; nor to the proposition that the national government and executive should play a leading part in the coordination of these functions between states and territories. It is recognised that there is a need to review, streamline, coordinate and strengthen the existing legislative and organisational aspects of national parks and wildlife functions in the Northern Territory. The bill, if passed, will seriously diminish the legislative powers of this Assembly by overriding all existing ordinances relating to parks and wildlife and making it impossible to legislate on these subjects in the future.

I wish to reaffirm the views stated and endorsed on several previous occasions by the Legislative Council, that, in the legisla-

tion relating to these resources and in the day to day management of them, the people of the Northern Territory must hold the responsibility; and to emphasise my belief that this view is also held by the majority of people in the Northern Territory. The Australian Government should therefore withdraw the bill now before the House of Representatives with a view to holding further discussions with representatives of this Assembly and with other interested groups and members of the public in the Northern Territory and with the object of providing an amended version of the legislation more in keeping with the public interest and our future needs.

Since I prepared that statement, I have learned that the bill was listed for debate in the House of Representatives again this week. Therefore, I prepared and sent a telegram to a number of senior members on both sides of the House of Representatives including the Prime Minister, the Minister for Conservation and Environment, the Minister for the Northern Territory, and the opposition representatives in those fields. I asked that the bill be withdrawn or delayed until this statement was made and that the action suggested in this statement be considered and, I hope adopted. Since I despatched that telegram on Monday, I have had a reply from the Minister for Conservation and Environment, Dr Cass. It arrived today and I seek leave to table both my telegram and the reply in conjunction with the statement which I have just made.

Leave granted; papers tabled.

**Dr LETTIS:** I would like to say finally that, in the telegram received from Dr Cass, he makes a statement that the legislation which is before the House of Representatives now was drafted after the attendance of senior officers, presumably of his department, at a Legislative Council meeting on 6 November 1973. I wish to draw the attention of honourable members to this statement. My recollection is that the permanent head of his department did come to this Council, did sit in the visitor's gallery for some short time—it might have been half an hour to an hour—and, while the business of the Council was proceeding, we were advised by the senior official member that, if we desired to have discus-

sions with the head of that department, he would be available to see us for a few minutes outside.

I for one, Mr Speaker, was heavily committed to the business of the day—having things prepared and having no real notice of his visit—and was quite unable to take any advantage of this short opportunity. I would not regard that as the way for that department and that Minister to have had consultations with a legislative body.

**Mr WITHNALL** (by leave): I move that the statement be noted and I seek leave to continue my remarks at a later date.

Leave granted.

Debate adjourned.

### **PUBLIC SERVICE BILL**

(Serial 3)

Bill presented and read a first time.

**Dr LETTS**: I move that the second reading be made an order of the day for a later day.

Motion agreed to.

### **ADJOURNMENT DEBATE**

**Mr EVERINGHAM**: I move that the Assembly do now adjourn.

**Mr WITHNALL**: I rise on this occasion to make some pretty large protest about the difficulties that have been imposed upon this Assembly because of the work which has been undertaken by the Department of Housing and Construction in the renovation of these buildings. The roof to these buildings has been condemned for

more than 12 months and there has been a requisition for the replacement of the roof for a long time; it has been on the estimates for a long time. The Department of Housing and Construction, in its inimitable way, has decided to wait until the wet season started before it takes the roof off and is taking it off now when irreparable damage is likely to be occasioned to the ceiling if a sudden storm strikes. I accept that they probably cover it after the day's work. But not only do they wait for the wet season, they wait until the Assembly starts to sit. We have had all the interruptions from people, not only on the premises and in the yard, but dragging galvanised iron over the roof and generally making noises which have been quite difficult to bear.

One would have thought that the Department of Housing and Construction would have understood that roofs ought to be removed in the dry season and have stirred themselves to do it some time perhaps in August or September or October and not in November. One would have thought that the department would have understood that, when the Assembly was sitting, it needed a sort of quiet at least, and not the interruption that has been occurring over the last 48 hours.

I do think that the protest that I am making is necessary and I commend my remarks to the attention of the Director of Housing and Construction. I trust that he will suitably instruct his officers in the future.

Motion agreed to; the Assembly adjourned.

**Thursday 21 November 1974**

# **APPOINTMENT OF DEPUTY CHAIRMEN OF COMMITTEES**

**Mr SPEAKER:** I lay on the table my warrant appointing Deputy Chairmen of Committees. The members appointed are Marshall Bruce Perron, James Murray Robertson and Hyacinth Tungtulum.

## **LEGISLATIVE ASSEMBLY (SPEAKER) BILL**

**(Serial 1)**

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

The need of this bill arises because of the circumstances which prevailed after the last sittings of the Legislative Council when the elected president did not re-nominate for re-election to this house. An interregnum occurred when there was no presiding officer, either of the Legislative Council or of the Legislative Assembly. Our reaction was to look at the federal house whose procedures and conventions we adopt. We found that in the House of Representatives continuity is provided by the Parliamentary Presiding Officers Act 1965. This act, which also refers to the President of the Senate, was found to be necessary because the Constitution did not provide for the exercise of statutory powers and functions in certain circumstances. The Northern Territory (Administration) Act stands in the same relationship to this house as the federal situation stands in relationship to the House of Representatives, and we found that the words of the Act, relating to the Speaker of this House are, substantially, the same as the words of the Constitution relating to the Speaker of the House of Representatives. So we have taken substantially the words of the Parliamentary Presiding Officers Act and formed them into this bill to provide in future that the Speaker will continue to exercise his powers and perform his functions until a new Speaker is chosen by the next Assembly.

Provision is also made for the Chairman of Committees to be Speaker in the event of the death, absence or incapacity of the

Speaker. If the Speaker is absent from the Territory at some time in the future and it is necessary for his powers to be used, it will be perfectly legal then for the Chairman of Committees, as Acting Speaker, to exercise these powers. This is particularly important with regard to the powers vested in the Speaker by the Public Service Ordinance. The bill is designed to keep this Assembly in step with parliamentary practice throughout Australia and to provide in some cases for contingencies which we hope will never happen.

**Mr SPEAKER:** I have declared, pursuant to standing order 152, that this bill is an urgent bill and that the second reading may be determined forthwith. In making this declaration, I have taken into consideration the likelihood of a prorogation in the near future. Under normal circumstances it is unlikely that I would declare bills such as those on the notice paper today to be urgent.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

## **ADDRESS IN REPLY**

**Dr Letts rising—**

**Mr SPEAKER:** There being no other member speaking to the motion, there is no right of reply.

Motion agreed to.

## **MOTION**

### **Statement on National Parks and Wildlife Conservation Bill 1974**

Continued from Wednesday, 20 November 1974.

**Mr WITHNALL:** The importance of this debate far transcends the actual bounds of the Wildlife Bill which has been introduced into the federal house. I think all members recognise that the charter which this Legislative Assembly has from the government and which is expressed in the Northern Territory (Administration) Act gives this Assembly power to pass laws over the whole range of matters affecting the Territory and the people of the Territory. The power is expressed in the words that the Assembly "may make laws for the peace, order and good government of the Northern Territory".

In the past, when the Legislative Council was the legislative body created by the Northern Territory (Administration) Act, the Commonwealth government has been careful not to legislate directly in respect of the Territory and has been careful to ensure that all legislation affecting the Territory was brought into this chamber. The National Parks and Wildlife Bill which has now been introduced into the federal house is a departure from the practice and it is most important that this Assembly expresses as strongly as possible its objection to that course of action being taken.

This Assembly is stated to be, and ought to be in practice, the only legislative body concerned with the Northern Territory. I recognise, as indeed all people must, that the Commonwealth parliament retains, and always will retain, a reserve power of legislation. That reserve power, which technically the imperial parliament held for many years with respect to Australia, ought never to be used except on the most urgent occasion, and then only on matters which are not strictly territorial and matters which have a true national content.

When one examines the content of the National Parks and Wildlife Conservation Bill which has been introduced into the federal house, one sees that there has been some sort of an attempt to suggest that this is a subject which would be more appropriately dealt with by the national parliament. I am afraid the disguise is very thin and there can be no doubt in the mind of any one who reads the bill that it is directed at the Northern Territory and possibly, but only possibly, at the Australian Capital Territory. For this general reason, I would ask honourable members of this Assembly to support me in condemning the course of action which has been taken by the Australian Government.

I have introduced legislation, I think on 3 occasions, to deal with the creation of national parks in the Northern Territory and to deal with the administration of those parks in the Northern Territory. One of those ordinances is still lying around somewhere waiting for assent or at least waiting for refusal of assent. The former government always objected to the bills that I brought in on the grounds that the declaration of what was then known as the Northern National Park had to wait until

discussions were had on the necessity of mining in that area and on the conservation of various wildlife and botanical features. The present government, however, has taken the bit between its teeth and has indicated quite clearly in this legislation that the Northern Territory is to mind its own business and that national parks will be controlled in Canberra.

Reading the terms of the bill itself, and I do not propose to comment on them in any detail, I was quite frankly amazed to see that the bill created a separate entity, the Director of National Parks and Wildlife Service but, having created this separate authority, it goes on to provide that everybody employed by the director is to be employed in the Commonwealth Public Service. I don't know why anybody would go to the trouble to create something independent of the public service and provide that it was to be staffed by persons who are subject to the Public Service Act. That seems to be the greatest piece of nonsense that I have read in legislation for a long time.

I take this opportunity of protesting most vigorously at the invasion of the rights of this Northern Territory Legislative Assembly, at the discourtesy which has been offered to this Assembly and at the attempt to centralise in Canberra something which should be a local and not a centralised function. I trust that other members will support me in this because vigorous protest now is most necessary if we are to make it clear that we resent and will oppose any invasion of the authority of this Assembly to make legislation.

**Mr KENTISH:** I rise to support the remarks and the protest registered by the honourable member for Port Darwin concerning the bill that is being promulgated in Canberra to deal with affairs in the Northern Territory. It is rather an amazing thing that this should be occurring at this time, after having been used to many years of handling these sort of things in the Northern Territory. It seems ridiculous, in fact ironical, at a time when the federal government is considering giving greater autonomy to the Northern Territory, that they should be introducing a bill which will further whittle away the power and local authority of the Northern Territory. It is also rather ironical that, after many years of remote control in the Northern

Territory, rather a painful experience in many departments, we should come to a stage now where somebody in Canberra appears to be of the opinion that the Northern Territory parks and reserves and other things can be better run from several thousand miles distant.

This centralised remote control has been a painful experience. We would hope that we would be getting away from this sort of thing, but here we have an example where it is being intensified. I strongly support the remarks and the protest just registered by the honourable member for Port Darwin.

**Mrs LAWRIE:** It is clear that on this occasion I am going to speak as a minority of one and I am proud to do so. One could divide the debate into 2 parts: the actual content of the bill and the concept of truly national parks. I will deal briefly with the first as I believe both the Majority Leader making the statement and the honourable member for Port Darwin realise that intense discussion of the provisions of the bill at this stage and in this place may have little effect. However, there are certain points which need to be made.

Honourable members have received from the Environmental Council a report which they prepared after having considered the bill. They make 3 main points: firstly, the bill did not provide adequate tenure over areas proclaimed as national parks as the plan of management allowed for almost any type of intrusion by amendment by the government of the day; secondly, that the bill did not make provision for local involvement in areas such as recreational reserves that would seem to be the domain of the Northern Territory community; and thirdly, that the advertising of plans of management should take place in the areas and cities closest to the park under question. I agree wholeheartedly with those 3 reservations.

Further on in the report, you will see that the Environmental Council state: "Representations were made to the Northern Territory member of the Interim National Heritage Commission who undertook to bring these apparent deficiencies to the attention of that organisation". The first part of that statement is perfectly correct. Representatives of the Environmental

Council met me and we discussed the bill and the deficiencies in some detail. However, the second part is slightly incorrect and this is an honest mistake by the Environmental Council. I did not undertake to bring it to the attention of the National Heritage Commission because we are not considering the bill and in fact it had no place in the discussions of that commission. I undertook to bring it to the attention of such officers of the Department of Environment and Conservation as I could contact. I spoke to Mr Neville Gair who is the executive officer responsible for the National Parks and Wildlife Service. I spoke to Dr Peter Ellyard, the ministerial adviser. On a previous occasion, I had spoken to Dr Cass but I was unable to do so on my recent visit because Dr Cass was in Paris. I brought forcefully to the attention of the Department of Environment and Conservation these 3 main areas of deficiency.

I also on my own initiative referred to a fourth area which I felt to be in grave doubt and one which has been raised by the honourable member for Port Darwin. That is the question of the staffing being under the Commonwealth Public Service. This is a disastrous step; it will prove an almost insurmountable barrier to the person responsible for the direction of these national parks as we all know what delays occur in the appointment of staff under the Commonwealth Public Service Act.

Let me reiterate that I support these objections and that I discussed them with the department. I hope also I have cleared up the misconception that, as a member of the Interim Commission on the National Estate which is being referred to as the National Heritage Commission, I have some role in that status to play. Under the National Parks Bill, I have not. I would hope that I have dealt with the areas of the bill itself with which I find fault and with which I believe many other people will find fault.

Let us now get back to the concept of national parks as put forward to the Australian Government in this bill. The Australian Government is the only parliament in Australia where such a concept can be put forward and it has been quite rightly

and properly done. The honourable member for Port Darwin said correctly that we have powers to make laws for the common good of the Territory etc. He would also agree, as would every other member in this house, that certain laws of the land are the prerogative of the federal government. I have stated before publicly as a member of the Legislative Council and I state again that I believe the control of truly national parks belongs with a national government. They are not to be at the mercy or the prerogative of states or territories.

A statement was made that we do not want national parks to be controlled in Canberra. I do not believe that this is what the bill is putting forward. The department may be centred in Canberra of necessity. The legislation must be introduced in the federal house but I state again that parks are a national responsibility. Would members here agree that the Great Barrier Reef is the responsibility of the Queensland Government because I do not.

Let us perhaps divorce ourselves from Kakadu which is the most obvious area under question. We are in the most unfortunate position in this Assembly and in the Northern Territory. We are trying, after years of endeavour by people of excellent intent and expertise, to obtain some local control of our own lives. This is both necessary as the Territory progresses and it is a natural progression of events. We have now reached the stage where local control in many areas must be vested in the elected representatives of the people. National parks, not reserves or public recreation areas, do not fall within that ambit in any state. I am well aware that the Majority Leader or the member for Port Darwin will say that the states for the moment have not ceded to the Australian Government the power to legislate in these areas. I am aware of that but don't let us perpetuate that most unfortunate situation.

I have reason to believe that certain states will be willing to give to an Australian government the right to control national parks within their state boundaries. This is found to have happened in other areas of the world. National parks occurring within state boundaries of other western countries have been given to the federal government of that country. One

would hope that this is the stage we will reach in Australia. Federalism certainly is a good thing. I am not in favour of a central government governing every facet of our lives. I affirm my belief that the Northern Territory should advance towards statehood. I affirm my belief that the states have no part to play in national parks.

I also omitted to mention that, when speaking to the department in Canberra, I pointed out an obvious error in the bill. This was a ridiculous provision where this national service would have the right to take over any reserve or public recreation area in the Territory. I oppose that wholeheartedly. That is not what national parks are all about. When dealing with areas such as Kakadu, the Great Barrier Reef, Ayers Rock and its environs, I say they belong to the world. For practical purposes, they must be administered by a national body, the government of the day. I believe that this is another concept which must be considered. I don't regard this National Parks Bill as an Australian Labor Party thing. I believe it to be the Australian Government entering what should have been its role all along—areas of world importance to be controlled to the benefit of the nation, by the nation, not by the legislature of that particular state or Territory in which they happen to be situated.

Having said that, I am aware I will not even be able to have a division on the voting on this particular noting of the statement. I am well aware that I am a minority of one. It will be 18 to 1 but I hope that due consideration will be given by the people of the Territory that I at least accept the concept of national parks being controlled nationally.

**Dr LETTS:** I would refer first to a couple of documents which are relevant. The first one is the telegram which I tabled yesterday from the Minister for Conservation and Environment, Dr Cass, in which he attempts within the limitations of the space allowed in a telegram to give certain reassurances and answer some of the points which I had previously made. He started off by saying that the legislation had been drafted after the attendance of senior officers at a Legislative Council

meeting of 6 November 1973. I did refer yesterday to the fact that Dr McMichael was present for something less than an hour in the Visitor's Gallery, that an offer was made at very short notice by the senior official member for members to have discussions with him if they so wished, and that many of us were unable to do so because of commitments on the floor of the chamber. I do not regard the suggestion that discussions were held with this Legislative Council as holding water or being a proper form of discussion with the local legislature in any way whatsoever.

It goes on to say, ". . . and subsequent discussions with the Northern Territory Reserves Board". I am not aware of the full details of the discussions which took place with the Northern Territory Reserves Board but I do believe there are considerable misgivings in those people on the Reserves Board about the effects and the nature of this Bill and that they would like to see a further delay, further consultation and considerable amendment to the bill. So much for the Northern Territory Reserves Board which has been offered as the second supporting plank in this telegram.

As far as the officers of the Northern Territory Department are concerned, it is quite clear that they do not represent the public viewpoint in the Northern Territory. I believe further that, if those officers engaged in wildlife research, control, regulation and administration in the Northern Territory could be brought here and questioned, we would find that they too have considerable misgivings about the nature and purpose of this bill and about the idea of central control of all wildlife functions from Canberra as well as national parks. Whatever the honourable member for Nightcliff has said about the merits or demerits of a national parks scheme, nationally administered, and whatever her personal view is on that—and to some extent there may be some aspects that I would agree with her on—she did not offer any good reason why a wildlife service engaged in local research and day-to-day administration, with rangers and inspectors who have duties throughout the whole Northern Territory in connection with fisheries and a number of other functions,

should be centrally controlled in Canberra, and the whole of our legislative work in the Wildlife Conservation and Control Ordinance of the Northern Territory bypassed. I do not believe that the officers of the Northern Territory, or for that matter the Minister for the Northern Territory, are in support of this legislation in Canberra at the moment.

Another sort of plank in support for this bill being put through quickly in Canberra was given as the recommendations of a House of Representatives Select Committee on Wildlife Conservation. I have not had time to research this right out, but I am aware of the comings and goings of most of the joint parliamentary committees or house committees that come to the Northern Territory and conduct inquiries or public hearings, and I cannot recall the work of this committee over the last year or two in the form of any sort of public inquiry or hearing.

Towards the end of the telegram, the Minister gives some sort of assurance in saying: "I have always envisaged that a local advisory body would advise on national park and wildlife matters in the Northern Territory". The point about this, referring to this particular document, is that this Minister may feel that he wants to take local advice and he may take it in the form which I think is a perfectly inadequate form, a local advisory council. I think that, unless you have something enshrined in statute that cannot change from Minister to Minister, you have nothing. You have the temporary assurance of somebody who may not even be in the Cabinet, or in that role in 3 weeks' time. Those kinds of assurances which we have had before in the Territory have been known to change with the office of the Minister who holds the portfolio at any particular time.

Without wishing to digress, one only has to think of the assurances that were given on the 32-square-mile acquisition area by Minister Enderby, and how much the situation has changed over 12 months and departed from those assurances. This kind of verbal assurance that advice will be taken is simply not good enough nor is the form in which Dr Cass has suggested that the advice would be presented.



I now turn to a second document, that one which the honourable member for Nightcliff referred to and which I referred to earlier in question time, the report of the Northern Territory Environmental Council and the keen, enthusiastic and capable officers who are at present administering its affairs. But, there were certain things that the honourable member for Nightcliff did not bring out about this report and which I feel obliged to do. The introductory paragraph of the report of the Northern Territory Environmental Council contains this sentence: "As a result of the examination, the bill was thought to be deficient, but without the Council becoming involved in the primary issue of centralism and regionalism in the following areas". It then went on to set out those three deficiencies which the honourable member for Nightcliff has already referred to. She of course did not refer to the fact that the Council did not want to become involved in the primary issue of centralism and regionalism. I can completely understand the Northern Territory Environmental Council not wishing to become involved in this issue; it is a non-party, non-political body and, to be effective, it has to remain that way, and there would be no wish on my part to have any influence to bring them in on that side of the argument.

I do, however, make the point that, as far as this chamber is concerned, centralism and regionalism is a vital issue. It was the main uniting force and the main driving force of the previous Council and I hope it will be of this new Assembly over very many years. Looking at it from the party political point of view, I would say that the issue of local control or regionalism as against central control was one of the main matters which I asked the Northern Territory public to consider in the recent election. During the last two weeks or so in that campaign, I also referred repeatedly and all over the Territory to the action which the central government was proposing in relation to the National Parks and Wildlife Bill. I brought this to the notice of people in Darwin, Alice Springs and throughout the Territory and I believe that the vote which occurred was a reflection of the appeal made to the public of the Northern Territory on both those issues. The question of centralism and

regionalism and the question of this National Parks Bill, I believe were reflected in the vote and I stand here speaking more on behalf of the overall population of the Territory in this regard than the honourable member for Nightcliff sitting over there as an independant could ever possibly do, and she would be hard put to convince the rest of the public that it is otherwise.

She has stated simply what I regard as a personal view and I do not believe that she has really any right to go down to Canberra to talk to Dr Cass, to act as an intermediary on behalf of other organisations or certainly not of this Assembly or the people of the Northern Territory. It is the collective view of the nineteen members here which is the only thing that the governing party in Canberra should look at as far as a member of the Legislative Assembly is concerned. Perhaps the member for Nightcliff may have had a bit more influence than the rest of us have been able to have.

The Northern Territory Environmental Council, with due respect to the work and the views of that body, after I rang them on Monday did a lot of hard work apparently to seek other views. The views that were obtained according to this document essentially were those of the Assistant to the Minister for Environment and Conservation. His views were sought over the telephone and were obtained by that means. The views of the New South Wales National Parks Administration also were obtained and this is, these days anyway, a good and experienced body. In the light of those views, the Northern Territory Environmental Council met amongst its executive and considered the pros and cons and came up with their view that this bill, in the light of all the circumstances, even with some imperfection, should not be delayed in Canberra.

I am at some loss because I do not know the kind of conversations that occurred. I do not know whether the National Parks Association President in New South Wales, Mr Peter Prineas, was asked this kind of question: "Would you like the national government in Canberra to decide the names of your parks in New South Wales? Would you like them to run

the full wildlife service in research and regulation and control? Would you like them to have the far-reaching and virtually plenary open-ended powers in New South Wales that they are proposing to take unto themselves in respect of the Northern Territory?" I do not know whether that kind of question was asked of the President of the National Parks Association in New South Wales and, if it had been, what his answer would have been, but I would be very surprised if the national parks people in the states, being asked whether they would like to see this legislation apply in the same way in their states, would give an affirmative answer. The answer to that question remains unknown but I have my own view on it.

I think it is probable, though I do not know this because I have not had enough time to find out a lot of these things, that the executive of the Northern Territory Environmental Council had to make a decision largely within themselves and without having the opportunity to go out to perhaps all their members throughout the Territory and to the affiliated and other bodies who are associated with them. In other words, how good was the sort of plebiscite and consultation on which was based this recommendation to proceed forthwith and with speed during the pre-Christmas session of the federal parliament to finalise this bill? How wide was their consultation? It may be that it was very wide but I have not even had time to discuss this with the Northern Territory Environmental Council since I spoke to them on Monday to find out the answers to many of these points. That is the whole essence of what we are saying, that the matter is going ahead without proper consultation in the Northern Territory without sufficient time to do the job properly. People are being rushed to try and make a decision and rushed to try and support this. I believe that the Minister for Environment and Conservation has in fact already advertised a number of senior positions as secretarial and assistant secretarial types of positions for this new National Parks and Wildlife Service and has prejudged the fact that it will go through the House of Representatives and the Senate. If it does not go through, he will now be stuck with these positions that

have been advertised and applications called for, which will be some sort of embarrassment. This probably is making him redouble his efforts to get it through with what I regard as indecent haste.

I agree entirely with the honourable member for Port Darwin that this Assembly should reaffirm the view that the Legislative Council has stated in the past, that there is a place, and a place to be enshrined in legislation by the Northern Territory legislature, for local people of the Northern Territory to have a say in national parks and wildlife affairs.

Motion agreed to; statement noted.

### PERSONAL EXPLANATION

**Mrs LAWRIE:** Mr Speaker, I seek leave to make a personal explanation.

**Mr SPEAKER:** Does the honourable member claim to have been misrepresented?

**Mrs LAWRIE:** I do.

**Mr SPEAKER:** The honourable member for Nightcliff may make a personal statement.

**Mrs LAWRIE:** The honourable member for Victoria River said that I spoke to members of the Department of Environment and Conservation and other people in Canberra as a representative of this Assembly. The honourable member is quite wrong. I spoke to those people as the member for Nightcliff. However much he may dislike the fact, I represent the people of Nightcliff and in that capacity I am quite entitled to speak to any federal minister, to any person whomsoever I wish. It was in that capacity that I spoke to these people.

### PUBLIC SERVICE BILL

(Serial 3)

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

This bill has two main functions. The first of these is to provide means by which executive members of this Assembly may secure staff within the Northern Territory

Public Service; and the second is to validate actions taken within the Department of the Administrator in recent months for which there was no legislative authority.

The proposed amendment to section 8 of the principal ordinance provides that the Department of the Administrator, which is at present restricted to the branches of the Police, Prisons, Fire Brigades and Education, will in future consist of branches prescribed by regulation by the Administrator in Council. It is my intention to seek from the Administrator's Council at least 2 new branches, one to provide for the Administrator's personal staff and one to provide for staff for executive members.

The validity provisions of the bill are contained in section 8 and are in the usual form for validating actions which purported to be valid previously but in fact were not. Since the bill was drafted, I have been informed by the draftsman that a further small amendment will be necessary to this part of the bill validating purported appointments to these offices. I will introduce an amendment to achieve this during the committee stage. In drafting the bill, the draftsman took the opportunity to provide in the ordinance for unattached officers. These are in common usage in the Australian Public Service and could be of use as far as the Northern Territory Public Service is concerned and as it expands. Section 5 makes a change in the terms of appointment so that in future, instead of a person being appointed to a particular office, he may be appointed to the service itself as an unattached officer.

This is an important bill which is necessary to tidy up irregularities in the Northern Territory Public Service and I look forward to bringing in further amendments later which will update this service and allow for the expansion which will be necessary with the transfer of executive government to local control.

**Mr SPEAKER:** I have declared, pursuant to standing order 152, that this bill is an urgent bill and that the second reading may be determined forthwith. I do so for the same reason as I indicated with the previous bill.

**Mr WITHNALL:** I cannot let this occasion go past without making the comment that this is about the 5th or 6th bill which has been necessary in the Northern Territory to validate unlawful acts taken within the Northern Territory Public Service. It is quite disgraceful that this Legislative Assembly should have to amend the law so that what has been done by the Minister unlawfully may be approved.

It is quite clear that the Minister in the past has treated the Northern Territory Public Service in a most cavalier fashion and more than likely that has been inspired by the Commonwealth Public Service to whom the Northern Territory Public Service has always been a nuisance. Every attempt has been made to have the Northern Territory Public Service pushed aside and whenever something has been done nobody has cared at all about the way in which it was done. It is quite disgraceful and the attention of the Minister ought to be particularly drawn to this sort of thing; he ought to be requested to ensure personally that this sort of occasion will not arise again.

Motion agreed to; bill read a second time.

#### **In Committee:**

Clauses 1 to 6 agreed to.

New clause 6A:

**Dr LETTS:** I move that new clause 6A be inserted.

New clause 6A agreed to.

Clause 7 agreed to.

Clause 8:

**Dr LETTS:** I move that clause 8 be amended by omitting "the creation of the office is" and substituting "the purported creation of the office and any purported appointment to the office before the commencement of this ordinance is".

Clause 8, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

#### **ADJOURNMENT DEBATE**

**Mr EVERINGHAM:** I move that the Assembly do now adjourn.

Mr Speaker, I would like to draw to your attention the fact that a few days ago the President of the Law Society brought to my notice a rather unfortunate omission which appears to have escaped the draftsman in our Motor Vehicle Ordinance. It may have come to your notice that recently some companies engaged in third party insurance have become insolvent, in particular, Northumberland Insurance Company which was an authorised insurer in the Territory. The people who had their third party business with companies such as Northumberland—and I understand that an official liquidator has been appointed to the Northumberland Company by the Supreme Court of New South Wales on 4 November—are left without any indemnity and could well be expected to meet any judgment against them themselves.

This Assembly should take up early in the new year the question of a suitable amendment to the Motor Vehicles Ordinance to provide that the corporation of the nominal defendant which is provided for presently in respect of claims against uninsured and unidentified motor vehicles should indemnify persons whose third party protection has in fact disappeared through the insolvency and liquidation of companies such as the Northumberland.

In the meantime, persons who are in this difficult situation would be well advised to seek advice. There are many avenues for that advice; we know that the Australian Legal Aid Office is open in Darwin and legal aid is available to pretty well anyone off the street on questions such as this. The purpose of the legislation in the new year so far as I am concerned would be to provide an indemnity to these persons against any judgment which may be given against them.

**Mr KENTISH:** I wish to speak briefly on a matter of what might be termed public disquiet in the Northern Territory. It is a matter that concerns people from the southern parts of the Territory right up to Darwin, and that is the matter of road and rail transport connections, particularly during the oncoming wet season.

We have seen some publicity lately in the newspapers that the matter is being well attended to. However, most people would be aware that this is a very recent

matter, this attention to the road and the rail services, for the continuation of them and regularity of them during rain; and most of the dry season has gone by with very little effort being made in this direction. The road is being realigned and straightened in various places but very little of this is aimed at improving or cancelling out the roadblocks which do occur during the wet season and did occur very frequently in the season that has gone before.

A good deal of the work which has been attended to has been in the nature of repairs which are quite necessary of course and quite helpful. But the public still have a good deal of concern and disquiet, and perhaps rightly so, because they cannot see that adequate care is being taken of this road thing. It could be a matter of public relations that is at the root of this difficulty or it could be that there is neglect on the part of the authorities concerning what they should be doing in respect to this vital link north to south, the Stuart Highway.

The public have a reasonably long memory. They would remember that in 1973 nothing whatsoever was done to the rail link from Taroona to Alice Springs. Although the place was surveyed and the money was available, no work was done during that year. Great promises were made at the height of the floods in February 1974 concerning this railway, but when the opportunity was there no action was taken, and the people have not forgotten this shortcoming. Much the same would apply to the road link and so I would like to bring it to the attention of the Assembly, as it has been brought to my attention on a recent visit to Katherine where many of the people seem very concerned about this matter.

There are other roads of course that are in an equally desperate condition. The Victoria Highway would be one of these and other roads suffered in the last wet season. They desperately need attention and preventative work undertaken on them. However, the most vital road of all is the stores supply route of the Stuart Highway, and so I would like to bring it to the attention of the authorities, and particularly to the attention of the honourable member for Millner who has some responsibility and

advisory capacity for this matter of transport and roads, so that he may be able in the future to do something about this matter and allay the fears and disquiet of the public.

**Mr WITHNALL:** I rise to make a very serious complaint about the nuisances which are occurring within my own electorate. Members who have been in this area for some time will have noticed that on many occasions there is a pervasive smell of bitumen. This has been especially so of late and I have had serious complaints made by people working and living along the Esplanade above the bitumen plant that the stench is so bad that it is a real discomfort day by day.

When I received these complaints, I thought to see what redress there might be available to these people in law and, although I had never really examined the subject before, I expected to find some law relating to nuisances in the Northern Territory but I am afraid I was astonished to find there is no law at all in the Northern Territory relating to nuisances, except of course the common law which gives a person the right of action to have the nuisance abated by way of injunction or damages because of the loss or damage he may have suffered because of the nuisance—

**Mr Everingham:** This is environmental type legislation.

**Mr WITHNALL:** It is environmental type legislation that is well and truly needed and I propose to introduce a bill to control nuisances of this sort and other sorts during the early life of this Assembly.

The other nuisance about which complaint had been made to me is the excessive noise which is coming from the shed on the wharf here where front-end loaders are working until 11 o'clock and 12 o'clock at night in the sorghum storage shed. This also is not a fair go and people ought to be entitled to, at night time particularly, a cessation of this sort of nuisance.

**Mr MacFARLANE:** If the pervasive smell of bitumen is worrying the honourable member, I wonder where it is being used? It is certainly not being used on the beef roads of my electorate. As for the noise of front-end loaders disturbing

people up till 11 o'clock at night, I am dismayed because if we do away with primary production in the Northern Territory, you will have one thing, and that is the population of Darwin. The sorghum has been an embarrassment to NADC for over a year. It was very unfortunate; nearly \$1m worth of sorghum was condemned because it had crotalaria seed in it. It has been cleaned and apparently has been sold, and you can't hold ships up despite the electors of Port Darwin.

I think the honourable member for Port Darwin has gone off halfcocked. He should welcome the sound of front-end loaders getting rid of the sorghum so that NADC can have a chance of survival. This is what we desperately need in the Northern Territory—successful primary production. We have seen every agricultural venture of any size fail. This one could have succeeded possibly had the sorghum been sold when it was harvested, which was over 12 months ago.

If you take away prosperous primary production from not only the Northern Territory but Australia, you have nothing left. The Prime Minister is finding this out now. When he puts his hand into the kitty, there is nothing there because he has killed the incentive of primary production. The subsidies that he has stripped from primary producers are warranted; they are there because they are a wise move. Subsidy is not a nice word, particularly when it is used by the Labor Party, but these subsidies are there by the will of the people to make up for some of the hardships and disadvantages suffered by people who do not live in the cities. I commend that thought to members of this Assembly because this Assembly is top heavily weighted in favour of Darwin.

Consider primary industries in the Northern Territory. You have mining for the first one. It is most important. Strangely enough, the second most important Northern Territory industry, apart from public servants, is tourism and we must foster this. Then you get cattle, a close third behind tourism, and then you get fishing. Let me dwell on the plight of the fishermen. If they want to slip their vessels, there are no dry docks available; there are no slipping facilities available and they have to go to Perth or Singapore.

Prawning and fishing are developing quite well despite this lack of attention by the government. I say it is the government's job to help this private enterprise, whether it is beef, mining, fishing or any other thing. That is what the game is all about. Helping people to help themselves.

I must agree with the member for Arnhem about roads. However, he seems to be concerned mainly with the Stuart Highway which is in a shocking condition and has been for many years. It is not much good having it if you have no railway and you have no communications with the south or preferably the east. It would not take much to make the Landsborough Highway between Mount Isa and Brisbane all-weather. It would not take much to upgrade the highway between Mount Isa and Townsville, and you would then have pretty good links with the east coast. I do not deny that you must have roads and rail links between Alice Springs and Adelaide but the rail link particularly is in the dim and distant future. As a matter of fact, you cannot even see the start of the tunnel. The road link could come in a few years but for fast all-weather supplies, we should be looking towards helping Queensland to complete their road links to Mount Isa.

When you get off the Stuart Highway, you get into a bit more government neglect. It is not that long ago that the Minister for the Northern Territory called the member for the Northern Territory a liar when he made statements about road reconstruction grinding to a halt. The fact of the matter is that the member for the Northern Territory was completely right. If you go anywhere, you will see the damage from this year's floods untouched and the weather is on us again. This is the kind of information that the honourable Minister acts on.

We have bridges uncompleted. I have been talking in this place about the King River Bridge on the Stuart Highway and the Edith River Bridge on the Stuart Highway since earlier this year. They held up communications between Darwin and Katherine when the floods were on and they are still uncompleted. This is the type of attention we are getting and this is the type of attention we are getting used to.

The approaches to the King River Bridge on the Victoria Highway are shocking; it would probably only take a few thousand dollars to make them at least acceptable. We must have some attention. It is no good having \$5.4m tucked away if it is not being used; we might as well not have it.

The beef roads are falling to bits. As a matter of fact, they have fallen to bits. There is no maintenance going on. This is the way we are going into the wet season of 1974-75. It alarms me. It shocks me. If we hear the old Labor slogan "It's people that count", they are not counting too much in my electorate and I do not think they are counting too much in the Northern Territory.

**Mrs LAWRIE:** I wish to speak on 2 matters in the adjournment. One is that the Department of the Northern Territory for some inexplicable reason has done the right thing and has provisionally appointed Mr John Purcell as the Director of Correctional Services. As I said publicly, this is probably the best thing to happen to the correctional services in the Northern Territory for the last hundred years. Mr Purcell was previously in charge of correctional services in New Guinea and has vast experience.

Honourable members may have had occasion to read a report on the select committee set up by the previous Legislative Council inquiring into our prison systems and one of the main criticisms in that report was the rapid turnover in the people designated to direct the prison service. At one stage, we had half a dozen different directors in a lesser amount of months. Because of this, there was no good direction being given and the people were merely occupying a chair in the rungs of the public service ladder. They had no expertise which perhaps may be forgivable, and they had no time to obtain expertise.

With the appointment of John Purcell, that position at last has been reversed. We have a man of vast experience who is acknowledged throughout Australia as an innovative person and an extremely practical man. He set the Correctional Services Department in New Guinea on its feet. He did a wonderful job there. I welcome his appointment. Through my position on the

National Executive of the Australian Crime Prevention Council, I have come in contact with people all over Australia who are the heads of the correctional services of their states. To a person, they have been loud in their praise of John Purcell, in the programmes he initiated in New Guinea and in the way in which he held those programmes together in a cohesive manner. During my recent attendance at a National Executive meeting, I detected some envy that the Northern Territory was blessed with the appointment of Mr Purcell. Certainly, I assure him now of my utmost co-operation.

You are all aware of my intense interest in prisons and the overhaul of our prison system here. Fannie Bay has to go and the interior should be reserved as a museum and the surrounding lands publicly landscaped and kept for the people. They should not be subdivided as a private subdivision or for public service housing. That is a prime area of land; don't let us throw it away to a select few.

**Mr Everingham:** It could become a national park.

**Mrs LAWRIE:** I doubt it. Public recreation area.

I would hope that, with Mr Purcell's appointment, we will see the end of children being held in Fannie Bay Gaol and we will see the introduction of weekend detention and work release. Both of these systems cannot come into operation under our present legislation. I would hope that the member responsible will remedy this at the earliest opportunity. Yet I am not quite sure to whom I am addressing these remarks but as the honourable members for Millner, Jingili and MacDonnell are interested, I hope they are not falling on deaf ears.

I would also hope that we will see the introduction of a service that when people are about to be released from Her Majesty's Prisons in the Territory, there is someone to approach them just prior to release and say "Right. There are X jobs going as a builder's labourer, brickie's labourer. It is up to you whether you take them or not but if you do want immediate employment, we have these jobs available". This can be done. I have addressed dinners of the Mas-

ter Builders' Association and other such employer organisations and they have indicated interest. I have pointed out the present system whereby a prisoner is released with little money because they earn a maximum of 9c a day. They have to find a job within 24 hours. They are certainly not going to starve and if they do not have a job they are likely to knock off the nearest corner store or petrol station for money for food. This is a practical situation which can be met with the goodwill of the employer organisations. They do not expect a 100 per cent success rate but at the moment we are faced with a 100 per cent failure rate. Because there is very little help given to these people, they are likely to reoffend and simply be a further burden on the taxpayer and the community. It can be said they can go to the Department of Labour and National Service and sign up for a job, but that is not quite good enough in this instance. Upon release, a little extra help should be provided.

I hope, with the introduction of weekend detention and work-release, we won't see a mistake perpetuated by the states: these systems, which I have seen in operation, are only offered to male prisoners. When I asked the various ministers of justice why, the main reaction was that they had not thought of extending it to women prisoners, mainly because there are not so many of them. This is iniquitous. Surely any person serving a sentence should have the facilities and alternatives available to him.

I have been involved in some interesting arguments with the Department of the Northern Territory concerning provision of fares back to their domicile for people who have been imprisoned in the Territory. At first sight that sounds as though the taxpayer is expected to provide even more to someone who has offended. In fact in many cases it is saving money. A man came to see me in my office; he had just been released from Fannie Bay. He was a man in his fifties; he had come to the Territory looking for work and he had left his wife and family in Perth. He couldn't find work and his wife wrote saying she wanted him home urgently because things were going very wrong at home. He

had no money and he couldn't get any money, so he wrote a cheque and flew home. The cheque bounced and the airline approached the Commonwealth Police. They went to Perth and extradited him to Darwin on a police warrant. He was sentenced here to several months in Fannie Bay.

Upon release, he came to see me to inquire if there were any means at all of getting back to Perth. He fully accepted the justice of his sentence; he knew he shouldn't have done it but I was worried that he was about to do it again. I approached the department and asked if they could offer this man any assistance to get him back to the west. They said no because his story was not quite correct. They said that the woman in Perth was not his wife; she was only his *de facto* and they had been living together for 25 years, and the children are at the moment wards of the state. The reason the kids were wards of the state was because he was not there to look after them. As to this business of "She wasn't his wife; she was only his *de facto* of 25 years", let us never hear an argument like that again. Not for one minute do I think any of the honourable members opposite—I am still not sure to whom I am addressing my remarks—would put up such a fallacious argument. However, I want to draw this particular case to their attention so that they will know that in many instances it is better to repatriate an ex-prisoner to his or her domicile.

Repatriation does provide a chance of rehabilitation whereas keeping the man here in Darwin of necessity offers very little. This man did not have a job. That was the first thing I asked: "Could you get a job and work your passage back." He said he had tried and there was nothing. I checked up; he had tried and there was nothing. In circumstances such as this, the best thing to do from all view-points, including an economic one, is to give the man a bus fare and subsistence for travelling and say, "Good luck; I hope we don't see you back again." I am not talking about exporting our problems either; I am talking about giving someone a chance to take up cohabitation with his family again, to take up his responsibilities as a citizen in looking after that family; and that is not

a situation which has been prevalent in the past.

I now turn to the free beach question. This has been debated in the Legislative Council, it has been debated in the newspapers, and I am in favour of giving the Sun Club an area of land in the Northern Territory where they, or any other people attending, are not guilty of an offence under the Police and Police Offences Ordinance simply by being unclothed. The Majority Leader mentioned a select committee. I am against a select committee inquiring into this because they can only come up with a very limited recommendation. I would hope instead that legislation would be introduced which would say simply that in a prescribed area of the Northern Territory it shall not be an offence to appear nude, etc.

Nudity of itself would not be an offence. Members of the public of course have an interest in this and it is quite a proper thing for them to approach their member. I would hope that legislation would be introduced and a proper time allowed to elapse between sittings. Six weeks is time enough for people to make such representations as they think fit, but I would point out that the Sun Club, who have been the prime movers in this, have been looking for an area of beach for 3 successive dry seasons. If we set up a select committee, they will miss the next dry season. They are a section of the community which deserves proper consideration. It is easy for me to say that of course because I am in sympathy with them. I am not a member of the Sun Club but I see no obscenity whatsoever in nudity itself. I say to the Majority Leader that I would welcome debate on legislation on whether or not such an area is to be prescribed.

**Mr RYAN:** I had hoped to be able to get some further information later this morning to give the honourable member for Arnhem a satisfactory answer regarding the transport situation in the Northern Territory. Earlier this week, I attended a Rural Roads Conference at which you, Mr Speaker, were present. Repairs have been effected to the areas that were damaged during the last wet season. The roads, we have been assured by executives of the Department of Housing and Construction,



are in better condition in those areas than they were prior to the last wet season. However, they have only been brought up to the same level; therefore any further flooding like that which occurred during the last wet season will put the roads out, irrespective of whether they are in good condition or not.

The upgrading of the road would be a long-term project. The department concerned has certain problems in doing the work. In fact, they had to put off work which was rejected for realigning so that they could carry out the repairs to the road. We are going to experience again this wet season similar conditions to those which we experienced last wet season and possibly also in the wet season after because I can't see in the short term an answer to the problem of our southern road and rail connections.

The rail is being upgraded but it will be some time before this reaches a point where it ceases to be a problem. We are also at the mercy of the roads in northern South Australia and Western Queensland which do go out at about the same time as our Stuart Highway goes out. Once again, it wouldn't be much good having a road which we could use within the Northern Territory because the products we want are outside of the Territory. This area has to be looked at and I certainly agree with the member for Elsey that possibly something could be done with Queensland to effect a reasonable road service through that state.

Another problem that should be considered is that, while our population is growing, we need extra trucking, road service and rail services to keep up the supply of goods. We can only assume that, in this wet season, our problems will be greater with regard to the shortage of goods and equipment because we haven't really recovered from last season's wet. I am of the opinion that the trucking operators will not be quite so game in sending trucks to the Northern Territory as they did last year in the hope that the road would clear in a few days and they could get through. There were quite a few vehicles stranded for long periods of time.

In view of all these related problems regarding road and rail transport, the only alternative to our transport problem in the

Northern Territory is via the sea. We have been set back somewhat by the fact that one of the vessels which was put on the run earlier this year has been taken off the run leaving us with a shortage of sea transport. I was attempting to get some information this morning regarding the acquisition of the Nova Scotia for the purpose of trying to get us out of problems this wet. This has fallen through. I don't have any details on that at this stage. I believe that the Department of Transport vetoed the acquisition of the vessel and the Department of the Northern Territory wanted the vessel. This means that we are going to go into the wet with no roads and one ship serving the Northern Territory.

I'd like to make known the fact that a local company, Marine Contractors, have recently purchased a vessel called the John Monash which was owned by the army and operated to Vietnam. It is of 1500 dead weight capacity which isn't a particularly large vessel but when you are talking food 1500 tons is quite a lot. The operator of the business, Mr Ted Fitzgerald, is in Sydney at the moment negotiating various aspects of getting the vessel on the run, getting it back under Lloyd's survey etc. He expects the vessel could be available before Christmas. I believe that the Department of Shipping and Transport are aware that the vessel has been acquired. We do have another alternative in that particular vessel. Mr Fitzgerald expects to run the vessel out of Darwin on a business basis providing he gets the support and can get the loading. If he can't, he will have to look elsewhere for business. This would mean going to Singapore, Hong Kong etc.

Problems are going to arise during the wet season and I would impress upon all parties concerned that they should co-operate. The government, the shipping and transport people, the unions, private enterprise should combine and make sure that everything is done to improve the situation so that we don't get caught like we did last year with the shortage of goods. It is hard on industry and this is the only way that we will be able to survive the oncoming wet.

While on the subject of shipping, I would just like to refer to the coastal shipping situation at the moment. Once again I

was attempting to get more detailed information. V.B. Perkins, who operate the barge services around the coast, have been operating reasonably satisfactorily over the last few months. However, the Australian Stevedoring Industry Bill which is being introduced and to which yesterday the shadow minister for industrial relations attempted to have an amendment put, is going to cause without doubt a head-on collision between the Waterside Workers Federation and the Transport Workers Union because they are the 2 unions concerned.

This will once again cause disruption to our coastal intra-Territory service. It will also effect the training of Aborigines which was to take place. The idea was that this company would train Aborigines to operate the barges and this of course will not be able to be achieved while we have 2 unions and also the owners of the operation fighting. We are all aware that when unions decide to get stuck into each other they really do a job of it. This is another area where we are going to strike some problems. I cannot give any answers on that one, but I thought it should be brought to the attention of the House and we will just have to sit back and see what goes on. I believe that certain people would be loath to operate with the company if this situation exists because it is going to be completely in a mess.

All our transport problems are going to need co-operation between everybody concerned and I would like to sincerely express my wish that we combine and get over these problems until such time as we have good rail and road links to supplement the shipping route to Darwin.

**Dr LEITS:** First of all the bad news. I had anticipated that our business today would probably have gone on over lunchtime and that there would be an opportunity in the session this afternoon to provide further information and answer some of the questions asked of me this morning. Unfortunately, it appears that that will not now be the case—or fortunately, depending on how you look at it—and I am not able to provide this morning any further information than I had at question time. However, I will undertake to seek out any additional

facts and information that people asked me for and to provide answers as soon as possible.

Amongst the things that we hoped to progress sufficiently far with by this afternoon was to distribute some further details on the functions to go with the executive member positions announced yesterday. In order to assist all members, including the member for Nightcliff who referred to not being too sure whom she should address things to, I will go through some expansion or dilation of these functions as far as I can at this stage. I was preparing to include the full breakdown of legislation, but it has not been possible in the time to prepare this. What I will now do is give the positions again according to the short titles and some of the provisional functions which have been allocated to these positions so that questions and various matters may be processed between now and the next meeting.

I indicated yesterday I would be dealing with matters affecting the Northern Territory Public Service as well as rural land and primary industry and political and constitutional development.

The Deputy Leader is the Executive Member for Finance and Law and his role will include liaison with the Department of Housing and Construction in the Northern Territory because their work as a service organisation is a corollary to the portfolio of finance. The law and order part of the portfolio will not extend into the area of social legislation, which I think was the point raised by the honourable member for Nightcliff. That will be under the social affairs portfolio, which I will come to in a moment.

Within the portfolio of the Executive Member for Community Development, the honourable member for Fannie Bay, there are included such matters as housing, local government, urban land, town planning and recreation and culture. It follows that he will have a role and a special liaison with statutory bodies such as the Housing Commission, the Town Planning Board and a number of other boards which come into this housing area.

The honourable member for Sanderson is designated the Executive Member for Education and Consumer Services. Her

role is somewhat wider than that short title might indicate and includes the functions of education, environment and conservation, libraries, consumer protection, rent and price control and the water, sewerage and electricity services, except in relation to the industrial relations in those areas.

Within the area of the Executive Member for Social Affairs, the honourable member for MacDonnell, I have listed Aborigines, public health, welfare services, lottery and gaming, liquor and licensing, censorship, and social legislation. This will also include the areas such as parole and rehabilitation and again establish relations which require liaison with a number of boards such as hospital boards and betting control boards.

Within the portfolio of the honourable member for Barkly who is the Executive Member for Resource Development, the list includes minerals and energy, water resources, forestry, fishing and tourism.

Finally, within the area of the honourable member for Millner, the Executive Member for Transport and Secondary Industry, are included the functions of transport, communications, commercial affairs, industrial relations and a number of other somewhat smaller things, including the bus services of the Northern Territory.

These will be finalised in a properly prepared document which will include the

legislative breakdown. They will be circulated to all members of the Assembly and will be available to the press and the public so that they will be aware of the short-term arrangements for particular people taking interest in particular subjects. I would just emphasise that this is not a takeover bid under all those headings which have been listed but it is a means of providing the necessary liaison for the operation of this Assembly in the beginning for question time and for consideration and negotiations on legislation and that type of field.

There is a duty which I neglected yesterday and that was to read out a telegram which I received from the Member for the Northern Territory in the House of Representatives. He sent me a telegram yesterday and wished me and all other members of this Assembly well in our deliberations at our first sittings. I pass that message on to all members of the Assembly.

Finally, on my own behalf, on behalf of my particular colleagues and, I have no doubt on behalf of all members in this Assembly, I would like to wish you, sir, and the staff of the Assembly all the very best of wishes for the festive season which is now approaching and which may be on us before we meet again.

Motion agreed to; the Assembly adjourned.

Thursday 2 January 1975

## MESSAGES FROM OTHER LEGISLATURES

**Mr SPEAKER:** Honourable members, I wish to inform you that I have received a number of cables and telegrams from the presiding officers of legislatures in the states of Australia, the Australian Capital Territory and Fiji. These messages express deep sympathy for the suffering of the people of Darwin in the recent cyclone disturbance. I will convey to the senders on your behalf our keen appreciation of their solicitude. I have the following messages from the presiding officers of the Australian parliament as representative of the kind thoughts that have been conveyed to us:

On behalf of all members of the Senate and members of the House of Representatives, we send best wishes to you, to the Members of the Legislative Assembly, and to the people of Darwin. We are all distressed at the loss of life and suffering caused by cyclone Tracy and extend our sympathy to the people of Darwin. The magnificent fortitude of the people and their determination to surmount the havoc caused by the cyclone are an inspiration to all Australians. Our thoughts and high regard will be with members of the Legislative Assembly when they meet in emergency session on Thursday.

(signed)

Justin O'Byrne  
President of the Senate  
James F. Cope  
Speaker of the House  
of Representatives

Anyone who saw this chamber and the other parts of these precincts a few days ago would not have thought it possible to hold this meeting here today. It has been made possible by the strenuous efforts of the staff of the Assembly, a civilian contractor who gave his services, members of the Department of Housing and Construction, and many people who cannot be identified but who appeared with necessary bits and pieces of equipment. I am certain that I speak for all members in most sincerely thanking all who assisted.

**Members:** Hear, hear!

## STATEMENT

### Darwin Reconstruction Commission

**Dr LETTS** (by leave): This subject has been partly covered in answers to a question asked of me by the honourable member for Port Darwin. Like the honourable member, I heard the Prime Minister's press conference following the Cabinet meeting last Monday in which he foreshadowed the setting up of this commission and announced the appointment of Sir Leslie Thiess as Chairman and the acceptance of this nomination. He also indicated the intention of the government to enshrine this commission in legislation as early as possible in the February sittings of the Federal Parliament and the intention for it to carry on as an interim commission until that legislation is passed. Subsequently, I received a telex message from the Minister for the Northern Territory. It was dispatched on Tuesday but I received it yesterday afternoon. It was addressed to me as Majority Leader and stated: "Cabinet has decided to establish a Darwin reconstruction commission to operate under the Minister for the Northern Territory. A representative of the Legislative Assembly will be on the commission. There also will be a representative of the Corporation of the City of Darwin. This will require legislation; meanwhile an interim reconstruction commission will be established. Would you please supply me with the names of your representatives as soon as possible so that an interim commission can be set up without delay."

Before receiving this, I had sent to the Prime Minister a signal advising him that a Legislative Assembly meeting had been arranged for today. I offered the services of this Assembly to consider and pass any interim measures which might temporarily assist in the formation and function of the Darwin Interim Reconstruction Commission of or any other aspect of rehabilitation. I pointed out to him that this was in no way an attempt to usurp the role of the national government but an offer to complement the proposed action of the national government. I finished by thanking the Prime Minister for the immediate and unstinted assistance which was being

provided. I would like to table these two documents, my signal to the Prime Minister and the message I received from the Minister for the Northern Territory.

I have had no other details about the nature and functions of this commission except an indication that it is intended to hold a meeting of the interim commission as soon as possible, probably early next week, and there is some urgency about making an appointment from the Assembly to the interim commission so that this can take place.

### MOTION

#### Legislative Assembly Representative on Interim Reconstruction Commission

**Mr EVERINGHAM** (by leave): I move that the Legislative Assembly appoint as its representative on the Reconstruction Commission the honourable Majority Leader.

It is appropriate that the Majority Leader be the representative on the commission. After all, he is the leader of the largest and most representative group in the Assembly. I understand that Sir Leslie Thiess will be calling the first meeting next Monday and therefore it is necessary and urgent that our representative be appointed forthwith so that he can commence immediate liaison with Sir Leslie Thiess and other members of the commission.

**Mrs LAWRIE**: I support the motion. Although the Majority Leader is not at the moment resident in Darwin, he has been a Darwin resident for a long time. I want to express my concern that more Darwin people are not to be represented on this commission. Even with \$500m or \$5,000m, we do not want the city rebuilt for us by other people. Darwin has to rehabilitate itself and its citizens must have a say in how they want it rehabilitated. Of course we will all gratefully accept the tremendous amount of money and effort which will have to be supplied from the Australian Government and from other sources. However, it is the citizens of Darwin who have to live in this place, whatever is built, and it is the citizens who need to have the strongest say right at the outset. We don't want the concept of a mining town built by a company and then the people move in. This is our city and

we must have a strong voice regardless of the money coming from other sources. I express my disappointment that only 2 Darwin residents have a say, one being the Majority Leader and the other being a representative of the Corporation of the City of Darwin.

**Mr WITHNALL**: I accept the motion without reservations but I have fears that this commission, dominated as it undoubtedly will be by persons who are not resident in this town, is likely not to represent the views of the people and not to satisfy the natural ambitions and desires of the people of Darwin to make this town their own town. It must not be some sort of experiment to hold up to other people in the world as a shining example of what organisation can do. It is trite to say that a man's house is his castle, but it is pretty miserable if your house is going to be somebody else's castle; and this is what I am afraid of. If this commission has its way, I would not be surprised to find that individual taste in design will be superseded by one of the more mass designs of houses born in the fertile mind of some person who has never lived in a tropical climate but who has his mind fixed entirely upon building a house which will resist cyclones in the future.

This morning, I heard about an architect in the Department of Works making a statement that there is no reason why houses could not be built on piers providing they are strapped and bolted to the superstructure. There is a house in Darwin which was so designed and the net result was that it took off with the piers as well. It is true that a number of piers are standing but it is only because the walls above them were not firmly secured. This is excellent example of the sort of planning that may come from people who do not have an understanding of what happened during the cyclone.

My principal concern is that individual taste must be permitted to exist in the design and building of houses in this city. It will not and must not be a construction based entirely on somebody's fertile imagination as to what people in the Northern Territory ought to like. I want to emphasise that right at the start. I think that there

should be more citizens of Darwin represented; I don't necessarily say they should be members of this Assembly but there should be at least 2 more citizens of Darwin on that commission. The present representation of 2 out of about 7 is not enough and I am afraid their views are likely to be swamped. The way the Minister has responded to the honourable member for Victoria River's application to increase the commission, it seems that the appointment of 2 citizens of Darwin is merely a sop. If the city is to be reconstructed, let us all be in it; let us not permit people outside the NT to make a game of it.

Mrs Lawrie: Hear, hear!

Motion agreed to.

### **CYCLONE DISASTER EMERGENCY BILL (Serial 4)**

Bill presented and read a first time.

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

This bill has been prepared as a result of great efforts by representatives of the Minister of the NT and members of this Assembly. Consultations have been held with independent members and with the Mayor of the Corporation of the City of Darwin to achieve as much unanimity as possible in order to expedite its passage. I do not have to remind any member of the disastrous effects of Cyclone Tracy on the city of Darwin on Christmas morning. Despite the magnificent efforts of many people, it will obviously be necessary for quite some time that suitably strong powers be vested in administrative authority so that Darwin is rebuilt in the shortest possible time, in the most effective manner with the least possible risk to the health and well-being of those people who have remained in Darwin. This bill is designed for that purpose.

Clause 6 would enable the Administrator in Council to appoint a Director of Emergency Services who will be empowered to do all those things necessary to deal with present problems caused by Cyclone Tracy and to get Darwin on the road to recovery. From day one of this disaster, we had the services of the national director of the

Natural Disasters Organisation, Major General Stretton, made available to us. He was acting before federal legislation concerning natural disasters or the legislation of this Assembly proposed for some future date concerning natural disasters was able to be promulgated. General Stretton and the people working under him have done a lot of things in the past week or so and I am still not quite sure what is the basis of the authority that they were operating under. However, let us say that, with the cooperation of people and the recognition of this tremendous disaster, the things were done.

What sort of a person would the Director of Emergency Services who would be appointed under clause 6 of the bill be? This is a matter for the Administrator's Council to decide. According to our proposal, there is a strong possibility that this person would be a senior public servant with some experience, perhaps recent experience, in dealing with the kind of situations which arise in this type of disaster. Darwin is not only noted for producing monumental cyclones, it has in the past produced some public servants who for their coldness and lack of consideration for the individual, particularly the small men, have been unsurpassed in their record. I am not denigrating a large body of competent and cooperative public servants that we have had, but we have had some beauties. The situation is not one that requires overcontrol or bureaucratic arrogance; it is one that requires sympathy for the general situation and for the individual's place within it. Therefore, in proposing that the director be appointed by the Administrator in Council, we feel that we will have the advantage that local elected people will have the oversight of the appointment and the work of this director. We hope that that will provide sufficient safeguards to avoid undue and unnecessary autocracy.

Clause 10 details the major powers of the director. He may direct persons, he may enter property, he may close streets, destroy dangerous buildings, requisition materials, control water and electricity supplies, establish first-aid posts, enforce vaccination in the event of disease outbreak, control hygiene, ration supplies, control prices and do anything incidental to those powers to prevent, minimise or overcome

the effects of the cyclone. I feel that there will be some misgiving among some members of this Assembly as to whether we go too far in the nature and the range of powers which are proposed in clause 10. There are members here, along with 40,000 other people, who have lost property, personal belongings and, in some cases, virtually everything that they possessed. As people in that category, some members will be concerned about the further intrusion into their own affairs and the intrusion into the lives of those who have been removed to other places and who may find some difficulty or obstacles put in the way of their return. I suggest that the members have to think not only of their personal experience and individual rights, important as they may be, but must also be cognizant of the general situation and provide some powers which will enable order to be maintained, and to see that we are not reduced to a chaotic situation which would be a disadvantage to those remaining here and those who may come back by stages.

Paragraph (o) relating to the control of entry to Darwin is one which will cause a good deal of thought and perhaps some concern. We have just evacuated something over 20,000 people and we could not handle a large unplanned and uncontrolled re-entry which was out of phase with the reestablishment of services and accommodation. On the other hand, people who regard this town as their home must not be lightly denied re-entry when they are ready to return.

I draw the attention of members to the provisions of clause 7 which provides that in that instance the director is subject to the directions of the Administrator in Council. I expect that the director will maintain a constant liaison with the Administrator's Council. I can assure members that the Administrator's Council will do its best to ensure that this power is only exercised to the extent necessary for the safety and well-being of the people of Darwin. Honourable members will appreciate that I would normally strongly resist giving such wide and drastic powers to a statutory authority but because of cyclone Tracy these are not normal times. In proposing these special measures, I feel that the members of this Assembly will see the merit in them and give them their support.

This is essentially a short term measure as its effects will terminate on a date to be fixed by the Administrator in Council or on the 31 March, whichever is the earlier. I know that we all hope that it can be an early date but many people would consider it to be over-optimistic to assume that by the 1 April we will be able to revert to normal law and processes. In the short period since Christmas day, we have seen what can be done and what has been done. We have seen the tremendous aid and assistance provided to date. We have seen the streets becoming trafficable hour by hour, water and electricity restored to many areas, houses being restored, shops and buildings functioning and the major effort is only just beginning with the arrival of manpower which came in yesterday. We have been promised unstinted aid from the federal government; trade union members from all over Australia have promised to help; units of the Australian armed services are already flat-out working here and the people of Darwin themselves have shown their determination to rebuild this city. I believe that we should proceed in a spirit of faith, optimism—

**Mr Withnall:** Faith in whom?

**Dr LETTS:** Faith in Darwin.

I believe that in 3 months Darwin will be sufficiently restored to permit the repeal of these emergency measures completely. It won't be completely rebuilt, but living conditions will become more bearable as each day wears on. I think we can look forward to an early reunion with our families and friends who had to leave and make it possible to commence this task of rebuilding.

There is little more that I wish to say about the bill at this stage but it provides protection retrospectively for the many things that had to be done in the period between the cyclone and the making of this law. It extends the statutory period for the taking of any legal action by the period of the effect of this emergency law and it provides for heavy penalties against offenders against the ordinance. It provides the means to keep things moving in an organised manner in Darwin. It is a necessary law for Darwin at this time and I commend it to members.

**Mr WITHNALL:** The bill introduced by the honourable member can be described as the greatest intrusion into the freedom of people that has ever come before any parliament in Australia, and I include in that the parliament of the Commonwealth which considered the national wartime legislation in 1939. Any bill which comes before any house of parliament and which intrudes upon the freedom of action and the cultural freedom of people, deserves the greatest perusing and the greatest criticism that any legislature can bring to bear. It is with this in mind that I have considered the purpose of this bill. The English-speaking peoples, particularly Australians, have been renowned throughout the world for their fierce independence, freedom of beliefs and, within the law, love of their freedom of action. However, the law can curb that freedom of action and it is our task to see that freedom of action is not curbed beyond the minimum limits that may be necessary to meet the occasion at hand. However, there have been occasions when the curbing of freedom of action has been necessary and emergency wartime legislation is one example of this.

I have examined this bill with a more than usually critical mind. I have examined it to see whether the vesting of powers in the hands of one person could result in such abuses as would make the name of this Assembly stink. It does give the widest and most far-reaching powers. I have been concerned in conferences about this bill and it has been my concern to assist in limiting the powers and in providing curbs upon the exercise of the powers contained in this bill. I wish that I could have gone further but, if I had gone further, I would have negated the effect of the bill.

The curbs in the bill are curbs on the length of time during which the ordinance will be enforced and curbs upon the powers. The curbs upon powers are proposed by section 7. The director or an authorized person who acts in accordance with instructions from the director will have his conduct and the exercise of his power subject to the direction of the Administrator in Council. This provision is welcome because it removes from the bill any aura of dictatorship and provides that there shall be somebody above the director who can curb the exercise of his power by

direction to him. I personally would not have proposed a law in terms that the Administrator in Council should exercise this power. I had in mind a more intimate council of 3 members of this Assembly resident in Darwin who would have been more capable of exercising a rather intimate control upon the actions of the director.

In case I am thought to be suggesting things that are unlikely to happen, I refer to the questions I asked the Executive Member in charge of local government this morning concerning the prohibition of the return to Darwin of two aldermen. One would have thought that the return of two aldermen to this city would have gone without saying, but it did not go without saying. As far as I know, it is still prohibited. If that sort of thing has happened, how much more should we fear somebody armed with the active powers which this legislation gives him. Mr McHenry has no authority under the law to prohibit the return of Alderman McFarlane and Alderman Fitzgerald, but he did do it. What do you think he might have done if he had had the power? That must give us all reason to pause and examine this legislation very carefully. If something like that can happen without power, how can we expect anything but dictatorship in the hands of a person armed with the power which this legislation provides?

I am supporting the bill—but I am supporting it with a great deal of reluctance—only because I think that something is necessary. I would urge upon the Administrator's Council that not only should it be there to give direction but it should exercise the utmost surveillance over the actions of whoever is appointed to this position. The Administrator's Council has taken on a task which requires every member to be on hand in Darwin every day all day, and I doubt if the members of the Administrator's Council are able to do that. If a small intimate council of 3 people living in Darwin had been appointed, this would have been an effective instrument for the control of the actions of the Director of Emergency Services. But since we are going to have the Administrator's Council, that council must be here not only because it might want to give direction but because its task is to



oversee everything that happens. I charge the Administrator in Council to that task and I shall be very critical indeed if anyone in the Administrator's Council fails to carry out that task.

The powers which are given to the director and which I will deal with later are tied up with the earlier provision of the bill which automatically, without understanding, approves of all actions taken during the emergency which could have been taken legally if this ordinance had been in force at that time. It is an almost impossible task to ask anybody to exercise in good conscience his decision as to whether or not the validating section should be passed without knowing exactly what has happened and what is going on. We are completely ignorant of what is going on and completely ignorant of what has happened. But some validation is necessary and it falls to us only to make sure that, in using very general words of validations, we do not authorise retrospectively the doing of something which if we had known it had happened, we would have disapproved of.

I have looked very carefully at the provisions of Clause 3 and I am not able to suggest any amendment which will render the effect of the section more innocuous except such amendments as are already proposed. But in considering clause 3, every member should understand that he is approving acts of which he knows nothing and that the description of those acts is a most important thing. If any member of this Assembly thinks that any description contained in clause 3 may authorise something which he may disagree with, it is his duty to suggest amendments to it.

I come now to clause 10 which contains the powers of the director and I do not propose to deal with them in detail because that is a matter for the committee. Speaking generally, I am glad to see that the powers are only for the purpose of dealing with the emergency. I am very glad to see that they are limited to 3 months. I am more glad to see that the power contained in clause 10(1) (f) to requisition or authorise the requisition of real or personal property is now subject to the payment of compensation. I am very glad to see that the power to be given to the director is limited to the purposes of

the exercise of any power under this section; it is specific. I am very glad to see the provision in paragraph (j) that relates to vaccination and inoculation provides for persons who may wish to refuse to submit to vaccination or inoculation. I am very glad to see also the provision in paragraph (1) for the conservation and supply of food, petrol, building materials, bedding, clothing, first aid, medical supplies or other necessities. Although that is an essential power to be given to the director in the circumstances in which we find ourselves, I wonder whether the provisions of the ordinance are sufficient to allow for compensation for the sort of control, the sort of conservation and supply, which may be effected by the director under a power as general as is given by paragraph (1) of this clause. The clause is unlimited.

There is a provision relating to compensation; of that I am well aware, but the control of, conservation and supply of food may involve all sorts of unnecessary interferences with persons and the utmost that I can say in regard to the terms of this clause is that the Administrator's Council must examine control, conservation and supply measures or directions by the Director of Emergency Services to make sure that they are fair and reasonable, that they are not arbitrary or capricious, and that they do not impose undue hardship on particular people. Rationing may indeed be necessary but, if there is rationing, every citizen ought to be able to understand the means by which he is rationed. It ought not to be arbitrary; it ought not to be capriciously determined from day to day upon the decision of one man. If there is rationing, if there is conservation, if there is rigid price control, then it must be done in a fashion in which the people know exactly what is going to happen and what their rights are in all circumstances.

That is why further consideration may indeed be necessary to provide that the powers of paragraph (1) of clause (10) (1) are exercised by some sort of instrument which will be available to members of the public so that they can understand how they are being governed. Apart from the control which I have asked the Administrator in Council to exercise over the exercise of this power by the director, I suggest that it ought not to be done by simple

decision, that it ought to be done in writing, in a document which is published, a document to which the public has access so that they would know not only that they were being governed but how and why they were being governed.

The provisions in paragraph (m) authorizing the carrying out of works, clearing of streets and premises, disposing of dangerous structures, are obviously necessary; they must be available to anybody dealing with the emergency, and obviously retrospective authority proposed by clause 3 should be given to this. Again, some care in the exercise of the power is necessary.

I have no comment to make upon the terms of the bill apart from what I have already said; the provisions of the rest of the bill seem to be acceptable. I reserve the right to speak on a number of minor points during the committee stages; there will be possibly a need to redraft some clauses.

**Mr TAMBLING:** I am mindful that it is my first opportunity to speak in this chamber. I have for some time been preparing notes for a major speech, and they were all related to what was wrong with Darwin and what we could do to make it a better place in which to live. I find it rather ironical and most distressing that I now have to speak to an emergency bill in which the entire situation has changed and any thoughts or any comments that I may have had previously are no longer relevant at all.

I can remember as a child growing up in Darwin looking through family photograph albums at pictures of the pre-war major cyclone. There was one which always stood out in my mind; it was of the garage in the family yard which had been picked up and wrapped around a building. It came back to me time and time again right through the cyclone this time when debris was wrapping itself around my house. I never expected that there could be such a personal involvement in such a disaster.

In looking at this bill, we must not be confused with redevelopment or reconstruction of the city. This particular bill is designed to cope in the shortest possible term only with the emergency situations which have arisen, therefore the issues of redevelopment and reconstruction should

not enter into our thoughts when looking at this bill.

A number of members of this Assembly were quick to be involved in the disaster committees. I saw the member for Milner, the member for Casuarina, the member for Stuart Park and the member for Nightcliff very frequently in those first few days on a number of committees, in a number of situations where we were fully aware of what was going on and what is now proposed in this bill in the way of retrospective legislation. I support it fully because I feel that, with these other members, I am fully aware of what happened. The members for Jingili, Victoria River and Sanderson were also quick to return to the city and were also quickly involved in all that was going on, just as I am sure the member for Port Darwin was in a number of other areas. Therefore I do not believe we are ignorant of what has gone on. I think that we are also very mindful of what must be done and how it must be carried out in the next few weeks.

It is intended that this bill have a maximum period of 3 months. Let us hope that all of the emergency situations can be adequately coped with in that time. Whilst the honourable member for Port Darwin has said that he considers the bill to be a major intrusion into freedom, I think we have to remember that even in wartime or any other natural disaster, Australia has never known the scope of what has happened in cyclone Tracy. We must also relate it to the community in which we live and the resources that we need to sustain adequately the life styles of the population that must be resident and supported in that particular community. The restoration and maintenance of services has to go on.

Probably the most contentious issue in this whole bill is paragraph (o) of Clause 10 (1); that is the control of the re-entry of people into or departure from the cyclone disaster area. This must be exercised with caution. When that is implemented, we must look seriously at any frustrations that occur. As has been mentioned today, in a number of official areas there have been obvious "boobos". But we must also ensure that we don't open the gates widely and create more problems and restrict the freedom of both those people here and the others that might return

quickly. Perhaps in the committee stage we should look at that section to ensure that the people who have been evacuated may return as quickly as possible. Perhaps it is a matter of setting a date on it of several weeks or several months. The fact is that 25,000 people have been evacuated and a number of them are naturally going to want to return quickly. We must ensure that it happens systematically and at the same time look after the interests of the people of Australia and those that will return.

**Members:** Hear, Hear!

**Mr TAMBLING:** I think the Administrator's Council is very mindful of the task that it has in front of it. We have all been involved in one way or another with the disaster from day one. The member for MacDonnell and the member for Barkly have also been involved in the out of town situation and they are aware of the stresses and strains that faced people as they left by road. The other members who were in Darwin have been fully conversant with all the actions that have been taken and will now be covered by the legislation here. I am sure the other members of the Legislative Assembly will be bringing pressure to bear adequately and we will proceed that way.

**Mrs LAWRIE:** I do not think it is going to come as any surprise to honourable members present when I state that I am most unhappy with the provisions of the bill. We have had a natural disaster and we are in emergent circumstances, not quite as they were this time a week ago but still pretty bad. To incorporate into legislation a pyramid structure recommended in press reports by Major-General Stretton, giving extremely wide powers into the hands of one person, is an even worse disaster and an unnatural disaster at that. The only good provision of this bill is that this person should be under the direction of the Administrator in Council. For that I thank God; at least we will have some citizen control over a situation which has unfortunately developed in the last 7 days and which I don't wish to see perpetuated. The citizens of Darwin are being told quite illegally by various people that they must leave this city, that they can only return when they are allowed, that animals will be taken forcibly and shot, and they have

been even when they have been under care, control and restraint. I have seen citizens of this city ordered around by armed policemen and for this I think we should all be ashamed.

If this Legislative Assembly had had the authority to which it is entitled, these things would not have happened. I cannot see the executive members in this place allowing their citizens to be wrongfully pushed around. A large percentage of the population was suffering what amounts to shell-shock following Cyclone Tracy. These people needed reassurance, they needed guidance but they did not need people assuming authority and pushing them from pillar to post. Unfortunately, I saw this happen in the northern suburbs.

All members of the Assembly did what they could to help during the last ghastly 7 days. Along with other members of this Assembly, I was engaged in the evacuation of people out of the area. One thing was paramount in their minds: "Can we come back?" This is their home. I am talking about the citizenry and I said then that no-one had the power to make them leave. This is a free country and they are free to return. Honourable members are well aware of my feelings on this but perhaps for the record I should restate them. Darwin belongs to its citizens. However well-intentioned they may be, it doesn't belong to the armed forces or any other disciplined force or any controller. The sooner the people are allowed to take charge of their own affairs as they did up to 24 December, the sooner Darwin will start to live again. I am frankly more terrified even than I was during the cyclone, and that is saying something, that Darwin will lose its heart and its soul. I don't want to see this become a single man's camp, a construction camp, a mining camp, that kind of installation where you have the workers and nothing else. What will happen is that the citizens of Darwin who have sent their families to safety will only tolerate those conditions for a matter of a few weeks then they will start to leave. Whatever Darwin has lost, don't let it start to lose its citizens too. That is what the Administrator's Council has to watch.

The powers are too wide to be channelled into a pyramid structure even allowing for the fact that the Administrator's

Council is assuming control over the powers. The members of the Administrator's Council are the elected representatives of the people and as such the people are prepared to trust them more than they will trust any bureaucracy who is not answerable to the electorate. This is what has been wrong in the last 7 days. In no way do I wish it to be felt that I don't trust the Administrator's Council. We are going to need its help and I wish it good luck.

In speaking generally to the bill, let me say that it is not the type of legislation that I would have preferred to see introduced. We need emergency health measures of course; in fact, the whole thing really relates to health. We have a Director of Health in the Territory. It would have been proper for his full cooperation to be sought legislatively as well as administratively and that the control of health measures be put through him. I realise there are provisions where this person sitting at the top of the pyramid may appoint the director, but I feel it would have been wiser to ensure that the present Director of Health would be the person in charge of health services. Similarly with the other things concerned; we have a Crown Law Officer who is now Director of Law. All these people must be given the proper role to play.

Clauses 6 and 7 are the only ones about which I breathe a sigh of relief. When we get to clause 10 and we see the actual powers, we find that they are sweeping powers. One would think that we were in the middle of a war and we are not. One would think we were a city under siege, and we are not. The citizens in this past week have acted in such a manner that disease is not rampant, that crime is not rampant. There are isolated outbreaks of looting and other misdemeanors, but in any society these exist already; they are highlighted because at the moment we are reduced in numbers; we are under stress. We are not examining this legislation very coolly and very rationally; we say we are, but I don't believe we are. I disagree with certain sections of clause 10 strongly but I feel there is a right and proper place rather than take the time of the Assembly now to speak against it.

Like the honourable member for Port Darwin, I am concerned at the sweep and

the scope of the validation procedures. Things have taken place which, notwithstanding this bill, are invalid. I would hope that this legislation is not used as an excuse to cover up procedures which never should properly have been taken against citizens in a time of peace and natural disaster. I think that the rights and the responsibilities of citizens are paramount in any democracy; they have been ignored for a few days. I hope that every member of this Assembly will back me in my feeling that the sooner they are restored the better. I will vote for the passage of the second reading of this bill only because clauses 6 and 7 give an overriding control to the elected representatives of the people in the Administrator's Council. If it was not for that, I would rather be burnt at the stake than vote for this bill.

**Mr EVERINGHAM:** This bill is personally repugnant to me in many of its provisions. It is an intrusion into the freedom of the people of Darwin and people outside Darwin for that matter also. The only saving grace about it is that it is to operate for a very short period. In fact its provisions can be determined almost immediately should it be judged that they should be determined. Rights and property are protected by rights and compensation. We have done as much as we possibly can to alleviate the harsher provisions of the bill. The provisions of the bill relating to requisition of real or personal property, arrangements for the closing of any building or place within the cyclone disaster area cannot be delegated by the director.

In answer to the matter raised by the honourable member for Nightcliff, I point out that the director may delegate his powers during the operation of this bill to the Director of Health or Director of Law if he so chooses and I feel almost certain that, as a practical matter, this would have to be done. It is with great reluctance that I support the bill. We are in a most unusual situation, a situation which has not been faced anywhere else in Australia since the 1890s when Mackay was completely devastated and there wasn't one stick left standing. It is "horses for courses" and I am afraid that, reluctantly, we must support and pass this bill.

**Mr TUXWORTH:** I agree with the previous speakers that the present legislation is most unfortunate and contrary to our way of life. However, I would also agree that the most fortunate thing about it is that it will expire on 31 March.

I would like to make several comments on this legislation from the point of view of people living down the track. Darwin's disaster caused a lot of problems down the track. The problems that we suffered most in dealing with the evacuees from Darwin were problems of communication blackout and lack of authority in the towns that had to handle people going further on. We had a situation in Tennant Creek where the chairman of the Town Management Board, the District Officer, the police sergeant and the school headmaster were all out of town and there was nobody who had authority to do any of the things that needed to be done in relation to the evacuees. It was only by the good will and the community sense of the people of the town that they rose to the occasion and helped the evacuees. From our point of view, it would have been most opportune if this legislation had been in existence a week ago. It would have given us someone to turn to for immediate direction. Not so much myself, but the people who were left there trying to hold the fort would have had someone to turn to, and it would also have given the local committee that formed to rally around and help the evacuees a sense of legitimacy. Everything they did and tried to do was done on an airy-fairy basis, in the hope that no one would have any recriminations against them when it was all over. If this bill does nothing else but legalise the various committees and community nerve-centres that functioned during the last week, it will serve a very good purpose.

**Dr LETTS:** I find little if anything in what has been said this afternoon by any member, including the members for Port Darwin and Nightcliff, with which I disagree. It is most unfortunate that we have to be meeting today and doing this. I remind members that we had intended to have a meeting in the first week in February so we are not looking at a situation where we can do nothing further until 31 of March. In the event of something com-

ing unstuck with this legislation, we will have the benefit of 4 weeks' experience behind us. You can't expect everything to run perfectly in this situation, and there will be further problems for the individual, and we have to expect that that would happen. Provided that the thing runs reasonably well and without undue autocracy, then we will have another look at it in February and decide where we stand. If things come unstuck before then, it would be our responsibility to come back and look at it even before that February meeting. I would be prepared to do so and I would use all the influence I have to do that if necessary.

The problem of the individual as against the community interest is the problem which is exercising and troubling the minds of everybody here. In a democracy at times the individual has to take second place to the general good—as infrequently as possible in a democratic situation. Most of my family are either in the south or somewhere between here and the south at the moment, and they too will want to come back. My difficulties may not be as great as those of some members here. Those people who were away on leave when this catastrophe happened can only sit and worry about their possessions and everything that they owned. They are anxious to come back and have a look no doubt. But if there was complete freedom of re-entry at this stage, if they came back and found the tremendous devastation—which no picture in the newspaper can adequately represent and no article can adequately describe—when they find that there may well be no school services available in February or March and a lot of other personal problems which they did not think of in their anxiety to get back and assess the situation, I wonder whether they may not in many cases want to move out again with assistance. It is a complicated situation which needs to be handled with the utmost sympathy and delicacy. I trust that the Administrator's Council will be able to provide that personal interest and that interest of people which would not otherwise be there.

I am not particularly anxious for this bill to pass through all stages today——

**Members:** Hear, hear!

**Dr LETTS:** I don't quite know what will happen to the bill in committee. I believe there is one amendment that has been circulated. I have had some representations from some citizens in this town and they would have liked some time to look at it. If you provide too much time in a situation like this, you destroy the purpose of the bill. We have to handle it fairly quickly one way or another and then tidy it up if necessary as we go along. I am proposing that we move it through to the committee stage but that at some time we adjourn it so that people who have only had it available today—the press have only had it today—can study some of the salient points. By late tomorrow morning, we may be able to look at the reactions and take these into account before final passage. I thank honourable members for their, albeit extremely reluctant, support to this stage.

Motion agreed to; bill read a second time.

**Mr WITHNALL:** I move that the committee stage be later taken.

I see no good purpose to be served by going into committee now. I saw the draft of this bill the day before yesterday and I have had the greatest cooperation from the honourable member from Victoria River, but the bill as presented today bears some different features and I certainly would like time to look at it overnight.

Motion agreed to.

## **CYCLONE DISASTER RELIEF FUND BILL**

**(Serial 5)**

Bill presented and read a first time.

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

Members will be aware of the tremendous generosity which has been shown by so many people, governments, organisations, companies and corporations around Australia and throughout the world in donating funds to assist in the reconstruction of Darwin and the reestablishment of normal living for the people of Darwin—despite the Westland Wessexes, I will attempt to make myself heard; these are

things that we have put up with with good grace because those men out there are working hard and long in the cleaning up and restoration of services in the city.

There was an announcement earlier in the day by the Department of the Northern Territory that a trust fund has been set up by that department with representatives grafted onto it who purport to represent the Darwin community. I am not aware of any acquiescence in his nomination to this committee by the mayor of this city: I can't say that he has acquiesced and I can't say that he has not. I do know that the mayor has indicated his willingness and desire that this bill be passed and that he form part of the committee that it is proposed to set up. The purpose of the bill is to establish a trust fund to be used for the assistance of individuals who have been put into distressful circumstances by Cyclone Tracy. It is to be administered by a committee of 5 persons to be appointed by the Administrator in Council. One of the members is to be His Worship the Mayor; others are the Secretary of the Department of the Northern Territory, or the Minister's nominee, the Majority Leader in this house and 2 other citizens of Darwin.

Obviously His Worship the Mayor and the Majority Leader are answerable to the people. Whatever committee or board is set up to administer these funds should be in some way answerable to the people and have control exercised over it by the elected representatives of the people. Does the Department of the Northern Territory represent the people of the Territory, let alone Darwin? And yet that is what they are now purporting to do. If the committee set up by the Department of the Northern Territory gains control of these funds that have been donated across Australia, what responsibility, what answering back will there be to the people of Darwin and of the Territory? I am incensed that the department should try to preempt the rights of the people of Darwin to acquire control of these moneys in their own way. I am outraged.

As I said, I don't know whether his worship the mayor has acquiesced in joining the department's committee. I feel sure that after the conversations that have been had with him that his acquiescence in

joining the board proposed by this bill can be taken for granted. The task of the board set up under this proposed ordinance will be to use to the best purpose for the alleviation of the distress suffered by cyclone victims, all moneys made available for that purpose. These are moneys given by cricket fans in Melbourne, by Mount Isa Mines, by the Lord Mayor of Bandylog—and everyone. They thought they were giving them to the people of Darwin. They didn't think they were giving them to the Department of the Northern Territory. The committee will be given under this proposed ordinance complete discretion to assess the conditions relating to any applicant, the nature of assistance necessary and the conditions under which assistance may be granted. Assistance may be by direct gift or in certain circumstances by loan. I do not envisage that the loan provisions would have to be relied on too often, but it may be that the committee may feel they can't give someone too much money outright and if they felt that the money would come in in a year or 2 years' time to be used again, then this loan provision could come in handy; I would like to see it remain. The complete discretion in handing out funds is to lie with the committee and all members will realise the impossibility of laying down any fixed rules for the committee to work by.

Under existing circumstances, why the Department of the Northern Territory would want to upstage this Assembly I am at a loss to understand.

**Dr Letts:** They have done it for years.

**Mr EVERINGHAM:** Thank you, my leader. You are furthering by education.

This will be one of the messiest bills presented for some time as there are a number of amendments which I will foreshadow as I go along. I am foreshadowing an amendment to clause 2 to insert after "accident" the word "illness" so that persons who suffer illness as a result of the cyclone will be able to obtain benefit.

There is to be set up a board to be known as the Cyclone Disaster Board of Trustees. Clause 4 defines the membership of the board. It is proposed to delete subclause (2). Clause 5 relates to meetings of the board. Clause 6 relates to the proce-

dures at meetings. It is proposed to delete clause 7 (2).

It is proposed to insert a new clause 9 which sets out an additional subparagraph: "for such municipal purposes within the area damaged by the cyclone that the board determines." There is going to be a pretty non-fatty "fat-cat" board operation here. There won't be any expenses allowed to board members for their attendance at meetings; they will only be allowed their out-of-pocket expenses. Paragraph 10 is the loan provision and I hope that the most of the moneys will be given freely and not loaned. At least, this does make appropriate provision.

Clause 11 relates to the giving of money freely and without strings attached to cyclone victims to rehabilitate themselves. There is a string a little further on which I should draw to your attention and not leave you with the misapprehension that the gifts are not entirely without strings. If the gift is not used for the purpose for which it is allocated, then it purports in clause 14 to give the board power to recover the gift from the donee.

Clause 13 is a machinery provision. In the aftermath of the Brisbane floods, I know that a number of people made spurious claims and it is therefore important that the board be able to require that people produce such evidence as the board considers necessary to establish their claim.

I am not sure of the enforceability of clause 14 in relation to recovery of the gift but I have not had time to look at it in any detail. Clause 15 relates to the proper keeping of records and accounts and is for the protection of the board members as well as the public. Clause 16 is an audit provision in a similar vein. Clause 17 is the penalty clause for offences under the ordinance in relation to applications for loans or gifts and, having received a loan or gift, penalties are provided for either providing false information or misapplying the loan or gift—a maximum of \$10,000 or 2 years in prison or both. In relation to Clause 13 where a person is lawfully required to produce a book, paper, document, or account, the penalty there will be \$1,000. Clause 18 provides the regulation-making power to the Administrator's Council.

I hope this bill will be met with approval by members of this Assembly and I know the Channel 9 telethon organisation expects that its funds will be going to this board. I know that many mayors expect that their funds will be going to it. I think that it must be set up to keep Darwin in good repute with the rest of Australia.

**Dr LETTS:** It may well be this Assembly is wasting its time in going through the consideration of this particular bill because I have good reason to believe our bill will be denied assent. I am not interested in wasting the time of members or wasting the energies or efforts of those citizens of Darwin and the Northern Territory who are represented here in any sort of political dogfight. There are so many more important issues around us today than small matters of politics.

I should tell honourable members of the events that have led up to this, so they may judge for themselves the best course of action. The idea for this bill came about approximately a week ago when members of my group had been having discussions with representatives of the department about a bill which we previously had under consideration, the Emergency Powers Bill. Soon after we left that meeting, we considered the matter of the funds. Even then the news was coming up about people collecting money all over Australia. We recognised that there would be some necessity for some way to handle these funds. We discussed the advantages of setting up legislation to establish a trust account which would be administered by trustees of the people of the Northern Territory, with a good representation of elected people of the Northern Territory, particularly citizens of Darwin. I had the immediate opportunity to discuss this idea with both the Minister for the Northern Territory and the Secretary of the Department of the Northern Territory who at that time had not thought about funds or the administration of funds. Both considered it a good idea and both more or less told me to proceed. I then had some words with the draftsman and we didn't proceed actively with the drafting until after last Monday because we knew there was going to be a Cabinet meeting and we knew the Prime Minister was going to make a statement about cer-

tain matters concerning this disaster following that Cabinet meeting. I listened to the Prime Minister's statement last Monday and I could find nothing in it which suggested that the course of action which had been proposed for setting up this type of board of trustees would cause conflict.

The following morning, when the draftsmen were hard at work on this bill, I thought the time had come to have some discussions with the Minister's representatives. I sent a communication asking that the Secretary of the Department or one of his senior officers who is working in the field of legislation might come and see where we were at and have some discussions. I got a message back to say that the secretary and the officer concerned were too busy but if I were to come around there at 3 o'clock that afternoon, I would be able to gain audience about this matter. This seems to be happening constantly these days. I went to the mountain and, having arrived there, I found that the decision had been taken, that the Minister was going to set up his own fund and appoint his own people to it.

Without wishing to denigrate any of the particular bodies which may be represented, I don't know how it is to be done. There were no details about how the Minister and the Department of the Northern Territory planned to set up and operate this committee at all, except that the name of one fairly senior public servant was given as the probable chairman. I then informed the secretary that our idea was a better one, that it was certainly the original one and that we would proceed along the path and see how far we got. That is what we have done.

Today at lunchtime we had a press announcement notifying the public of the setting up of a committee with certain people mentioned by name and others to be filled by certain organisations. I feel somewhat sad and bitter about the situation as it stands because it was only this morning that I had my most recent discussion with the Minister for the Northern Territory on this matter. While he was convinced that his course of action was right and he intended to pursue it, he provided me with no further details than I



had before about the names and membership of the committee and I still had to hear that information on the wireless at lunchtime. Surely the Minister must have known then who he was going to put on the committee; he must have had some names available. He probably had a draft press release in his bag yet the majority leader of this Assembly couldn't be told and public servants are still too busy to have proper consultation and coordination with him. We live in difficult times and the normal courtesies have by and large gone by the board but I think there is more to it than this. There is a lack of the kind of openness that I would have expected. The kind of cooperation which is needed in these difficult days is lacking. I feel sad that the high hopes I had for cooperation between the department and this Assembly in getting us into the business of executive government were too high. This is an opportunity for some people to see us put back in our box.

**Mrs LAWRIE:** I support the bill. People throughout Australia have been giving generously to the citizens of Darwin to help them rebuild, to compensate them for loss, injury, death. I am glad to see the clause about dependants. There are dependent children left orphans who are going to need help, not only monetarily but sociologically and in every other way. Having indicated support, I am only going to comment on the constitution of the board.

Firstly, I think there should be 2 representatives on the board from the Corporation of the City of Darwin as this is a Darwin city fund. The mayor must be on it as it is the mayors of cities who usually collect and remit the money. It would be only proper that the mayor of Darwin should play a prominent role in its receipt. I agree with the proposition that the Majority Leader or a person nominated by him should be a member, with the proviso that the person nominated be a representative of a Darwin electorate. I do not agree with the Secretary of the Department of the Northern Territory being a member. This is not government money; this is private citizens' money. I don't see why a government department should be represented. The government department will be flat-out handling government money. This is private money given generously by other

Australians. Rather than the Secretary of the department, I would put in a second member of the Corporation of the City of Darwin who is answerable to the people of Darwin as their elected representative. I agree with the appointment of 2 other citizens by the Administrator.

I agree with the intent of the bill and I hope the Majority Leader will take note of my suggestions concerning the constitution of the board.

Debate adjourned.

## **CYCLONE DISASTER (MORATORIUM) BILL (Serial 6)**

Bill presented and read a first time.

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

One of the most serious problems to be faced by the people of Darwin is that of debts due under hire-purchase agreements. In many cases, the goods will have vanished with the wind. They will have been lost, destroyed or so damaged as not to be usable. The persons who entered into hire-purchase agreements in the faith that their present financial circumstances would continue will in many cases find themselves completely without income or at least having to struggle for income for the next few months. To a larger extent, this applies to houses purchased under mortgage. One of the most urgent measures required in the community is a measure which releases for the time being the citizens of Darwin from paying instalments under either mortgage agreements, leasing agreements or hire-purchase agreements.

Most mortgage, hire-purchase and leasing agreements have provisions for repossession if instalments are not paid. It is my view that for 6 months these provisions ought not to be enforced. The bill so provides. Most agreements contain provisions for the payment of penalty interest. The bill provides for the abolition of clauses which provide for the payment of penalty interest. Most hire-purchase agreements contain a number of provisions relating to powers of officers of hire-purchase companies. These will be suspended.

By and large, the bill provides that anyone who is oppressed by a debt and cannot pay because of the change of circumstances

due to the cyclone, can apply to a court for a moratorium order. Moratorium orders will apply only for periods of 3 months unless the court considers they should be extended. The special time will be such time as the court sees fit but the bill contains the provision that orders will expire in any event on 30 June 1975.

In effect, I am asking for a moratorium on debts for the period of 6 months from 1 January. It is not an automatic moratorium but it is available to anybody who can establish that he is personally affected by the cyclone to the extent that he cannot find money to pay. It is a moratorium on these restricted debts relating to property which has been destroyed, lost or damaged during the cyclone. It is not a general moratorium; debtors may not refuse their creditors. They may, in cases carefully prescribed in the bill, go to a court and get a moratorium order which will protect them for 3 months.

The bill also provides for the protection of the finance companies or other persons who may have loaned money. They may go to the court and say that the order was obtained under false pretences or that the facts relied upon by the applicant have changed. In those circumstances the court is entitled to vary the moratorium order, to discharge it or to limit the period in which it can operate.

The bill adopts the Small Claims Ordinance procedures so that the formality of a court of the law will not be necessary. It adopts a very flexible approach to any sort of application. In applications under this, the court will be expediently dealing with the matter and the court will not be observant of the formalities of the law. The magistrates will have the utmost discretion to consider the matter, the utmost discretion in the order that they will make and nobody will be bound by the strict forms by which they would otherwise be bound in a court of law. I have no objection whatever to the bill being adjourned because I think members are entitled to consider its terms before they are asked to vote upon it.

**Mr EVERINGHAM:** I support the bill presented by the honourable member for Port Darwin and, after his masterly exposition of its contents, I feel there is little for

me to say. However, I would like to make a couple of points. Firstly, obtaining a moratorium order by persons may be a difficult thing for them to contemplate doing themselves. I know that on his visit here a few days ago the Attorney-General gave broad powers and a much greater scope to the Australian Legal Aid Office. I would direct any person who is applying for a moratorium order to see the Australian Legal Aid Office to have his application handled by persons with some legal knowledge at no expense to himself. The Supreme Court of the NT and the local court of Darwin have had their civil cases adjourned en bloc for 2 or 3 months and this will constitute a moratorium in practice on the enforcement of claims.

**Mr Withnall:** Not on repossession though.

**Mr EVERINGHAM:** Certainly not on repossession and on leases and the like. I agree that the honourable member's bill is a necessary thing and I wish the ambit of the bill broadened.

Debate adjourned.

## MOTION

### Appreciation of help in natural disaster

**Dr LETTS** (by leave): I move that this Assembly recognises with the sincere gratitude the efforts to succour the people affected by the recent cyclone and the effort to alleviate the effects of the greatest natural disaster Australia has suffered; that this Assembly places on record its deep appreciation of the participation in those efforts of the Natural Disaster Committee, the citizens of Darwin and other centres in the Territory, all arms of government, Australian, state and local, the people of Australia, the governments of other countries and international agencies and a multitude of voluntary and service organisations.

The purpose of moving this motion is to get into the official records of the Northern Territory, through our Hansard system, the appreciation of the elected members of the Territory of what so many people here in Darwin, throughout the rest of the Territory, throughout the rest of Australia and the world have done in recent days to help us. I don't intend to speak at any length on this motion. It is intended mainly as an opportunity for other members who have

been involved in various ways and various places to say anything in particular that they would like on this occasion.

I arrived back in Darwin some 36 hours after the cyclone and found not only an amazing scene of destruction but also an amazing scene of activity and heroic effort going on all over this city. I worked for some days in various centres and during the course of the evacuation I visited the airport on a number of occasions. The people I saw there I knew hadn't been to sleep for, in some cases, 2 days or more. They were dead on their feet but still plugging on. I have no intention of mentioning people by name because one would inevitably miss many of the unsung heroes. As well as a number of individuals, virtually every organisation that had representatives remaining in Darwin immediately got into action. Starting in an uncoordinated way, they gradually developed into fine and effective teams. Those of us who were privileged to watch and take part in the operation will remember it for the rest of our lives. During the hours of exhaustion and during the times when reports were coming in, of mortality and injury to people we knew, I am sure that everybody here was strengthened in his resolve and in his activities by the messages that were filtering through of the tremendous response, particularly around the Territory, from people in the rest of Australia who were trying to help us, trying to give us comfort of one sort and another in the greatest hour of need. Some of these things should be placed on record without extending the debate to a great length. I have pleasure in moving the motion.

**Mr EVERINGHAM:** I just mention one person by name; that is Major-General Stretton, the civilian Director-General of the Natural Disasters Organisation. I had the privilege of serving on General Stretton's staff as local community liaison officer, which is a long title. It was certainly an experience for me. I would like to personally thank the general for his untiring efforts in trying to sort out the immediate mess that this cyclone created in Darwin. The general had little sleep whilst he was here. He was on his feet at one stage for not less than 48 hours. He wasn't very well supported; I think that

was accidental. His own personal staff was very small. The only reason that I found myself on it was because he was here by himself to start with; he then had one major sent to him to help him and at that point they called for some volunteers to assist. Later his staff filled up to 4 others plus myself.

There is one needling point that irritated me and that was the fact that for some reason or other the military side of this rescue had to seem to be down-graded. It is a fact that Alan Stretton is a major-general but he was directed to say that he was the "civilian director". At one stage his aides were ordered to dress in civilian clothes rather than their army uniforms. Military men are all Australians and our fellow citizens; I have never encountered such hogwash in all my life. I would like to particularly thank all arms of the military for the assistance they have provided in this emergency.

**Mrs LAWRIE:** In supporting the motion, I would like to mention some groups of people whom I judged at first-hand and who were magnificent. I refer to DCA personnel who worked around the clock and to their co-opted members, to the Commonwealth police who came from Canberra and operated at the airport with a degree not only of efficiency but of good humour, which I have never before encountered in any police force, and the airline staff, all of whom worked until all hours of the morning. RAAF personnel were assisting in loading civilians and civilian personnel were assisting in loading RAAF planes. Amongst the various groups working in the evacuation there was not only cooperation but tolerance and good humour and goodwill. Conditions at the airport were at times bordering on the chaotic because of the influx of a large number of people, many of whom were in a state of shock who needed comfort, reassurance and evacuation in the quickest possible time. It was a tremendous strain on the people working there.

I think perhaps part of the acceptance by the public of the Commonwealth policemen was their rather unusual uniform. They were identified by their badge which they wore on a cloth cap. The rest of the uniform was a rather ad-hoc affair and brought them closer to the citizens they

were serving. Perhaps that is a point to be taken at some future time and thought about. They handled babies, escorted pregnant women and handled little kids with such sympathy that the population trusted them and were assisted by them to a degree which would not have been possible had they acted in a police-type manner.

The Salvation Army of course were in force at the airport, and I think without them there could have been people on the point of collapse out there. The "Salvo's" stepped in and did a magnificent job. They supplied food, cool drinks, hot drinks, necessities, chemist's items, and again, goodwill, good humour and a love for their fellow man which was sorely needed.

I know that there have been extreme instances of cooperation throughout the entire disaster but I can only speak of what I saw first hand. Immediately after the cyclone, I saw citizens of Darwin in the northern suburbs racing around checking houses, checking on their neighbors to see if they were among the living and whether they required assistance. On greeting each other it was a hug or a handshake and "Thank God for seeing you. Are you all right, and is your family safe?" This was the initial citizen's reaction and one which I admire. It shows the people of Darwin do have a good spirit and do have a feeling for each other. That was the first day. Following that, when I saw the organisation at the airport and assisted in some small way, I could only express my admiration for all the people there, whether they were airline staff, DCA, RAAF or Commonwealth Police. They were magnificent.

**Mr ROBERTSON:** I would like to take a little bit of the Assembly's time to bring to honourable member's attention the magnificent efforts of the people of Alice Springs, particularly since Christmas day. What I say I am sure I say on your behalf, Mr Speaker. The people of Alice Springs have been well aware of why you, Mr Speaker, have been absent from that town over the past week. Most of them are aware that you left on Christmas night, the night after that frightful morning.

Regarding the funds raised in the town, the last figure I had in actual cash received in banks is \$106,500. It is all from the citizens of Alice Springs; it includes nothing

from external sources particularly the Western Australia Lord Mayor's Fund which you may have heard of. This comes from a population which would currently be about 11,000 with the Christmas exodus. I don't propose to go into any detail on how these funds were spent. I think sufficient publicity has been made of this and I am sure members will be aware of how funds have been spent. Instead I would like to bring to members' attention a couple of little instances of personal effort and sacrifice by people of that town.

There is an instance of a woman who heard an appeal broadcast for water containers. She put a new 2-gallon water container into her motor vehicle and proceeded to the Tourist Bureau which was the relief and information centre. On the way, she was involved in an accident; her car was half-demolished and also a casualty of that accident was the water container. Completely undaunted, she drove what was left of her car back to the supermarket, purchased another brand-new 2-gallon water container and duly completed her mission. Another example is a bank officer who was in Adelaide and learnt that his bank had been appointed the bank of the relief committee. He flew all the way back from Adelaide because he knew that his bank would be short-staffed.

I know these by themselves are rather minor matters, but it gives you some idea of the frame of mind of the people of Alice Springs during this terrible period. I would also like to have recorded the appreciation of this Assembly for the outstanding efforts of volunteers within the public service who gave us their time in Alice Springs. I want recorded the efforts of the off-duty police who placed themselves under the able direction of Inspector Taylor and sergeant Bergdorf. I also mention the efforts of the PMG's engineering staff, particularly on Christmas day. I personally hauled 2 of them out of bed and they spent the best part of three-quarters of the day going through plans and circuits to see what emergency lines they could rig up and then duly doing what they could. I would also like to note the public service vehicle testing staff, who made their time available for many many hours; in fact, they are still doing it, probably under the direction of Mr Bob Hamilton. I don't

mind mentioning a few names here; I don't think there will be any conflict. I would also like to mention the private medical practitioners, nursing staff, DCA and all the service clubs of Alice Springs which incidentally, comprise 2 Rotary, 2 Apex, a Lions club, a Jaycees club and a Quota club. I think it would be true to say that it would be difficult to find any able-bodied person in Alice who did not give of his best in this disastrous time. I am proud to represent the electorate of Gillen as I am sure you, Mr Speaker, are proud to represent the electorate of Alice Springs.

**Mr TUXWORTH:** I would like to take this opportunity to inform the Assembly of the performance of my constituents during the evacuation of Darwin. Unfortunately I was not able to participate as heavily as I would have liked to; much of what was done I had to stand and watch. I am particularly proud of the effort in regard to finance; we raised \$7,000 in cash donations and the unions have done a remarkable job by giving a guarantee of one day's wage from every man on the mines which will amount to \$18,000. This will be paid into the disaster funds at the next Peko pay.

Service organisations in Tennant Creek were well worthy of comment: the CWA worked tirelessly and gave their hall and provisions, St John's Ambulance, plus the mines and Apex club and, last but not least the 3 churches in the town, the United Church, the Church of England and the Catholic Church. All members of these bodies gave endlessly of themselves and of their resources and I feel that they did the town proud. During the first cyclone evacuation we fed 7,000 people, we put 1,000 to bed, and we spent about \$10,000 a day keeping the people of Darwin moving down the track. I don't hesitate to say that we would do it again tomorrow if the need arose.

**Mr POLLOCK:** I would like to support the remarks of the honourable member for Gillen on the efforts of the people of Alice Springs and those along the track generally. Unfortunately the member for Elsey is not able to be here today but I am sure that he could speak equally of the people at Katherine, and also the people of Adelaide

River, Pine Creek, or anywhere along the track and through the Territory generally. Their efforts have been terrific and they have been widely appreciated by the people travelling south. Many of the evacuees have talked about the efforts of our own police force. Mention has been made here of the efforts of other police forces; their efforts are appreciated but not so much as our local police force. So many people of our community are proud of the Northern Territory Police Force. There are people who will cast aspersions from time to time on various aspects of their work. I know; I worked with them for 8½ years myself so I am in a reasonable position to comment on this aspect. So many of the criticisms are quite off beam and in this instance, in seeing the work that was done in Alice Springs and hearing of the work that was done in other places, one can only say that they have done a remarkable job along with the other organisations like the fire brigade and the prison guards and so forth. Their efforts should not be overlooked and I hope they will be suitably rewarded.

Motion agreed to.

### ADJOURNMENT DEBATE

**Mr STEELE:** I move that the Assembly do now adjourn.

I would like to speak on a few items that are of great concern to the people of Darwin. One of the things that worries me is the rehabilitation and reconstruction of Darwin city and the suburbs and I would like to emphasise here today that the business community ought to rebuild the city of Darwin. If we do not look after the business community, a lot of them will be forced into liquidation.

There is also probate and death duty in respect of people killed in the disaster. I would like to see the Commonwealth government abolish these sorts of death duties and any other iniquitous taxes.

In an effort to restore business confidence and to provide encouragement to people to go about their business and get the show back on the road, I would like to see the Commonwealth do something about removing taxation, first of all company taxation, for people in the Darwin area for

the next 12 months. I think that to assist the business community we could do something about sales tax, and accelerated appreciation on plant and machinery. If we could have asked Bill Snedden today, he might have said something about the investment allowance as well. If we are going to attract the private sector back with their funds we are going to have to make some of these things come into being.

In the area of home finance and the building programme, it might be possible to make an amount of money available to people at no deposit, over long-term, at a reasonable rate of interest to help them in the reconstruction of their homes.

People should also be aware that damage to some homes may not prevent people from living in them right now, but in the future there is a possibility of these homes being condemned depending on what the Reconstruction Commission has to say. I advise people to liaise very carefully between their insurance companies and the Reconstruction Commission on this point.

In regard to temporary accommodation, I have taken it upon myself to order a shed by truck from Adelaide and I hope approval would be forthcoming for people to live in a shed on their own block of land.

**Mr WITHNALL:** Mr Speaker, some 20 minutes ago you handed me a piece of paper which reads as follows: "To police road block/aircraft from Department of the NT permit section. I have approved the movement to Darwin of Withnall, Ronald John, MLA". The signature is "B. A. Retallick," without a description.

I thank you, Mr Speaker, for your efforts on my behalf. I thank Mr Retallick, whoever he may be, for his gracious permission for me to stay at home. I do not know under what authority any ridiculous person by the name of Retallick or otherwise can prevent me from coming home—and I will defy anybody to stop me. Thank God we have courts that will enforce that law. But the presence of this piece of paper given to me tonight confirms the greatest fears that I had, that bureaucracy is going to go mad in this place. The little Caesars are going to spring up everywhere. And how little is a Caesar called Retallick? It's

coming to a pretty poor pass when a man has to get a piece of paper to come home. There can be no emergency that requires that regulation; there can be no emergency that ought to keep a man who lives here and who works here from going out or coming back as he wishes. For God's sake, isn't this still a free country? How can we have this sort of ridiculous situation that I can't go out of this place without a piece of paper signed by some demi-god or little Caesar called Retallick? I've got to have that to come home!

The bill that was before the Assembly today contains a clause saying that persons may be prohibited from entering Darwin or from leaving Darwin. I shall regard that provision tomorrow with most excessive care, because I can see here in the writing of Mr Retallick what is going to happen; and, by God! if they get the power by Ordinance it will be worse than that; you can count on that for sure.

**Mr TAMBLING:** I would like to take this opportunity to talk about the Santa Clause that will be coming to Darwin in the next few months. I am talking about the insurance industry which is reported to have claims that will be paid in the order of \$100m to \$200m. Nobody can be certain yet what their bookwork will amount to. Action has been taken by the insurance industry to cope with the mammoth task of paying claims. On Christmas day, a meeting of insurance companies was held and it was agreed to establish a central bureau at the AMP office where all companies would take details of all claims, whether the company was represented in Darwin or not. This commenced on Boxing Day and has been working at full pressure ever since. In the last day or so, a number of companies have also opened their own offices where claims are now also being taken. Extensive facilities have also been established in all other states for lodgment of claims. These will be processed as soon as possible in Darwin upon receipt.

As was mentioned earlier today, entry to Darwin has been rather restricted and one of the groups that have felt this has been the adjusters and assessors of the insurance companies; they have been having trouble gaining entry to the area. You will appreciate the intense pressure that they are

going to have in the next few weeks, particularly the staff of all insurance companies. They have the task of assessing and detailing, I believe, every building and every dwelling in the city in order that they may assess the claim. To coordinate the efforts of the assessors the insurance companies have brought in today a senior executive of the industry. He is an assistant general manager of one of the leading companies and he will take charge of the operation. People who have claims should go to their company as soon as possible because, from my understanding, the house-owner and householders policies for building and contents all contain the provisions of storm and tempest which includes cover for cyclones.

**Mr POLLOCK** (by leave): I seek leave to answer a question without notice asked earlier today by the honourable member for Port Darwin. I am advised that the Department of Health is aware of the situation at Kahlin Oval. Someone's garbage has in fact been dumped there. This has been suitably sprayed and is under control. The rubbish is to be removed as priorities and roads permit. I can assure honourable members that health risks are being carefully and responsibly watched.

**Mrs LAWRIE:** Mr Speaker, with your customary courtesy you handed me also a permit from the Department of the Northern Territory allowing me apparently to travel. I think that it is continuous. I assume from this that I now have continuing permission to travel. I assure you I am going to frame this rotten little piece of paper and the frame will be in black. If the members of this Assembly allow this type of thing to go on, it will be the death of democracy in this town, and don't kid yourself it will not.

**Mr PERRON:** The damage in Darwin, which is very extensive no one will deny, is not necessarily related to the opinion that all of our building methods or building standards are necessarily poor. The Darwin Reconstruction Commission have an immense job in front of them and a job that is very urgent. Everyone has to wait for some form of regulation to find out exactly what can be built on their devastated block and what leeway there will be so far as design and materials are

concerned. There is also fear amongst people with dwellings that have survived the cyclone fairly well that their building may be condemned for structural faults or for the fact that it will not incorporate presumed forthcoming cyclone strengthening design.

The Darwin Reconstruction Commission who presumably will be laying down regulations for future structures will have a difficult job trying to design a house to withstand an airborne refrigerator; and, after all, most of the damage in Darwin was done by debris from other houses, I don't think anybody would deny that. In fact if there were not airborne objects and those who were in the lead were subject solely to wind, there would be many more standing than there are today. It is important that it is borne in mind that however we design our houses, or if some fool should decide that we should never build a house on piers, that one day a cyclone will come that is stronger than the biggest that he has put down on his piece of paper and there will be flying debris to demolish that house and many others with it. I hope that the people on the Darwin Reconstruction Commission and presumably the sub-committees formed thereunder will bear in mind that we have built houses that have stood for a long long time and there are many houses in Darwin built prior to the last war that withstood this cyclone very well.

**Mr EVERINGHAM:** I should perhaps outline for the information of members the legal arrangements that have been made by the authorities in these confused times. I said before that the Supreme Court would not be sitting until 2 months time—I think it is 2—in civil jurisdiction. It will however be sitting in its criminal jurisdiction on 4 February and trial by jury will continue as usual. In Alice Springs, the sittings will resume on a normal basis. The magistrates court is sitting daily in its normal criminal jurisdiction; its civil jurisdiction will not resume until 1 April. Persons requiring legal services should, in my opinion, where possible attend the office of the Australian Legal Aid organisation in Mitchell Chambers, Mitchell Street. They will be allotted to a private practitioner of their choice. There are still a few of them left in town.

**Mr RYAN:** I would like to tell all the people, whether they are in Darwin or in other places in Australia—and I think I can speak for the Assembly—that we are here to help them. If there are any prob-

lems we should like them to contact us, and I would appreciate it if the press would make this known.

Motion agreed to; the Assembly adjourned.



**Friday 3 January 1975**  
**CYCLONE DISASTER EMERGENCY**  
**BILL**

(Serial 4)

In Committee:

Clause 1 agreed to.

Clause 2:

**Dr LETTS:** I move that clause 2 be amended by omitting "section 15" and operate in the same way as in clause 15.

The reason for this amendment is to provide for the continuation of the provisions of clause 3 which are in force after the expiry of the operation of the ordinance. Clause 3 deems actions taken from the period of the cyclone disaster to the commencement of this meeting to have been validly taken in pursuance of the terms of this bill. Obviously this protection must continue after the ordinance ceases to operate in the same way as in clause 15.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5:

**Dr LETTS:** I move that clause 5 be amended by omitting the definition of "controller" and substituting after the definition of "cyclone disaster" the following definition: "Deputy Director" means a person to whom the director has delegated a power or function under section 8".

This is simply a change in terminology using the term "Deputy Director" rather than "controller" for the purpose of easier understanding and greater consistency with other positions in the ordinance.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

**Mr WITHNALL:** I direct attention to the use of the word "or" in "The director or an authorised person shall . . . be subject to the direction of the Administrator in Council". I think perhaps under the circumstances the more appropriate word would be "and".

**Dr LETTS:** I have no objection to the honourable member for Port Darwin's proposal if the committee can consider it as a formal amendment.

Further consideration of clause 7 postponed.

Clause 8:

**Dr LETTS:** I move that clause 8 be amended by omitting from subclause (1) "a person" and substituting "one or more persons".

This is simply to empower the director to delegate his powers to more than one person as necessary.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 9:

**Dr LETTS:** I invite the committee to defeat clause 9. I foreshadow that if it is defeated it will be replaced by a new clause the purpose of which will be to limit the power to authorise other persons to the Director of Emergency Services.

Clause 9 negatived.

New clause 9 agreed to.

Clause 10:

**Mrs LAWRIE:** I move that clause 10 be amended by adding at the end the following subclause: (3) "A person who was on 25 December 1974 a bona fide resident of Darwin shall not, by action under this section, other than under subsection (1) (j), be prohibited from returning to the cyclone disaster area or be compelled to leave the cyclone disaster area."

Subsection (1) (j) should still apply because that provision deals with the need that may arise for vaccinations and inoculations against disease and, if any residents refuse to undertake such treatment, it would be desirable that they not be allowed into the area or that they be, if necessary, forcibly repatriated. The purpose of my amendment is to ensure that bona fide residents of Darwin prior to Cyclone Tracy should not have their freedom curtailed, their freedom to re-enter the city and re-establish themselves, or if necessary to leave. This is a very significant amendment. It is the one clause of the bill to which I have the most violent objection. The citizens of this city are the ones who must be allowed to make the

decision as to whether they are going to take up habitation and business elsewhere. Yesterday in this Chamber, one member of the majority party mentioned that someone might come back, take one look, decide it was hopeless and leave again. I accept that, but this is a decision that must be taken personally by every Darwin resident whether he is going to continue to make his life in Darwin or not. It cannot be made by anybody else; it can't be made by government.

The Country-Liberal Party swept into power in this Assembly on the basis of free enterprise, personal decisions, the right of the individual to work to support himself and his dependants. Under the provisions of the bill as it stands, that free enterprise has been completely taken away. "Big brother", the government, the director, will tell a citizen that he is now free to come back and make his choice or he is not free. This to me is intolerable. This is what goes on in the most repressed parts of the world, in totalitarian states, in Soviet Russia; people cannot move about the country without permission of the government. It appalls me that a free enterprise party would consider bringing in a provision like this.

Darwin is not so badly off that we need this provision. Yesterday we were loud in our praise of various people who had assisted this city, but the people who deserved the most praise were the citizens of Darwin. They have behaved very well throughout the emergency, throughout the evacuation. It is the citizens of this city who have to be given every assurance, every assistance, to return if necessary or decide not to return. I am well aware that there is going to be a critical housing shortage, but it is up to the individual Darwin resident when he or she thinks fit, and a responsible person will ensure that he has some form of housing—it may be only a tent but that may be quite acceptable—that he has sanitation facilities, and that his dependants can be brought back. Not only must that person be allowed to make his own decision, but it should be one that is absolutely encouraged.

As I said yesterday, the first thing this place has to do as soon as possible is to start bringing back the wives and families.

The decision should be left to the individual concerned whether his or her dependants can be brought back in safety. It is not the province of "big brother" to make that decision. I urge honourable members opposite to consider my amendment most carefully. Things are not that desperate in Darwin that the government has to step in and direct the life of every one of its citizens. If you take away this right and this privilege, you will destroy the people of Darwin. There is no suggestion that people are going to flood back willy-nilly. I do say, however, that a large number of people may come back and decide that they will not continue their life here, but this is a decision only they can make. To be quite honest, the sooner they make it the better. Then we will know what resources of manpower we are going to have to rebuild this city. It may be in some people's eyes a wasteful exercise, but it is not. The earlier the people make the decision, the better for all of us.

I cannot accept the grossest intrusion on personal liberty, on personal enterprise, which is the removal of the right to settle freely throughout this country. Besides, the local situation is not that disastrous; any person here with a sense of history will know that this is the ultimate in regimentation of citizens by the state. It is the ultimate indignity to say to a taxpaying citizen: "You will not travel without permission of the government". Although this is under the control of the Administrator in Council, it is still a governmental control on the right of citizens to move throughout their country.

I have adequately covered the likelihood that no-hopers and bludgers would try to come in and live on the city by mentioning bona fide Darwin residents. If others try and come in and abuse the system, that is an administrative problem which will be met; we have people skilled in administration still in the city. It is not the province of this legislature to put such a wicked and wanton curtailment of the rights of the individual as members of a free party who got in here on that promise, I ask you all to accept this amendment.

**Mr WITHNALL:** I support the amendment wholeheartedly. As I have already indicated, I regard any intrusion on the freedom of people as something which this

Assembly ought to do only as a very last resort. No arguments have been put up so far for the inclusion of the clause in its present form except that it is administratively convenient to stop people from coming into Darwin and, if you like to use the expression, "bludging" on the community. I do not know how many people are likely to do that, but I would suggest that it would not take very long for persons to be weeded out and sent away. I am suggesting that this administrative convenience—I think it is only that—is being asked for at the expense of the taking away of the liberty of thousands of people. Is it right and proper that if somebody wanted to go down to Berry Springs for the weekend he should have to get a permit to come back? Is it right and proper that anybody who has to go to Adelaide River for business purposes has to have a permit to come back?

**Dr Letts:** They don't any more.

**Mr WITHNALL:** This is exactly what the clause as it is presently drafted will do; persons would have to have a permit to come back. There are persons coming back to the town and it does not matter whether you have gone to Adelaide River, whether you have gone to Alice Springs or whether you have gone to Sydney, you will still need a permit under the clause as it is now drafted to return to Darwin or to return to the cyclone disaster area. The honourable member for Victoria River is shaking his head. I would like him to tell me how it is possible for someone to return to Darwin outside this permit system if he has gone to Adelaide River or he has gone to Pine Creek on business, as many people do. Within the Northern Territory, as far as I am concerned, people are entitled to move as freely as they wish. The provision in paragraph (o) of clause 10 is iniquitous; it is designed to curb our freedom for a purpose which I think is not worthy of being served because that purpose can be served in another way.

I support the amendment; it only requires that persons who are bona fide residents as at 25 December 1974 may come back—nothing more than that. The member for Victoria River made some remark I think about people coming from other parts of Australia bringing in disease.

We have not had any qualm about that before now. Isn't this supposed to be the disease area, not the rest of Australia? Isn't it here that disease is likely to arise? It is not Sydney, Brisbane or some other place. That is rather a specious excuse for continuing this insistence upon the clause as it is drafted.

The people of the Territory have always been noted for insistence on their rights and I warn members that when this organisation gets to such a state that people feel they are being trodden upon, the timbre of the people is such that there will be trouble arising through opposition to this sort of deprivation of liberty. People here are of a pretty fine mettle, and they will not be trodden on; they will not be told where to go and what to do day by day; they will not permit pieces of paper that will tell them when they can go out of Darwin and when they can come in. I warn you that if this is insisted upon there will be a good deal of trouble which the acceptance of this amendment would avoid.

**Dr LETTS:** We have heard some arguments of a political nature in support of the amendment and we have heard some based on the freedom of the individual. I do not think we have heard any arguments based on what paragraph (o) of clause 10 actually says. The honourable members for Port Darwin and Nightcliff, and other honourable members who took part in earlier discussions in the draft stages of this bill will recall that paragraph (o) originally had in it "control or prohibit the entry and exit of people from the disaster area". The people who looked at the drafting had the words "or prohibit" deleted, leaving it as "control". There is a distinct difference; a control may or may not need to be exercised. In the case of the people living in the Top End of the Territory, in Katherine up, or within the Territory generally, the Director of Emergency Services may well, on the direction of the Administrator's Council—who will be extremely aware of everything said here—be told that there is no need at this point to worry about the people of the Northern Territory moving in and out of Darwin—people from Adelaide River and Batchelor and Marrakai and wherever. In fact, as I understand it from the information given to me this

morning, local residents have now been excluded from this permit system or whatever it was that previously applied. "Control" is a flexible word and it is subject to sensible and sane administration.

As to the remarks of the member for Nightcliff about our party, I am extremely conscious of this. I suppose it is more difficult for a party like ours to make such a decision, to even think about this kind of legislation, than it is perhaps for some other parties. But this is not an occasion for allowing political considerations to override our responsibility to the rest of Australia and to this city. Members of my own party outside the members of this Assembly, some of our best supporters, have told me that they consider this bill would be suicidal from an entirely political point of view because there will be people who will not understand what we are trying to do, who will not see the need for a responsible approach. I have to accept that and not be dictated to by party rules but by a responsible judgment of what this situation in Darwin requires, where there has to be some reduction of the normal rights of the individual in some cases for the common good. That is what this bill is about.

I do not think that the word "control", properly administered, is going to cause any of the fascist denial of liberty effects that have been suggested it might. It is up to the Administrator's Council to make sure of this. I hope that the restrictions on movement which may be seen as necessary today will be relieved from day to day and from time to time. It is not just Melbourne or Sydney we are thinking about; this would apply to overseas entry from the islands or anywhere. I place my faith in the flexibility of the word "control" and the supervision of this whole business by the Administrator's Council, elected representatives of the people who will be responsible to the people at the ballot box, and to the choosing of a sane, sensible, proper Director of Emergency Services, who will not stay there for long if he proves not to be so. I remind honourable members again that I would be very hopeful that when we meet again in February we would be able to look at this whole legislation and decide whether it is serving any useful purpose.

**Mr WITHNALL:** The honourable member for Victoria River has pinned his faith on the word "control". I would like him to tell me whether there is any protective power in controlling that does not include prohibiting. In the ultimate result, you cannot control the entry of people you do not want unless you tell them not to come. There are many cases in law dealing with the meaning of the word "control", because it happens to be a very important concept under section 92 of the Constitution. In the long run "control", under that section at least, means that you may prohibit if certain conditions are not met. In other words, you may control movement interstate by prohibiting if someone refuses to accept your provisions for making that movement. The honourable member implies that it is not the intention of this bill to prohibit people but only to control. Can you control without prohibiting? I cannot see how you can possibly do it. The argument the honourable member has brought forward is completely specious. I suggest that "control" includes "prohibit".

The argument the honourable member has put forward on the existence of the word "control" without the word "prohibit" is fallacious. I think the honourable member meant what he said, but I submit to him that it is fallacious and the word "control" in the context in which it is used in paragraph (c) still means prohibit. It is in the very nature of the control he is talking about that prohibition should occur.

**Mr RYAN:** We have been subjected to a tirade from the members for Port Darwin and Nightcliff over this question of allowing free movement of people back into Darwin. I do not know whether their memories have been affected by the happenings of the past week or not, but the main reason for getting the people out of Darwin was so we could clean the town up and make it a reasonable place for the women and children when they come back here.

**Mrs Lawrie:** You say when they come back.

**Mr RYAN:** Maybe the honourable member, the leader of the Dawn Lawrie Party, would like to give us an idea of how we are going to handle all these people if we let them back into the town.

Members interjecting.

**The DEPUTY CHAIRMAN:** Order!

**Mr RYAN:** We want to get people back into the town as quickly as possible. My family is down there, the same as most of the people here. We need the women and children back in Darwin but we need them where they can do something for us. Kids have nowhere to play.

The main purpose of paragraph (o) is to stop the town being subjected to an inundation of people. I know they will come back if given the opportunity; they want to get back here with their husbands and their homes, but there is nowhere for them to go. As soon as the situation improves, I can assure the Assembly that as a member of the Administrator's Council I will be wanting my family and everybody else's family back here as soon as possible. I would like all members, including the honourable members for Port Darwin and Nightcliff to take that into consideration, that when the town is ready for the women and children we will get them back.

**Mrs LAWRIE:** I will ignore the childish remarks of the honourable member for Millner; they are completely out of place and I am surprised at his attitude. What every member of the majority party is being asked to do, and I ask every member to consider this individually, is to say that in Australia in 1975 you will remove the right of a resident to return to his or her home. It is as simple as that. The honourable leader of the party—

**Mr Ryan:** What homes?

**Mrs LAWRIE:** . . . seems to take objection to the fact that I mention that they are a free enterprise party. How can you object to that?

**Dr Letts:** I'm proud of it.

**Mrs LAWRIE:** Good, you are proud of it. The people elected you on that basis. And now at the first touch of an emergency, at the first decision that you have to make, you say that you will take away their most basic rights. When I said "return to their homes" you interjected, "What homes?" A home does not have to consist of a fibro or a brick building, a home is where a family can reside in

reasonable circumstances and that can include a tent as long as sanitation facilities are available.

**Dr Letts:** In the middle of the Darwin cyclone season?

**Mrs LAWRIE:** That is an assessment which the individual must be free to make, whether it is possible to take up residence, to return as a family group. There are bread-winning members of the family who have gone south. They went south on the understanding that there was an immediate health risk because there was no water or sewerage. They went out in good faith knowing that the laws of Australia allowed free return. You are now taking away their most basic rights and saying the government will decide when they will be allowed to return. That is what I want you all to think of, you great individualists, members of a party you founded on individual freedom, that you are removing freedom of choice and saying that the government will decide.

The Committee divided:

Ayes 2	Noes 15
Mr Withnall	Miss Andrew
Mrs Lawrie	Mr Dondas
	Mr Everingham
	Mr Kentish
	Mr Kilgariff
	Dr Letts
	Mr Perron
	Mr Pollock
	Mr Robertson
	Mr Ryan
	Mr Steele
	Mr Tambling
	Mr Tungutalum
	Mr Tuxworth
	Mr Vale

**Mr WITHNALL:** I move that further consideration of this clause be postponed.

In explanation, I propose to have drafted an amendment which will propose that paragraph (o) of clause 10 will not apply to persons who at the commencement of this ordinance are bona fide residents of this city of Darwin or the cyclone disaster area. This may be an intermediate position, but I am desperate to preserve as much freedom and liberty of the subject as I can. I would like to point out to the honourable members opposite that their understanding of the ruling circumstances

is not accurate. The cyclone disaster area in point of fact extends to Noonamah but people are being prevented at the 16-mile and the 21-mile from moving in and out of that area. When the administration is so inaccurate in terms of your legislation, you must start rethinking what you really want. Motion agreed to.

Clause 11 and 12 agreed to.

Clause 13:

**Dr LETTS:** I move that clause 13 be amended by omitting from sub-clauses (1) and (2) the word "controller" and substituting the words "deputy director".

This is a consequential amendment to amendments already passed.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 14:

**Dr LETTS:** I move that clause 14 be amended by omitting from subclause (1) the word "controller" and substituting "deputy director".

Amendment agreed to.

**Mr TAMBLING:** I move that clause 14 be amended by deleting from subclause (2) the word "from" and substituting "as a result of".

Amendment agreed to.

Clause, as amended, agreed to.

Clause 15:

**Dr LETTS:** I move that clause 15 be amended by omitting from subclause (1) "this section" and substituting "section 3 and this section".

This is in line with the earlier amendment that I moved to clause 3 which provided for the cover for the period before this ordinance was commenced.

Amendment agreed to.

Clause, as amended, agreed to.

Progress reported.

## **CYCLONE DISASTER RELIEF FUND BILL**

(Serial 5)

Motion agreed to; bill read a second time.

In Committee:

Clause 1 agreed to.

Clause 2:

**Mr EVERINGHAM:** I move 3 amendments to certain definitions. These amendments are simply to allow for liberality in the classes of persons who would come within the ambit of the funds.

Amendments agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Consideration to Clause 4 postponed.

Clauses 5 and 6 agreed to.

Clause 7:

**Mr EVERINGHAM:** I invite the defeat of this clause as I consider it unnecessary. The board members will hold office during the pleasure of the Administrator and their appointment can be terminated at any time.

Clause 7 negated.

Clause 8:

**Mr EVERINGHAM:** I move that clause 8 be amended by inserting "or accounts" after "account" in subclause (1).

Amendment agreed to.

Clause, as amended, agreed to.

Clause 9.

**Mr EVERINGHAM:** I invite the defeat of the clause. I foreshadowed an amendment yesterday which provides for payments to be validly made for municipal purposes.

Clause 9 negated.

**Mr EVERINGHAM:** I move that new clause 9 be inserted in the bill.

**Mr WITHNALL:** I have a question to ask about this. The new clause 9 proposes that money should be applied by the board for the purposes of clauses 10 and 11. I have no objection to that at all. At this stage, the question is what is going to happen to this fund in the long-run. If money is loaned and interest rates are fixed, eventually there is going to be a surplus available when there is not an emergency. We ought to take care of that situation quite explicitly and not leave it at large. The new clause 9 provides money to be paid out by clause 10 for loans and by clause 11 a gift may be made. Those 2 clauses in themselves do not cover the whole field. I am glad to see that we are going to pay money for municipal purposes. I would expect that sort of power to be fairly carefully exercised.

In payment and discharge of expenses undertaken by the board and payment of out-of-pocket expenses of members of the board, it seems to me that this clause will not be complete. For instance, if some boundary organisation—the YMCA or some organisation of that sort—has extended money beyond its charter or extended money beyond its reasonable limits in providing relief, I think we ought to be able to provide for the payment of some of this fund to reimburse the expenses which they have incurred over and beyond the usual and expected expense.

At present, there is a deficiency. Firstly, there is no provision as to what might happen to money when it comes back after it is loaned at a time when there is no emergency. Secondly, there should be some provision to assist associations who may have strained their finances in a genuine endeavour.

**Mr EVERINGHAM:** I accept everything the honourable member for Port Darwin has said, however, the situation to which he refers is definitely in the future and I wonder if we could come back to treat this clause again at the next sitting of the Assembly.

New clause 9 agreed to.

Clauses 10 to 16 agreed to.

See Minutes for amendments to clause 17 agreed to without debate.

Clause 18 agreed to.

**Mr WITHNALL:** I move that the committee report progress.

Some further consideration in committee is needed of the extent to which money is to be distributed under clause 9 and, while I have accepted the statement of the honourable member for Jingili, I hesitate to present to the Administrator for assent a bill which is deficient in some part.

Motion agreed to; progress reported.

## **CYCLONE DISASTER (MORATORIUM) BILL**

**(Serial 6)**

Motion agreed to; bill read a second time.

In Committee:

Clause 1 to 5 agreed to.

Clause 6:

**Mr WITHNALL:** I move that consideration of clause 6 be postponed.

Further examination of the terms of this bill has shown there is a need for a further provision in the bill so that instalments of payments which are postponed by this bill will not all fall due on the very day that the moratorium order finishes. I have requested an amendment to ensure that at the end of the period of the moratorium the person to whom payments are due would take up his rights as they existed on the date of the moratorium order. That amendment has been drafted. I have looked at the terms of it but unfortunately it is not available to the committees.

Motion agreed to.

Clauses 7 to 15 agreed to.

Progress reported.

## **CYCLONE DISASTER EMERGENCY BILL**

**(Serial 4)**

In Committee:

Clause 16 agreed to.

Postponed clause 7:

**Dr LETTS:** I move that clause 7 be amended by omitting "controller" and substituting "deputy-director".

This is consistent with a number of other amendments that have been made and consequential on an amendment made earlier in the day.

Clause 7, as amended, agreed to.

Postponed clause 10:

**Mr WITHNALL:** I move that the following subclause be added:

(3) A person who on the date of commencement of this ordinance resides in Darwin shall not by action under this section, other than under sub-section (1)(j), be prohibited from returning to the cyclone disaster area or be compelled to leave the cyclone disaster area.

This amendment is consonant with the views that I have already expressed on this matter in regard to the defeat of the proposal made by the honourable member for Nightcliff this morning. I am taking the next position behind that and I hope to

preserve by this amendment freedom for as many people as I can. I would like to emphasise that I do not abandon my former position that the provisions of paragraph (o) of clause 10 are a serious invasion of the rights of the people.

**Dr LETTS:** I appreciate the remarks of the honourable member of Port Darwin and wish merely to say that I have no opposition to this present amendment. In fact, I believe it improves the bill. I have accurate knowledge of certain cases of local people who have been handicapped or prevented from moving in such a way that the disaster relief effort has suffered. I have no wish to see that continue.

Amendment agreed to.

Clause 10, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

**Mrs LAWRIE:** While accepting that a disaster has struck Darwin, I cannot accept that the horrific provisions of this bill need to be applied in the way which the legislation proposes. I intend to vote against the third reading of this bill as reasonable amendments have not been accepted. I ask that my dissent be recorded.

Bill read a third time.

### CYCLONE DISASTER RELIEF FUND BILL (Serial 5)

In Committee:

Postponed clause 4:

**Mr EVERINGHAM:** In the confusion of all the instructions that have been flying back and forth between executive members, private members and the draftsmen, there was an unfortunate oversight in relation to the new clause 4. I invite defeat of clause 4 with a view to inserting a new clause 4 which contains an additional sub-clause to insert into the constitution of the board His Honour the Administrator.

Clause 4 negatived.

**Mr EVERINGHAM:** I move that new clause 4 be inserted.

**Mrs LAWRIE:** I signify my complete agreement with this new clause. As a matter of procedure, I would ask whether the

Administrator should not be automatically chairman when the chairman is absent. It seems a small peculiarity that he as a member of the board shall appoint the new chairman.

**Mr EVERINGHAM:** The Administrator in Council will be appointing the chairman. I obviously can't give any assurances, but I think that this is a matter which should not hold up progress of the bill at this stage.

**Dr LETTS:** This morning the Mayor of Darwin and myself made a suggestion to the press which I hope will be taken up by the Minister for the Northern Territory, to the effect that they should accept this bill. They should accept in particular this clause and use the committee or group which the Minister announced yesterday as an advisory and executive group of people representing Red Cross and a number of other organisations to work under these trustees. That is virtually the perfect arrangement if the government is prepared to exercise some common sense and accept that compromise.

New clause 4 agreed to.

Title agreed to.

In Assembly:

Bill reported.

**Mr WITHNALL:** I move that the bill be recommitted for further consideration of clause 9.

In Committee (on recommitment):

Clause 9:

**Mr WITHNALL:** I move that the following subclause be added to clause 9:

"(2) In addition to applying moneys of the board as provided by subsection (1), the board may out of moneys of the board make grants to charitable bodies that are assisting or have assisted distressed persons".

This is a most necessary provision because a number of charitable organisations have extended themselves beyond their resources. The relief fund ought to be available to them to rehabilitate their funds as well as to make special grants to people in the city of Darwin.

**Mr EVERINGHAM:** I have already indicated my acceptance of the foreshadowed amendment by the member for Port



Darwin and I agree that this is a necessary amendment.

New subclause agreed to.

In Assembly:

Bill reported; report adopted.

**Mr WITHNALL:** I would like to have it on record that I think the bill is still deficient in that it does not provide for the ultimate destination of moneys which are loaned, nor interest. I do accept the statement of the honourable member for Jingili that an amending bill could provide for the destination of moneys after the emergency is past. This is most important because it is improper that moneys contributed by other persons in Australia should be held here for long periods unless the final destinations can be indicated and the people can be satisfied that in the long run the moneys will be applied, if not to the immediate relief of Darwin at least to an eventual charitable purpose.

Bill read a third time.

## **CYCLONE DISASTER (MORATORIUM) BILL**

(Serial 6)

In Committee:

Postponed clause 6:

**Mr WITHNALL:** I move that new subclauses (5) and (6) be added to clause 6.

This provision is planned to ensure that at the end of the moratorium period all instalments which have been postponed do not all fall due at once. It is a very necessary provision, otherwise the moratorium would be of little use because at the end of the period someone would be met with even greater hardship than at the beginning.

**Mr EVERINGHAM:** I accept the amendment.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without further debate.

## **ADJOURNMENT DEBATE**

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

I would like to raise a matter that is not directly related to but still associated with the disaster which struck Darwin little more than a week ago. I refer to the condition of the Stuart Highway south of Alice Springs. At the moment, this road is bitumen for about 110 to 115 miles and is steadily being bituminised further south under a contract which extends to roughly the Erdunda Station or the Ayers Rock turn off. The next contract to be let in relation to this road was intended to be let from the Erdunda turnoff to the South Australian border.

We all had high hopes that this work would continue in the very near future without interruption. Because the work costs more than \$2m, it requires a certificate of exemption from the Public Works Committee. This certificate was to be issued and it would have allowed the contractors who are presently working in the area to seek the contract for the next area and hopefully continue their work in the immediate future. However, the certificate has not been issued and now the project has to go to the Public Works Committee which is not expected to meet until next February. By that time, the present contract will have been completed and the McMahon Construction Company will be dispersing their large array of machinery, plant and expertise. This will result in a delay in the work and added increase in the cost of the project. My constituents, the people of Alice Springs, and the rest of the Territory hope that this project will proceed with minimum delay. People who were leaving Darwin during the evacuation had to travel over some sections of rough roads in this particular area and, although the issue of the certificate would not have helped them, it will help so many people who come to the centre and those who live there.

Motion agreed to; the Assembly adjourned.

**Tuesday 7 January 1975**

**MOTION**

**Relief Trust Fund**

**Dr LETTS** (by leave): I move that this Assembly approve the creation of the Darwin Cyclone Relief Fund Trust by deed bearing date 7 January 1975 and the appointment of trustees named therein, and pledges its support and assistance to all persons concerned with the execution of the trust.

Mr Speaker, I asked you to convene this emergency meeting for the purpose of bringing into being a cyclone relief fund so that money that is being held around Australia can be put into use for the immediate relief of those people for whom it was donated. I am conscious that there is a good deal of confusion around Australia at the moment, and within the city of Darwin arising out of 2 separate courses of action which were proposed by the Australian Government on the one hand and members of this Assembly and the Corporation of the City of Darwin on the other.

I have previously indicated in this Assembly, the message of thanks and appreciation which I sent to the Prime Minister after the cyclone. I am still appreciative of the work which the Australian Government has done and is still doing and will have to do in the future, and which only they can do. I do not propose to comment at length on the actions and attitude of the Australian Government and the Minister for the Northern Territory in relation to certain initiatives which we have already taken, other than to say that the Minister has been less open with us than we were prepared to be with him. The attitude that has been encountered at times has been hardly consistent with the promised cooperation with the newly established fully-elected Assembly or with support for local government in the form of the Corporation of the City of Darwin.

To recapitulate a little, last week in a special session we passed a bill to set up a trust fund and to appoint certain trustees. I have good reason to believe that this bill will not be given assent because of the reluctance of the government to see the Administrator as one of the trustees as included in our bill. Honourable members will also be aware that late on Friday you,

Mr Speaker, the honourable member for Port Darwin and I initiated moves to take out a writ in the High Court which would restrict the payment of certain donations to the Australian Government. I am sure it is the wish of everybody in this Assembly, the people of Darwin and the people of Australia to see the money which has been donated made available for relief with minimum arguing and politics. On reflection, therefore, it was agreed not to proceed with the High Court writ but to adopt the practical and speedy alternative of establishing a relief trust fund by deed and for the Assembly to ratify that action through this motion. At the same time, the city corporation is considering the trust deed and moving I hope along similar lines. I believe that the Corporation of the City of Darwin has passed a companion motion of the same type.

I have a copy of a sample of the deed of trust document here and I seek leave of the Assembly to table this document for the information of members even though this particular copy is not a complete replica of the original which is either completed now or shortly will be.

Leave granted.

**Dr LETTS:** I should inform the Assembly of the membership of the trust to be created by this deed and approved by our motion. The members of our trust have considerable similarity to the trustees who were proposed in the bill before the Assembly last week. They are: Mr Harold Brennan, the Mayor of Darwin, who has associations and connections with municipal bodies throughout Australia; Dr Ellen Mary Stack, who is not only an alderman of the corporation but a prominent social worker and was recently elected by women's organisations to represent them in connection with the Minister's committee; Mr William Walter Francis Trainer, who is the head of the Red Cross Division in the Northern Territory and is also associated with the Minister's trust; Mr Paul Anthony Edward Everingham, Deputy Leader of the Majority Group, the Executive Member for Finance in this Assembly and a person who has other qualifications to be on this trust, in particular his long and very valued service to service organisations in Australia and who through that sort of

contact will have contact with other service organisations to represent them in Australia; the Reverend Graham Dudley Bence, who is a representative of the church organisations in Darwin; the Reverend Alan Richard Walker, who is the head of the Salvation Army in this area; Bishop John Patrick O'Loughlin, who is the head of the Catholic community in the Northern Territory and in his position has links with charitable bodies such as the Society of St Vincent de Paul throughout Australia and indeed the world; and, finally, a citizen in the person of Mr Alec Fong Lim, who was born in Darwin and who is the third generation Territorian and has some particular affiliation with the Chinese community here. We thank all these prominent and hard-working citizens for their willingness to serve on this trust. The fact that some of them are already members of the Minister's committee will assist in the coordination of effort and avoid duplication and overlapping.

Turning to the things which the trustees will be required to do under this deed of trust, I mention that the trustees can form committees for specific purposes and can give personal financial relief by way of grant or loan or relief other than personal relief to things such as businesses. They can assist other relief organisations and authorise them to carry out certain public local government type works where this is appropriate. Provision has been made to dispose of any surplus funds to appropriate charities if and when relief needs have been met.

Comment has been made today by the Minister for the Northern Territory to the effect that the needs of evacuees outside Darwin must be met as well as needs of the people still here, and that the Australian government organisation is the best means of achieving this. We believe that with the contacts we have throughout Australia through the trustees we have appointed we will be able to assist our displaced citizens and friends in other places as well as those here. We hope that the Australian Government will continue its generosity and assist our trustees through its agencies wherever possible or wherever necessary. At my request, a message to this end has been sent to the Acting Prime Minister through our present

agent in Sydney, Mr Ian Barker, QC. With the establishment of this fund, the position will be that the people who have money in hand or who wish still to contribute money can select the Minister's fund or the fund set up by the Corporation of the City of Darwin and this Assembly conjointly. We will do our best to see that maximum cooperation and coordination is extended to that other committee.

**Mr WITHNALL:** The situation that has arisen with respect to the distribution of the trust funds raised in all parts of Australia and indeed of the world is to be keenly regretted. The situation need not have arisen at all. If the Minister, through his department, had come to the city council, and to the members of this Legislative Assembly and said, "Look, we are going to set up a trust fund; what do you think the terms ought to be? Who do you think ought to be on it?", I have no doubt whatever that the present situation would not have arisen. The Minister did not do that. He may have wished to do it; he may have thought it was being done.

In point of fact, this committee was set up without consultation as to its membership or its function with the Corporation of the City of Darwin and without consultation with any member of this Assembly as far as I know. The first thing that any member of this Assembly knew about the creation of this committee was a news item which announced who was on it. We are still awaiting some information as to what it is going to do. We do not know in what way the funds which this Commonwealth committee will have in its control are proposed to be distributed.

My first comment is that it was not really necessary. One would have thought that the creation of a fully-elected Legislative Assembly and a responsible corporation acting for at least 15 years that persons responsible for government in the Commonwealth of Australia would have at least had the common sense, if not the courtesy, to consult on this matter which is so locally situated, which affects people in Darwin. But they decided to act like God Almighty; they will appoint somebody that they chose without consultation with the people here or any representative of the people here. As a consequence, we have this very unfortunate confrontation that has

happened, but I disagree with him when he charges people here with the responsibility for the confrontation. It lies on his doorstep and not on ours. He chose to act arbitrarily, perhaps not personally but through his department, without any sort of consultation with people here and entirely in a fashion which I can only call arrogant.

What of this committee that the Minister has set up? Are we able to find out about its powers? No one has said anything. Are we able to find out its program or its platform? Nobody has said that. Where can we go to find exactly how the money will be distributed? Is it to be distributed according to some sort of divine order of the Minister himself or some sort of divine order from some public servant who owes him nominal allegiance? In contrast to that, we have here a document which sets out the powers, sets out the function, sets out the destination of the moneys and sets out the controls that are to be exercised upon the trustees.

I wonder whether the committee which the Minister claims to have set up has any authority at all in law. I think it has none. There is no statute, as far as I know, of the Commonwealth that governs this sort of committee. There is no limiting provision except the ordinary criminal law relating to the distribution of funds which this committee may have in its power. I challenge the Minister, and through him I challenge the Department; if they do want to administer a fund of this sort would they please tell us how they are going to administer it, to whom they propose to distribute, what are their rules, and what are the controls that they are going to place on the distribution of money.

I approve of this motion because it sets up a trust which people throughout Australia can examine. People throughout Australia can be sure that it will be administered in accordance with particular written terms so that money can be contributed knowing where it is going, knowing the purposes for which it will be expended, and knowing the controls on the expenses.

Motion agreed to.

### MOTION

#### Tape recording of debates

**Dr LETTS** (by leave): I move that Mr Speaker be authorised to make available to

the press, radio and television, copies of the unedited tape recording of the debates of today's sitting. I am sure there is a great deal of public interest in the matter which was under discussion but, because of the restrictions we have on typing and duplicating at present, we will not be able to get our normal daily Hansard out, and rather than have delays, I think that we should make the unedited tape available.

Motion agreed to.

### ADJOURNMENT DEBATE

**Mr STEELE:** I move that the Assembly do now adjourn.

**Mrs LAWRIE:** I want to raise a subject which is obviously dear to my heart and which has achieved some publicity in the press both here and down south. It is the so-called permit system for the re-entry of residents of Darwin to their homes. It is, of course, completely illegal and has no legislative backing. Even if the emergency legislation handed to the Administrator is assented to, it still cannot prohibit the return of people to Darwin or in fact prohibit the entry of any person to Darwin. This is because the Northern Territory Administration Act, in section 10 repeats the words of the Constitution guaranteeing free movement of trade, goods, people etcetera, between the states and Commonwealth territories. With this in mind—and I am sure that most honourable members will be aware of that position—let me say that I am appalled by the press statement put out by the Minister for the Northern Territory which appeared in this morning's Northern Territory News. It stated—and I am not quoting accurately; I do not have a copy of the paper in front of me—that the permit system would continue for reasons X, Y and Z, and would be extended to classes of persons A, B and C.

**Mr Pollock:** He does have some common sense.

**Mrs LAWRIE:** How could a Minister of Her Majesty's Government, sworn to uphold the laws of the land, put out such a ridiculous press release, knowing full well he has no legislative backing and that people trying to prohibit in any way the return of the citizens of this city could be liable to Supreme Court action.

I say "appalled" quite sincerely. The people who left Darwin at a time of emergency, the main emergency being that of the threat of disease owing to the lack of water, and therefore the lack of sewerage facilities did so knowing that the laws of Australia permit their return at any time. It is with some delight and with some pride in this country that I say that the law has not been altered and it will take a federal act to do so. I hope that the people down south will be made aware of this and if any person or any government agent is so foolish as to try and stop their re-entry, because they do not have a completely illegal and inconsequential little piece of paper, they will take legal action and sue the person or agents responsible for this quite unlawful action.

At the last sitting, the Majority Leader gave what I believe to be his assurance or undertaking that the movement of people within the territory would not be restricted by this so-called law. It is my sad duty to inform the house that the movement of citizens within the Territory is being grossly restricted. I was approached by a Darwin citizen today who on Christmas day—I believe it was on Christmas day; I could be wrong, it could have been Boxing Day—evacuated his family just south of Darwin to a well known cattle station. I am prepared to give the names at any time to the Majority Leader. I have also this person's permission to name him in the Assembly but, as I dislike naming private citizens, I shall at this moment let him remain anonymous. He evacuated his family to this cattle station and returned quickly to gather what possessions he could. He placed them under the house and returned to assist his family in what way he could. He is a Darwin private professional man, well known and well respected. He then tried to return to Darwin from a distance of some 70 miles. He was prevented by a road block, and no amount of persuasion or explanation could get him through that block. He then went to Katherine and for 2 incredible days with his family he sat in the Katherine District Office explaining his position, explaining his need to return to Darwin. He told me, and he is not a man ever to lie, that he sent telex messages, telegrams, which were not acknowledged at any time,

to the Department here outlining his unfortunate position and asking for a so-called permit. Hearing nothing, he went further south with his family and left them in Alice Springs. At the District Office in Alice Springs very recently he was granted a so-called permit to return to Darwin but was told, "You can come back but your wife and family cannot". He has returned and spoke to me today. He is a known, respected citizen. If the Majority Leader wishes to speak to this man, I could give him his name and he could verify everything I have said here.

This is illegal harassment of Darwin citizens. For the Minister or anybody else to pretend that this is in the interests of the populace is wrong. It is immoral, and leads me to wonder if the Minister for the Northern Territory has not bitten off more than he can chew, and would be better in some other portfolio and allow some other person with a little better local knowledge to be appointed to his position.

I also have a telegram in front of me. Again, I shall try and leave out the names, Mr Speaker, but if you wish I will verify the telegram with you. It states: "In Canberra with so-and-so-and-so-and-so and boys stop phone such-and-such stop". She then says: "husband and sons"—the names are given—"trying to get permits to get home but having trouble stop Don't let them bulldoze my garden stop Can you help stop love to you all stop So-and-so." This is the type of thing that is happening to people down south. I have another telegram, which I meant to bring into the chamber but unfortunately I have not, from a man who was on leave, who has a home in the northern suburbs and who wanted to return to find out what was left of his home and to drive his car south with what possessions he may have left. He is in Perth and he too has been refused a so-called permit. What the hell is this place coming to when petty bureaucrats operate illegally and refuse the right of entry to citizens, and when the Minister sets up the quite illegal action with a so-called press release? The sooner this ridiculous situation is rectified, either in this house or in the courts, the better for all concerned.

**Mr WITHNALL:** I can do nothing but support the remarks of the honourable

member for Nightcliff because I have had similar complaints. I say to the Minister for the Northern Territory that however expedient it may be in an administrative way to restrict the influx of people into Darwin, he must remember that we still are a free people. No disaster can take that away and I will fight to prevent any situation, disaster or otherwise, from taking the freedom of the people away. I have had various complaints from persons who have gone out of Darwin on one day to go home to Humpty Doo and had to fight their way back in again to go to their job next morning. How stupid is that? Humpty Doo was in the cyclone area but you have to fight your way through a road block which somebody puts up somewhere where they say it is expedient to stop people from moving. Aren't people entitled to live at Humpty Doo, in a house which is sound, and to travel by car, which is perfectly roadworthy, into Darwin every day to do their business? Is there something intrinsically disastrous about that?

I have had complaints from people on a number of cattle stations of the Northern Territory that they cannot get back into Darwin once they go out. Many of them have homes in Darwin and go out to their properties every now and then. One is a manager of a big property outside Katherine, and if he goes out to that property, he has to fight his way back into Darwin, sometimes at a cost of hours and hours of delay. It is good fun, isn't it, in a free country? When is this ridiculous nonsense going to stop? When is somebody going to come down to earth and say that we are still a free people and we will not put up with this insufferable clog upon our freedom?

**Mrs Lawrie:** Here, here!

**Mr WITHNALL:** I am going out to a place called Marrakai tomorrow, and if I am stopped going out or coming back, I can assure honourable members that I will go through every court this country has because I will not put up with it; the powers that are being exercised are being exercised without authority and they are being exercised arrogantly, arbitrarily and without concern for the people.

I do not know whether it occurs to the government, but all of these stays that they

are now putting upon people from coming back are going to rebound against them one day. When Mr X who owns a house in Casuarina does come back, does finally get that sacred permit to return, he is going to find his place not only ravaged by the cyclone but pillaged and looted and he is going to say to the government: "I wanted to come back; I wanted to prevent my place from being pillaged; I wanted to prevent it from being looted, and you would not let me. You refused my freedom of movement and you did it unlawfully. I am holding you responsible now". That is going to cost a few millions isn't it?

**Mrs Lawrie:** I hope so.

**Mr WITHNALL:** I do not think I can emphasise too strongly the stand that I take and that is that we are still for God's sake! a free people. Let us recognise that fact, and let us act in accordance with that fact and not blind ourselves by the exigencies of any administration.

**Dr LETTS:** I have to agree with the 2 previous honourable members that there is a considerable amount of maladministration, overcontrol and unnecessary bureaucracy in the restriction of movement of people into and out of Darwin. I have to join them in a call for some sanity to be introduced into the system.

I answered a question last week on the best information that I was given, and in good faith I indicated to the honourable member for Port Darwin that the system was going to be relaxed, that some sanity was going to be brought into it as far as local movements were concerned. I regret to say that the information I was given was incorrect. As recently as yesterday morning, I had some assurances from the Minister in person that both on the local front and also in interstate movements substantial relaxations would be made, that where people had somewhere to live here the system would be relaxed. Last night and again today I have been getting these complaints—all sorts of weird and wonderful situations from people living at Batchelor, Adelaide River, Pine Creek, and down as far as Katherine. The honourable member for Port Darwin speaks of the other side of the Highway.

A lady who left her husband here a couple of days after the cyclone and took some valuable possessions and a couple of family pets down to Katherine where she had friends who were prepared to look after these things, as late as last night was still trying to get back. For several days she has been living in a motel there paying out whatever you pay in a motel—\$20 a day—and very shortly she will be out of money. Then she will be provided for by the relief funds I suppose. She can go neither north or south apparently; she is stuck in Katherine on some indefinite and indeterminate basis yet in Darwin they have reasonable accommodation.

This is absolute nonsense. It is up to everybody to hammer this point and if necessary get the Minister to sit down in the office, wherever it is, where they issue these documents and have a look at the system personally so that the most obvious anomalies can be rectified and some sanity

brought back into life here. The case I gave is only one of many that have come to my attention.

**Mr EVERINGHAM:** I rise to inform the Assembly that a submission has been made by myself, with the approval of the Majority Leader and the member for Port Darwin—and, I think, the honourable member for Nightcliff—that funds be allocated to enable members representing Darwin areas to proceed to capital cities of the south, where large numbers of evacuees are presently located, so that they could see the evacuees and endeavour to assist them in any way commensurate with their duties as members of the Assembly. I understand that this application is still under consideration by the Minister, but I undertake to inform members as soon as any information is passed on to me by His Honour the Administrator.

Motion agreed to; the Assembly adjourned.

## INDEX TO MEMBERS' SPEECHES

### EVERINGHAM P.A.E.

#### ADJOURNMENT DEBATES

- Darwin MLA's to visit southern capitals 65
- Legal services 49
- Third party vehicle insurance 22

#### BILLS

- Cyclone Disaster Emergency (Serial 4) 38
- Cyclone Disaster (Moratorium) (Serial 6) 44
- Cyclone Disaster Relief Fund (Serial 5) 40, 56, 58

#### ELECTION OF CHAIRMAN OF COMMITTEES

10

#### MOTIONS

- Appreciation of help in natural disaster 45
- Legislative Assembly representative on interim reconstruction commission 31

### KENTISH R. J.

#### ADJOURNMENT DEBATES

- Rail and road communications 22

#### ELECTION OF SPEAKER

5

#### MOTION

- Statement on National Parks and Wildlife Conservation Bill 15

### KILGARRIFF B. F.

#### CYCLONE TRACY — MESSAGES FROM OTHER LEGISLATURES

30

#### BILLS

- Legislative Assembly (Speaker) (Serial 1) 14

#### ELECTION OF SPEAKER

6

### LAWRIE A. D.

#### ADJOURNMENT DEBATES

- Director of Correctional Services 24
- Free Beach 26
- Permits to enter Darwin 49, 62
- Prison system 25

#### BILLS

- Cyclone Disaster Emergency (Serial 4) 37, 51, 55
- Cyclone Disaster Relief Fund (Serial 5) 43

#### ELECTION OF CHAIRMAN OF COMMITTEES

10

#### MOTIONS

- Appreciation of help in natural disaster 45
- Legislative Assembly representative on interim reconstruction commission 31
- Standing Orders 9
- Statement on National Parks and Wildlife Conservation Bill 16

#### PERSONAL EXPLANATION

20

### LETTS G.A.

#### ADJOURNMENT DEBATES

- Executive members 28
- Permits to enter Darwin 64

#### BILLS

- Cyclone Disaster Emergency (Serial 4) 32, 39, 51, 53, 56, 57
- Cyclone Disaster Relief Fund (Serial 5) 42, 58
- Legislative Assembly (Speaker) (Serial 1) 8, 14
- Public Service (Serial 3) 13, 20

#### ELECTION OF CHAIRMAN OF COMMITTEES

10

#### ELECTION OF SPEAKER

5, 6

#### MOTIONS

- Appreciation of help in natural disaster 44
- Constitutional Convention 11
- Relief Trust Fund 60
- Standing Orders 8
- Statement on National Parks and Wildlife Conservation Bill 17
- Tape recordings of debates 62

#### STATEMENTS

- Darwin Reconstruction Commission 30
- Executive members 9
- National Parks and Wildlife Conservation Bill 1974 11

### MacFARLANE J. L. S.

#### ADJOURNMENT DEBATES

- Primary production 23
- Rail and road communications 24
- Sorghum condemned 23

#### ELECTION OF SPEAKER

6

### PERRON M.B.

#### ADJOURNMENT DEBATES

- Darwin reconstruction 49

### POLLOCK D. L.

#### ADJOURNMENT DEBATES

- Kahlin Oval 48
- Stuart Highway works 59

#### MOTIONS

- Appreciation of help in natural disaster 47

### ROBERTSON J. M.

#### MOTIONS

- Appreciation of help in natural disaster 46

### RYAN R.

#### ADJOURNMENT DEBATES

- Barge services 28
- Darwin reconstruction 49



## INDEX TO MEMBERS' SPEECHES

---

Rail and Road Communications 26  
Sea transport 27

### BILLS

Cyclone Disaster Emergency (Serial 4) 54

### STEELE R. M.

#### ADJOURNMENT DEBATES

Darwin reconstruction 47

### TAMBLING G. E.

#### ADJOURNMENT DEBATES

Insurance claims 48  
Permits to enter Darwin 48

### BILLS

Cyclone Disaster Emergency (Serial 4) 36

### TUXWORTH I. L.

### BILLS

Cyclone Disaster Emergency (Serial 4) 39

#### ELECTION OF CHAIRMAN OF COMMITTEES

11

#### MOTIONS

Appreciation of help in natural disaster 47

### WITHNALL R. J.

#### ADJOURNMENT DEBATES

Assembly building 13  
Bitumen smell 23  
Noise nuisance 23  
Permits to enter Darwin 48, 64

### BILLS

Cyclone Disaster Emergency (Serial 4) 34, 51,  
53, 54, 55, 57  
Cyclone Disaster (Moratorium) (Serial 6) 43, 57,  
59  
Cyclone Disaster Relief Fund (Serial 5) 56, 58,  
61  
Public Service (Serial 3) 21

#### ELECTION OF CHAIRMAN OF COMMITTEES

11

#### ELECTION OF SPEAKER 6

#### MOTIONS

Legislative Assembly representative on interim  
reconstruction commission 31  
Standing orders 8  
Statement on National Parks and Wildlife Con-  
servation Bill 13, 14

## INDEX TO DEBATES

November 1974 — January 1975

ADDRESS BY HIS HONOUR  
THE ADMINISTRATOR 7

ADDRESS IN REPLY 8, 14

ASSEMBLY CONVENED 5

AUTHORITY TO ADMINISTER OATHS 5

### ADJOURNMENT DEBATES

Assembly building 13  
Barge services 28  
Bitumen smell 23  
Darwin MLA's to visit southern capitals 65  
Darwin reconstruction 47, 49  
Director of Correctional Services 24  
Executive members 28  
Free Beach 26  
Insurance claims 48  
Kahlin Oval 48  
Legal services 49  
Noise nuisance 23  
Permits to enter Darwin 48, 49, 62, 63, 64  
Primary production 23  
Prison system 25  
Rail and road communications 22, 24, 26  
Sea transport 27  
Sorghum condemned 23  
Stuart Highway works 59  
Tax relief 48  
Third party vehicle insurance 22

### BILLS

Cyclone Disaster Emergency (Serial 4) 32, 51,  
57  
Cyclone Disaster (Moratorium) (Serial 6) 43,  
57, 59  
Cyclone Disaster Relief Fund (Serial 5) 40, 56,  
58

Deputy Chairman of Committees 14  
Legislative Assembly (Speaker) (Serial 1) 8, 14  
Public Service (Serial 3) 13, 20

CYCLONE TRACY—MESSAGES FROM  
OTHER LEGISLATURES 30

DEPUTY CHAIRMAN OF COMMITTEES 14

ELECTION OF CHAIRMAN OF  
COMMITTEES 10

ELECTION OF SPEAKER 5

### MOTIONS

Appreciation of help in natural disaster 44  
Constitutional Convention 11  
Legislative Assembly representative on interim  
reconstruction commission 31  
Relief Trust Fund 60  
Standing committees 11  
Standing orders 8  
Statement on National Parks and Wildlife Con-  
servation Bill 14  
Tape recordings of debates 62

### PERSONAL EXPLANATION

Mrs Lawrie 20

RETURNS TO WRITS 5

### STATEMENTS

Darwin Reconstruction Commission 30  
Executive members 9  
National Parks and Wildlife Conservation Bill  
1974 11